

## **WARNINGS!**

When filing Form I-485, Application for Adjustment of Status



This form is used when a person applies for Lawful Permanent Residency (LPR) in the U.S. ('Green Card')

Filing an application for which you are not eligible could cause the Immigration Service to deny your application, and try and remove you from the U.S. Before you apply for permanent residence, carefully read the warnings listed below.

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### **HAVE YOU EVER BEEN ORDERED DEPORTED OR REMOVED FROM THE U.S.?**

If you have been ordered deported or removed from the U.S. and have never left, you should not apply for permanent residence. Filing an application could cause the government to enforce the deportation order, and remove you from the U.S. You should seek legal advice before doing anything.

Were you deported, and later came back to the U.S. without permission? If yes, you should not apply for permanent residence. Filing an application could cause the government to reinstate the deportation order, and remove you from the U.S. You should seek legal advice before filing anything.

### **HAVE YOU EVER BEEN ARRESTED BY THE IMMIGRATION SERVICE?**

If you have ever been arrested by the Immigration Service, Border Patrol, or Immigration & Customs Enforcement (ICE), you should get legal advice before applying for permanent residence. This includes being stopped at the border when trying to enter the U.S. You may have a deportation order, and not even know it. You should seek legal advice before you file anything.

### **DO YOU HAVE A CRIMINAL HISTORY?**

Some types of criminal activity can make you ineligible to receive permanent residence. As part of your application, the Immigration Service will take your fingerprints. The fingerprints allow the Immigration Service to find records of your arrests and criminal convictions. If you have criminal activity that makes you ineligible for permanent residence, the Immigration Service may place you in deportation proceedings, and try and remove you from the U.S. Sometimes

there are waivers available which may excuse your criminal activity. Seek legal advice before you file anything.

### **HAVE YOU EVER SAID THAT YOU WERE A CITIZEN OF THE U.S.?**

Falsely claiming to be a U.S. citizen can make you ineligible to receive permanent residence, and it can make you deportable from the U.S. Using the birth certificate of a U.S. citizen, voting, registering to vote, and claiming citizenship on employment applications could be considered false claims to citizenship. If you think you might have made a false claim to U.S. citizenship, you should seek legal advice before filing anything.

### **HAVE YOU EVER BEEN IN THE U.S. WITHOUT PERMISSION?**

Being in the U.S. without permission (“unlawful presence”) sometimes causes consequences. If you ever left the U.S. after having been here unlawfully for 6 months or more, you could have a 3 or 10 year bar to receiving your permanent residence. Whether this applies to you depends on the dates you were here without permission. Some people qualify to waive that bar. However, if you don’t qualify for a waiver, or if your waiver is denied, the Immigration Service may deny your permanent residence and put you in deportation proceedings. You should seek legal advice before filing anything.

### **HAVE YOU EVER ENTERED THE U.S. ILLEGALLY AFTER BEING DEPORTED?**

Entering the U.S. illegally after having been deported makes you ineligible to ever receive permanent residence. If you have ever been arrested or detained by the Immigration Service, Border Patrol, or Immigration & Customs Enforcement (ICE), you may have been ordered deported and not even know it. This could include being stopped at the border. The only way to waive this bar is to stay outside of the U.S. for 10 years. If you think this may apply to you, you should not file anything without seeking legal advice.

### **HAVE YOU EVER BEEN IN THE U.S. WITHOUT PERMISSION FOR 1 YEAR OR MORE, LEFT THE U.S., AND RETURNED AGAIN ILLEGALLY?**

People who have been in the U.S. for 1 year or more without permission, left the U.S., and later re-entered illegally, are not eligible to receive permanent residence in the U.S. Whether this applies to you depends on the dates you were here without permission. The only way to waive this bar is to remain outside of the U.S. for 10 years. If you think this may apply to you, seek legal advice before filing anything.

### **DO YOU HAVE A COMMUNICABLE DISEASE OR MENTAL HEALTH ISSUE?**

People with certain communicable diseases (Including HIV infection) may be ineligible for permanent residence. There are waivers available, which require you to prove that you are being treated for the condition, and are taking steps not to pass the disease to anyone else. The waivers can be complicated, and you should seek legal advice before filing anything.

People with certain mental conditions may also be ineligible for permanent residence, if their condition poses a threat to the safety and welfare of the applicant or others. A waiver may be available; however, anyone in this situation should seek legal advice before filing anything.