OMB No. 1615-0035

Instructions for Form I-698, Application to Adjust Status From Temporary to Permanent Resident (Under Section 245A of the INA)

Department of Homeland Security
U.S. Citizenship and Immigration Services

What Is the Purpose of This Form?

Form I-698, Application to Adjust Status From Temporary to Permanent Resident (Under Section 245A of the INA) is used by a person who has been granted temporary residence under section 245A of the Immigration and Nationality Act (INA) to apply to U.S. Citizenship and Immigration Services (USCIS) to adjust to permanent resident status. The application is made under section 245A of the INA, as amended by the Immigration Reform and Control Act of 1986 and section 902 of the U.S. Department of State Authorization Bill of 1987.

Who May File This Application?

To be eligible for permanent residence under section 245A of the INA, you must:

1. Apply for adjustment during the 1 year period beginning with the 19th month that begins after the date you were granted temporary resident status.

2. Reside continuously in the United States since becoming a temporary resident alien (no single absence from the United States exceeded 30 days, or the total of all absences has not exceeded 90 days).

If you are absent from the United States for more than 30 days, or for more than a total of 90 days, during the period for which continuous residence is required for adjustment to permanent residence, you will break the continuity of your residence unless you can establish to the satisfaction of USCIS that you did not, in fact, abandon your residence in the United States during that period.

3. Establish admissibility under section 212(a) of the INA. In determining the admissibility of an applicant, the provisions of sections 212(a)(6)(A) and 212(a)(7) of the INA will not apply to an applicant for adjustment of status as a lawful temporary or permanent resident under section 245A of the INA.

The following grounds of inadmissibility **may not** be waived by the Secretary of Homeland Security:

A. Section 212(a)(2)(A)(i)(I) (crimes involving moral turpitude);

B. Section 212(a)(2)(A)(i)(II) (crimes involving controlled substances, except for a single offense of simple possession of 30 grams or less of marijuana);

C. Section 212(a)(2)(B) (multiple criminal convictions);

D. Section 212(a)(2)(C) (controlled substance traffickers);

E. Section 212(a)(3) (security and related grounds); and

F. Section 212(a)(4) (public charge), **except** this prohibition does not apply to an alien who is or was an aged, blind, or disabled individual (as defined in section 1614(a)(1) of the Social Security Act). An alien is not ineligible for adjustment of status due to being inadmissible under section 212(a)(4) if the alien demonstrates a history of employment in the United States showing self-support without receipt of public cash assistance. Special adjudication standards regarding public charge contained in any settlement agreements apply.

All other grounds of inadmissibility **may** be waived by the Secretary of Homeland Security. In order to seek a waiver, you must submit a Form I-690, Application for Waiver of Grounds of Inadmissibility.

4. Have not been convicted of any felony or three or more misdemeanors committed in the United States; and

5. Be able to demonstrate that you either:

A. Meet the requirements of Section 312 of the INA (relating to a minimal understanding of ordinary English and a knowledge and understanding of the history and Government of the United States); or

B. Are satisfactorily pursuing a course of study recognized by the Secretary of Homeland Security to achieve understanding of English and knowledge and understanding of the history and Government of the United States. You may obtain additional information about available courses by contacting your local USCIS District Office.

General Instructions

Medical Examination

Form I-693, Medical Examination of Aliens Seeking Adjustment of Status, is required only for those applicants who were not given a serologic test for human immunodeficiency virus (HIV) infection as part of their medical examination when applying for temporary residence.

If you are 15 years of age or older and your medical examination for temporary residence did not include a serologic test for HIV, you should choose a doctor from a list of doctors or clinics in your area that have been approved by USCIS to perform medical examinations and make arrangements with the doctor or clinic to have a serologic test for HIV.

NOTE: If you must comply with this requirement, you do not have to undergo another complete medical examination. The medical examination form needs only to reflect the results of the serologic test.

Address Changes

If you change your address and you have an application or petition pending with USCIS, you may change your address online at **www.uscis.gov**, click on "Online Change of Address" and follow the prompts, or you may complete and mail Form AR-11, Alien's Change of Address Card, to:

U.S. Citizenship and Immigration Services
Change of Address
P.O. Box 7134
London, KY 40742-7134

For commercial overnight or fast freight services only, mail to:

U.S. Citizenship and Immigration Services
Change of Address
1084-I South Laurel Road
London, KY 40744

Photographs

You **must** submit two identical color photographs of yourself taken within 30 days of filing this application. The photos must have a white to off-white background, be printed on thin paper with a glossy finish, and be unmounted and unretouched.

Passport-style photos must be 2" x 2." The photos must be in color with full face, frontal view on a white to off-white background. Head height should measure 1" to 1 3/8" from top of hair to bottom of chin, and eye height is between 1 1/8" to 1 3/8" from bottom of photo. Your head must be bare unless you are wearing a headdress as required by a religious order of which you are a member. Using a pencil or felt pen, lightly print your name and Alien Registration Number (A-Number) on the back of the photo.

General Information

1. Name Changes

If your name has changed, you must submit a certified copy of the decree of the court or marriage certificate, as appropriate. A married woman may file her application under either her maiden or current married name.

2. Copies

If these instructions tell you to submit a copy of a particular document, you should send a copy. If there are stamps, remarks notations, etc., on the back of the original document(s), also provide a copy of the back of the document(s).

If you choose to send the original document(s), you should also submit a copy so USCIS can return the original to you. If you do not provide a copy along with the original, USCIS will attach the original document(s) to your application, and the original document(s) may not be returned to you.

There are times when USCIS must request an original copy of a document. In that case, the original is usually returned after it has been reviewed.

If you are interviewed, however, the original documents(s) must be presented whenever possible at that time except for the following: official government records; employment or employment related records maintained by employers, unions, or collective bargaining organizations; medical records; school records maintained by a school or school board; or other records maintained by a party other than the applicant.

Copies of these records must be endorsed as true and correct and must bear the signature and title of persons authorized to act on their behalf. All certified copies of document(s) become the property of USCIS. At the discretion of a USCIS District Director, original document(s), even if accompanied by certified copies, may be temporarily retained.

NOTE: We recommend that you retain copies of your application and supporting documents for your records.

3. Translations

Any document in a foreign language must be accompanied by a full translation into English. The translator must certify that he or she is competent to translate the document into English and that the translation is accurate.

4. Additional Sheets

If extra space is needed to complete any item, attach a continuation sheet and indicate your full name and Alien Registration Number (A-Number), if any, at the top of each sheet. Indicate the section and item number to which the answer refers and sign and date each additional sheet.

Where to File?

For U.S. Postal Service (USPS) deliveries, use the following P.O. Box number:

USCIS
Box 805887
Chicago, IL 60680-4120

For courier/express deliveries, use the following address:

USCIS
Attn: I-698
131 South Dearborn - 3rd Floor
Chicago, IL 60603-5517

What Is the Filing Fee?

The fee to file Form I-698 is **$1,020**, regardless of when it is filed.

The adjustment date is the date of filing the application for permanent residence or the applicant's eligibility date, whichever is later.

Each applicant must also pay a **$85** biometrics services fee for fingerprinting, unless under 14 years of age or older than 79 years of age. If necessary, USCIS may also take an applicants photograph and signature as part of the biometric services.

Use the following guidelines when you prepare your check or money order for filing the fee:

1. The check or money order must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency; and
2. Make the check or money order payable to **U.S. Department of Homeland Security**, unless:
   - **A.** If you live in Guam, make it payable to **Treasurer, Guam**.
   - **B.** If you live in the U.S. Virgin Islands, make it payable to **Commissioner of Finance of the Virgin Islands**.

NOTE: Spell out U.S. Department of Homeland Security; do not use the initials "USDHS" or "DHS."

Notice to Those Making Payment by Check. If you send us a check, it will be converted into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually take 24 hours and will be shown on your regular account statement.

You will not receive your original check back. We will destroy your original check, but we will keep a copy of it. If the EFT cannot be processed for technical reasons, you authorize us to process the copy in place of your original check. If the EFT cannot be completed because of insufficient funds, we may try to make the transfer up to two times.

How to Check If the Fees Are Correct

The form and biometrics services fees on this form are current as of the edition date appearing in the lower right corner of this page. However, because USCIS fees change periodically, you can verify if the fees are correct by following one of the steps below:

1. Visit our Internet Web site at **www.uscis.gov**, select "FORMS," and check the appropriate fee;
2. Review the Fee Schedule included in your form package, if you called us to request the form; or
3. Telephone our National Customer Service Center at **1-800-375-5283** and ask for the fee information.

NOTE: If your application requires payment of a biometrics services fee for USCIS to take your fingerprints, photograph, or signature, you can use the same procedure to obtain the correct biometrics services fee.

Processing Information

If Form I-698 is not signed or accompanied by the correct fee, it will be rejected with a notice that Form I-698 is deficient. You may correct the deficiency and resubmit Form I-698. An application or petition is not considered properly filed until accepted by USCIS.

Initial Processing. Once Form I-698 has been accepted, it will be checked for completeness, including submission of the required initial evidence. If you do not completely fill out the form, or file it without required initial evidence, you will not establish a basis for eligibility, and we may deny your Form I-698.

Requests for more information or interview. We may request more information or evidence, or we may request that you appear at a USCIS office for an interview. We may also request that you submit the originals of any copy. We will return these originals when they are no longer required.

Decision. The decision on Form I-698 involves a determination of whether you have established eligibility for the requested benefit. You will be notified of the decision in writing.

USCIS Forms and Information

To order USCIS forms, call our toll-free number at **1-800-870-3676**. You can also get USCIS forms and information on immigration laws, regulations, and procedures by telephoning our National Customer Service Center at **1-800-375-5283** or visiting our Internet Web site at **www.uscis.gov**.

As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our Internet-based system, **InfoPass**. To access the system, visit our Internet Web site. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen.

Accommodations for Individuals With Disabilities and/or Impairments

USCIS is committed to providing reasonable accommodations for individuals with disabilities and/or impairments.

Accommodations vary with the disability(ies) and/or impairment(s) and involve modifications to practices or procedures. For example, if you are:

1. Unable to use your hands, you may be permitted to take a test orally rather than in writing;

2. Hearing-impaired, you may be provided with a sign-language interpreter for a USCIS-sponsored training session; or

3. Unable to travel to a designated USCIS location for an interview, you may be visited at your home or a hospital.

If you believe that you need us to accommodate your disability(ies) and/or impairment(s), check the "Yes" box and then check any applicable box that describes the nature of your disability(ies) and/or impairment(s). Also, write the type(s) of accommodation(s) you are requesting on the line(s) provided. If you are requesting a sign-language interpreter, indicate which language. If you need more space, use a separate sheet of paper.

NOTE: All domestic USCIS facilities meet the Accessibility Guidelines of the Americans with Disabilities Act, so you do not need to contact us to request an accommodation for physical access to a domestic USCIS office.

USCIS considers requests for accommodations on a case-by-case basis. Asking for an accommodation will not affect your eligibility for the benefit.

Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with this request, we will deny your Form I-698, and may deny any other immigration benefit. In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

Privacy Act Notice

We ask for the information on this form, and associated evidence, to determine if you have established eligibility for the immigration benefit for which you are filing. Our legal right to ask for this information can be found in the Immigration and Nationality Act, as amended. We may provide this information to other government agencies. Failure to provide this information, and any requested evidence, may delay a final decision or result in denial of your Form I-698.

Paperwork Reduction Act

An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 1 hour per response, including the time for reviewing instructions and completing and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Products Division, Office of the Executive Secretariat, 20 Massachusetts Avenue, N.W., Washington, DC 20529-2020. OMB No. 1615-0035; This form expires January 31, 2013. **Do not mail your application to this address.**