

OFFICE OF REFUGEE RESETTLEMENT

An Office of the Administration for Children & Families

Required Adjustment of Status to Lawful Permanent Resident by Refugees after One Year in U.S. in Refugee Status; Travel Abroad by Refugees and Requirement for Refugee Travel Document; Required Notification by Refugee of Change of Address

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TO: STATE REFUGEE COORDINATORS
REFUGEE HEALTH COORDINATORS
NATIONAL VOLUNTARY AGENCIES
OTHER INTERESTED PARTIES

FROM: Eskinder Negash
Director
Office of Refugee Resettlement

SUBJECT: Required Adjustment of Status to Lawful Permanent Resident by Refugees after One Year in U.S. in Refugee Status; Travel Abroad by Refugees and Requirement for Refugee Travel Document; Required Notification by Refugee of Change of Address

Purpose of this ORR State Letter

The purpose of this ORR State Letter is to advise refugees of the legal requirement to apply to U.S. Citizenship and Immigration Services (USCIS) of the U.S. Department of Homeland Security (DHS) for adjustment of status to Lawful Permanent Resident (LPR) status after one year in the U.S. in refugee status, to advise that prior to travel outside the U.S., a refugee must apply to USCIS for and be issued the Refugee Travel Document in order to be readmitted to the U.S. as a refugee, and to advise of the requirement that refugees (and all non-U.S. citizens) in the U.S. timely report their change of address to USCIS.

Adjustment of Status by Refugee after One Year in the U.S. in Refugee Status is Required by Law

Per Section 209 of the Immigration and Nationality Act (INA), reproduced below in the Attachment, after one year in the U.S. in refugee status, refugees (and eligible family members) are required to file with USCIS the Form I-485 "Application to Register Permanent Residence or Adjust Status".

Refugees who do not file the I-485 after they have been in the U.S. for one year in refugee status are in violation of the INA and are at risk for immigration penalties including removal from the U.S.

Asylees who have been in the U.S. in asylee status for at least one year, nationals or citizens of Cuba in the U.S. in parole status for at least one year, and T visa holders who have been in T visa status for at least three years, are eligible to apply for adjustment of status to LPR, but are not required to do so. (Amerasians and Iraqi and Afghan Special Immigrants are already LPRs by definition.)

The regular filing fee for the I-485 is \$ 930 plus a biometrics fee of \$80; the fee total is \$1,010. **However, there is no fee for applicants who are filing Form I-485 based on having been admitted to the United States as a refugee. Asylees are subject to the I-485 filing fee, but may apply for a fee waiver.**

Travel Outside the U.S. by Refugees and Asylees: Requirement to First Obtain Refugee Travel Document from USCIS

Refugee and Asylee Travel Outside the U.S.: Refugee Travel Document

A refugee or asylee (or family member with refugee or asylee status) who is not an LPR and who plans to depart the U.S. for any period of time and is seeking permission to reenter the U.S. as a refugee after travel outside the U.S., must apply to USCIS for the Refugee Travel Document and be issued the Refugee Travel Document prior to departure from the U.S. The refugee should keep the Refugee Travel Document with him/herself at all times during the trip outside the U.S. Refugees with a pending I-485 application may travel outside the U.S. with their Refugee Travel Document. The Refugee Travel Document does not distinguish between refugee and asylee.

To apply for the Refugee Travel Document, the refugee must file with USCIS the Form I-131 "Application for Travel Document" and pay the filing fee of \$305 (which may not be waived, but see page 8 of the instructions for the I-131 for exceptions) and biometric fee of \$80 for applicants aged 14 through 79. Note that the Form I-131 "Application for Travel Document" is a multi-purpose form, and is used to apply for a Travel Document, Reentry Permit, Refugee Travel Document or Advance Parole.

Refugee LPR Travel Outside the U.S.

Refugees who have adjusted status to LPR, asylees who have adjusted status to LPR, Cuban parolees who have adjusted status to LPR, and T Visa holders who have adjusted status to LPR, as well as Amerasians and Iraqi or Afghan Special Immigrants (who are LPRs by definition), should use the I-131 to apply for a Reentry Permit, and be issued the Reentry Permit prior to undertaking travel outside the U.S. if the planned absence from the U.S. is one year or more. (but see page 2 of the instructions for the I-131 about picking up the Re-entry Permit at a U.S. Embassy or Consulate abroad, link below.) The Reentry Permit is necessary to retain LPR status upon application for readmission to the U.S. after completion of travel and absence from the U.S. for one year or more.

Refugees and asylees who have been granted LPR status through their refugee or asylee status, who do not obtain a Re-Entry Permit (see below "LPR Travel Outside the U.S.") prior to their departure from the U.S. and who remain outside the U.S. for a year or longer, may be determined to have abandoned their LPR status. (see page 3 of the instructions for the I-131, link below.)

Asylees who have been granted LPR status should review the warning on page 2 of the instructions for the Form I-131 regarding voluntary re-availing of protection from the country of claimed persecution. This provision is not applicable to refugees.

T visa holders who are applying for adjustment of status to LPR should consult page 7 of the instructions for Form I-131.

LPRs who do not have a Re-Entry Permit who have been outside the U.S. for more than a year should apply at a U.S. Embassy or Consulate abroad for a returning resident visa. (see page 1 of instructions for I-131, link below.)

Absences from the U.S. of more than a year may impact eligibility for naturalization to U.S. citizen. (see page 2 of instructions for I-131, link below.)

The Form I-131 may be filed concurrently with the Form I-485. If the applicant filed the I-485 after July 30, 2007 and paid the filing fee for the I-485, then there is no fee to file the I-131. (see page 8 of instructions for Form I-131, link below)

LPRs who apply for readmission to the U.S. after an absence from the U.S. of less than a year may re-enter the U.S. on the I-551 (green card).

On the USCIS Website, here is the link to the page "Application for Travel Document":

www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f...

<https://web.archive.org/web/20191113220255/http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=b11747a55773d010VgnVCM10000048f3d6a1RCRD&vgnnextchannel=db029c7755cb9010VgnVCM10000045f3d6a1RCRD>

Required Notification to USCIS of Change of Address of Alien

Per Section 265 of the INA (8 U.S.C. 1305) all aliens (non-U.S. citizens) in the U.S. are required to report their change of address to the Department of Homeland Security within 10 days of the address change. This requirement applies to all the ORR populations. The change of address must be reported to USCIS on the Form AR-11. Failure to report a change of address is punishable by fine or imprisonment and/or removal. There is no filing fee for the Form AR-11.

From the USCIS website, here is the link to the Form AR-11: **www.uscis.gov/files/form/ar-11.pdf**

<https://web.archive.org/web/20191113220255/http://www.uscis.gov/files/form/ar-11.pdf>

The instructions for the Form AR-11 are on the form itself.

In addition to timely filing the AR-11 with USCIS, refugees (and aliens in general) who change address are strongly advised to also send a letter as soon as possible to the USCIS Service Center or District Office where they have a pending application or petition (such as the I-485 or I-131) advising USCIS of the fact of the pending application and of the old and new address, and to also file a Change of Address Form with the U.S. Postal Service.

If you have questions about the information in this ORR State Letter, please contact Thomas Pabst at telephone: 202-401-5398 or email: thomas.pabst@acf.hhs.gov (<https://web.archive.org/web/20191113220255/mailto:thomas.pabst@acf.hhs.gov>)

ATTACHMENT

TITLE 8 - ALIENS AND NATIONALITY

CHAPTER I - DEPARTMENT OF HOMELAND SECURITY

SUBCHAPTER B - IMMIGRATION REGULATIONS

PART 209 - ADJUSTMENT OF STATUS OF REFUGEES AND ALIENS GRANTED ASYLUM

209.1 - Adjustment of status of refugees.

The provisions of this section shall provide the sole and exclusive procedure for adjustment of status by a refugee admitted under section 207 of the Act whose application is based on his or her refugee status.

(a) Eligibility. (1) Every alien in the United States who is classified as a refugee under part 207 of this chapter, whose status has not been terminated, is required to apply to the Service 1 year after entry in order for the Service to determine his or her admissibility under section 212 of the Act.

(2) Every alien processed by the Immigration and Naturalization Service abroad and paroled into the United States as a refugee after April 1, 1980, and before May 18, 1980, shall be considered as having entered the United States as a refugee under section 207(a) of the Act.

(b) Application. Upon admission to the United States, every refugee entrant shall be notified of the requirement to submit an application for permanent residence 1 year after entry. An application for the benefits of section 209(a) of the Act shall be filed on Form I485, without fee, with the director of the appropriate Service office identified in the instructions which accompany the Form I485. A separate application must be filed by each alien. Every applicant who is 14 years of age or older must submit a completed Form G325A (Biographical Information) with the Form I485 application. Following submission of the Form I485 application, a refugee entrant who is 14 years of age or older will be required to execute a Form FD258 (Applicant Fingerprint Card) at such time and place as the Service will designate.

(c) Medical examination. A refugee seeking adjustment of status under section 209(a) of the Act is not required to repeat the medical examination performed under 207.2(c), unless there were medical grounds of inadmissibility applicable at the time of admission. The refugee is, however, required to establish compliance with the vaccination requirements described under section 212(a)(1)(A)(ii) of the Act, by submitting with the adjustment of status application a vaccination supplement, completed by a designated civil surgeon in the United States.

(d) Interview. The Service director having jurisdiction over the application will determine, on a case-by-case basis, whether an interview by an immigration officer is necessary to determine the applicant's admissibility for permanent resident status under this part.

(e) Decision. The director will notify the applicant in writing of the decision of his or her application for admission to permanent residence.

If the applicant is determined to be inadmissible or no longer a refugee, the director will deny the application and notify the applicant of the reasons for the denial. The director will, in the same denial notice, inform the applicant of his or her right to renew the request for permanent residence in removal proceedings under section 240 of the Act. There is no appeal of the denial of an application by the director, but such denial will be without prejudice to the alien's right to renew the application in removal proceedings under part 240 of this chapter.

If the applicant is found to be admissible for permanent residence under section 209(a) of the Act, the director will approve the application and admit the applicant for lawful permanent residence as of the date of the alien's arrival in the United States. An alien admitted for lawful permanent residence will be issued Form I551, Alien Registration Receipt Card.

[63 FR 30109, June 3, 1998]