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**Sent:** Thursday, May 26, 2016 4:05 PM  
**To:** USCIS FR Comment <USCISFRComment@uscis.dhs.gov>  
**Cc:** Melissa Chua <Melissa.Chua@rescue.org>  
**Subject:** REF: Docket ID USCIS-2009-0020

Please see attached comments on USCIS' proposed revision of Form I-485 Application to Register Permanent Residence or Adjust Status, OMB Control Number 1615-0023; Docket ID USCIS-2009-0020, submitted on behalf of the International Rescue Committee.

Please let us know if you have any questions or require further information.

Many thanks.

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*Submitted via e-mail to [USCISFRComment@uscis.dhs.gov](mailto:USCISFRComment@uscis.dhs.gov)*

Samantha Deshommes  
Acting Chief, Regulatory Coordination Division  
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U.S. Citizenship and Immigration Services  
Department of Homeland Security  
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May 26, 2016

**REF: Comments on Proposed Revision of Form I-485 Application to Register Permanent Residence or Adjust Status; OMB Control Number 1615-0023; Docket ID USCIS-2009-0020**

Dear Ms. Deshommes,

The International Rescue Committee (IRC) hereby respectfully submits comments on the proposed changes to Form I-485 Application to Register Permanent residence or Adjust Status, published in the Federal Register on March 31, 2016.

The IRC responds to the world's worst humanitarian crises, helping to restore health, safety, education, economic wellbeing, and power to people devastated by conflict and oppression. Founded in 1933 at the call of Albert Einstein, the IRC is at work in over 40 countries and 26 U.S. cities helping people to survive, reclaim control of their future and strengthen their communities. In the U.S., IRC maintains a network of 25 offices which provide resettlement assistance to refugees through the U.S. Department of State Refugee Admission Program, as well as other services to refugees, asylees, victims of human trafficking and other vulnerable immigrants. In FY 2015, IRC was responsible for resettling a total of xxx refugees throughout the U.S. IRC resettlement offices are all also recognized by the Board of Immigration Appeals for the purpose of providing immigration legal services to refugees and other vulnerable immigrants. BIA-accredited IRC staff provide legal guidance and representation to refugees and others seeking to adjust to lawful permanent resident status, reunite with family members and become naturalized U.S. citizens, among other benefits.

We appreciate USCIS' efforts to improve Form I-485 while bringing the form up-to-date to reflect changes in the law, minimize the need for RFEs and reduce processing times, and enhance national security and

benefits integrity, as stated in their response to comments submitted to the previous proposed revision of the form. However, the current revision of Form I-485 will make the process of applying for adjustment to lawful permanent resident status significantly more expensive and/or confusing, particularly for refugee applicants. The length and complexity of the form will raise the cost of qualified legal assistance and thus discourage many refugees from applying for adjustment, and will result in more rejections, RFEs and denials of applications filed by individuals who do so without such assistance.

Refugees are the only group of immigrants who are required to apply for adjustment to lawful permanent resident status, and must do so one year after initial admission.<sup>1</sup> In recognition of refugees' special circumstances as vulnerable individuals, frequently lacking in formal education or English language proficiency after only one year in the United States, and the unlikelihood that they would be entirely self-sufficient within a year of admission to the U.S., they are neither subject to public charge grounds of inadmissibility nor are they required to pay an application fee with their adjustment applications.

Indeed, because of the particular vulnerability of this population, many refugee resettlement organizations such as IRC provide application assistance for their refugee clients in order to ensure that they fulfill the legal requirement to apply for adjustment. As BIA-recognized organizations, we provide these services for free or charge only nominal fees. These legal fees, while very low, are still an obstacle for some extremely low-income refugees and other vulnerable immigrants. In order to complete the new Form I-485 - which at 18 pages is three times longer than the current version and Form G-325A combined - legal service providers will now require more time and resources, forcing providers such as the IRC to see fewer clients or charge higher fees. We are very concerned that this will pose an even greater obstacle for many refugees and others to accessing qualified assistance with the application process. Instead they are likely either to delay filing for adjustment and meeting their legal obligation, or to attempt to complete the forms themselves or with the assistance of unqualified individuals. This is of particular concern where, as many of our colleagues have also stated, USCIS has included a number of questions in the new I-485 that require an analysis of law in order to provide an accurate answer. The reduced capacity of providers to assist clients with this, more complicated and legalistic form, will result in more RFEs and denials that could easily have been avoided, the opposite of the stated intention of USCIS in revising the form.

Furthermore, we have concerns about specific aspects of the revised form and instructions, particularly as these impact refugees. First, the proposed revised instructions to Form I-485 are too long and confusing, and provide apparently contradictory information. Specifically, information about required supporting documentation for those applying under INA section 209(a) as refugees is listed in different locations in the instructions, creating confusion over which requirements apply to this category of applicants.

For example, on p.8, the instructions indicate that all applicants except refugees must submit a birth certificate, however in the section specific to refugee applicants, there is no indication as to whether or not a birth certificate is required. In contrast, on p.10, the instructions indicate that all those applying as the derivative spouse of a principal applicant for adjustment must provide a marriage certificate, but then on p.29, in the section specific to refugee applicants, the instructions indicate that refugee derivatives do not need to show proof of relationship to the principal applicant. The same is true with respect to evidence of financial support (instructions indicate it is necessary on p.12, but then on p.29 instructions indicate that refugees need not provide such evidence). Furthermore, there is no information in the section on p.29

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<sup>1</sup> Per INA Sec. 209(a), refugees who have been physically present in the U.S. for one year “**shall**, at the end of such year period, return or be returned to the custody of the Department of Homeland Security for inspection and examination for admission to the United States as an immigrant.” [Emphasis added.]

specific to refugee applicants regarding the need to submit Form I-693 Medical Examination and Vaccination Report, rather, once again, this information can only be found in the section beginning on p.8: “What Evidence Must You Submit with Form I-485?” In other words, refugees must refer to multiple sections of the instruction booklet in order to determine what supporting documentation to submit with their I-485.

There are also a number of questions on the revised Form I-485 itself that do not apply to refugees which refugee applicants may find confusing. In particular, Part 1, questions 14-18 concerning travel documents/passports (which most refugees do not possess), and Part 2, questions 3–9 regarding principal applicants and derivatives. In addition, because refugees have already been examined for admissibility as well as thoroughly vetted by numerous federal agencies prior to entering the U.S., many questions in Part 8 pertaining to grounds of inadmissibility are redundant for this group of applicants.

We are concerned that by including all of these additional instructions and questions on the form, USCIS is making the process of applying for adjustment more confusing, complicated and difficult for all applicants, and especially for refugees. This is likely to result in more RFEs and denials, not fewer. Furthermore, it is likely to effectively discourage otherwise eligible individuals from even applying for adjustment. In the case of refugees, this will impede their integration into American society, and in some cases may render them vulnerable to more serious consequences of failure to meet their legal obligation to apply for adjustment to lawful permanent resident status one year after admission.

We appreciate the opportunity to provide comments on the proposed changes to Form I-485. We hope that these observations and insights will prove useful as USCIS considers further revising and improving the process of filing for adjustment of status for refugees as well as other immigrants.

Sincerely,

Melissa Chua  
National Immigration Director  
International Rescue Committee