How to Become a Permanent Resident

Applying for Adjustment of Status

The Florence Immigrant & Refugee Rights Project is a nonprofit legal services organization that works with adults and children in immigration custody in Arizona. The staff of the Florence Project prepared and updated this guide for immigrant detainees who represent themselves in their removal proceedings. We do not charge for our services. To see our guides, go to: www.firrp.org.

This guide is not intended to provide legal advice. It is not a substitute for legal counsel.

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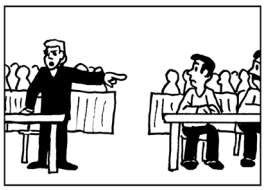
Important Words to Know

Immigration law has a lot of technical words. Here are some words you will see in this guide and a short explanation of what they mean.

- **Deportation:** Immigration and Customs Enforcement (ICE) has put you in *deportation proceedings.* They are also called *removal proceedings*. If the judge orders you deported or "removed" from the United States, officials will send you back to the country where you are a citizen. You will not be able to legally return to the U.S. for at least 10 years.

- **Florence Project:** A group of lawyers and legal assistants who provide free legal help to people who do not have lawyers. The Florence Project wrote this guide to help you understand your case.

- **Government Attorney**: The lawyer who represents ICE when you go to your court hearings. This lawyer sits at the table next to you and also talks to the judge. Government attorneys should see that justice is done. Usually they ask the judge to order to deport you.



- **Immigration and Customs Enforcement (ICE):** The agency that has put you in deportation proceedings and detained you. ICE is part of the Department of Homeland Security, or *DHS*.

- **Immigration Judge (*judge*):** The person who will decide your case. Judges hold hearings in the courtroom and wear black robes. They should look at the facts of your case and apply the law fairly. Judges do not work for ICE.

Who Should Read this Guide?

Many people come to the United States hoping to get *legal permanent residency* (or a *green card*). If you are an immigrant who is detained, this guide will help you learn how to apply to become a permanent resident.

The process to become a permanent resident can be difficult, but this guide will help you. It will explain who can apply, how to apply, and how to avoid some common mistakes.

What Does *Adjustment of Status* Mean?

The process of applying to be a lawful permanent resident in the United States is called *Adjustment of Status*.

You can adjust your status in a few ways. For people who are in removal proceedings, most apply through family members. This can happen if your family member who applies is a U.S. citizen or lawful permanent resident AND the visa is now available to you.

Most people apply for Adjustment of Status through the United States Citizenship and Immigration Services (or USCIS for short). The USCIS is the federal agency that processes immigration applications. But because Immigration and Customs Enforcement (ICE) put you in deportation proceedings, you must apply for Adjustment of Status in immigration court before the judge.

Note: **You may need to send some of your documents to USCIS and some to the judge. This guide will give you instructions. Be sure to carefully follow them.**

Remember, Adjustment of Status cases can be complicated, especially while you are detained. If you have questions, talk to a lawyer if you can or contact the Florence Project at www.firrp.org.

Learn about getting a visa

Some family members may be able to apply for a visa for you.

To get your green card, your family member could help if:

- **Your spouse or parent is a permanent resident**, or
- **Your spouse, child who is older than 21, parent, brother, or sister is a U.S. citizen**.
  - **If your spouse or your child who is over 21 is a U.S. citizen**, you should be able to apply for a green card in front of the immigration judge if you meet all other requirements discussed below. There is no limit to the number of visas for people in your situation.
  - **If you are under 21 and your parent is a U.S. citizen,** you should also be able to apply for a green card in front of the immigration judge if you meet all other requirements discussed below.

You will not wait in line for a visa if you are:

- married to a U.S. citizen;
- under 21, not married, and the child of a U.S. citizen; or
- the parent of a U.S. citizen child who is over 21.

Because of your relationship with your family member who is a U.S. citizen, a visa is available to you now. But you and your family member must still apply for a visa as described in this guide. **If you have not filed the Form I-130, Petition for Alien Relative, do it as soon as you can.** You need that form to start your case.

For everyone else, your family member's application puts you in line with all other people who are waiting for visas. Depending on the category for you and your family member, you may wait more than 15 years before you reach the front of the line.

If you applied a while ago …

Every month the U.S. government updates a list called the *visa bulletin*. This bulletin will tell you where you are in line for a visa. If someone applied for you a long time ago, check the bulletin. Go to https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin.html.

In the current bulletin, look carefully to figure out which category you are in. Then compare the date that the government is processing now with the *priority date* that is listed on your visa approval form. If the date on your form is earlier than the date on the bulletin, your visa date is current and you may be able to apply to adjust your status.

How a family member can file for you while you are detained

One common way to become a permanent resident is to have a family member who is a U.S. citizen or permanent resident apply for you. If your family member wants to apply for you, that person must submit a Form I-130, *Petition for Alien Relative* to USCIS. For Form I-130 and instructions, go to http://www.uscis.gov/i-130.

Remember, **all documents must be in English**. To file the form, family members will need:

- **2 passport-sized photos of you**. At the detention center, ask if someone in the commissary can take pictures of you. Or see if your family has a picture to cut into the passport size.
- **Proof that they are a U.S. citizen or permanent resident**. A copy of their passport or green card will do.
- **Proof of your relationship.** For example, a marriage certificate (for husbands and wives) or a birth certificate (for parents and children).
- **A fee to file your Form I-130.** As of 2020, the fee is $535. To check the current fee, go to https://www.uscis.gov/forms/filing-fees. Make a check or money order out to the *U.S. Department of Homeland Security*. Use those exact words, not abbreviations.

When your family member gets the I-130 approval notice in the mail, have that person make a copy and send it to you as soon as possible. You will give it to the judge.

What to do if your girlfriend or boyfriend is a U.S. citizen and you want to get married at the detention center

Could marrying at the detention center help stop your deportation? Maybe.

If you and your partner can show that you have a genuine relationship and that you are not marrying only to get your immigration papers, you may be able to marry at the detention center and adjust your status to stop your deportation.

- **Ask the detention center's chaplain** if he will perform the ceremony. Either ask in person or write a letter.
- **Get a marriage license.**
- **If you want your family to come, check first**. Each detention center has different rules.
- **Have someone take pictures.** You will need photos for your application.
- **Once you are married, your spouse can file the Form I-130,** *Petition for Alien Relative* with USCIS. Look at the instructions above.

You must prove that you married for love

Because you are in deportation proceedings, you must prove that your marriage is based on love, that you did not marry just to get a green card.

Ask your partner to look for proof. For example, some proof may be:

- Birth certificates of children that you have together
- Pictures of both of you together over a long period of time
- Letters from people who know you and who can describe your relationship
- Love notes between you and your partner
- Receipts from engagement rings
- Paperwork that show you shared an address — bills in both names, rent receipts, etc.

Send your Form I-130 and proof to USCIS

Once you gather all the proof, send your I-130 packet to USCIS.

- Write a short letter with your name and A-number.
- List the proof that is in your packet.

USCIS will send your spouse a receipt when they get the packet. USCIS will also send a notice when your application is approved.

What Are Some Rules About Adjusting Your Status?

To win your case, you must meet several other requirements:

- **You must have no history of serious crimes or drug abuse.**

  You cannot become a permanent resident if you have certain criminal convictions or if you admit to committing certain crimes.

  The most problematic criminal convictions are drug offenses. Except for simple possession of marijuana or marijuana paraphernalia, you cannot apply to adjust your status if you have committed drug crimes. You cannot be pardoned.

  In other cases, you may ask the judge to pardon a crime on your record. That is *called getting a waiver*. To get a waiver, you must show that if you were deported it would be difficult for your spouse, child, or parent who is a U.S. citizen or permanent resident. You may also get a waiver if the conviction is more than 15 years old and you have been rehabilitated.

  If you do have a conviction, ask if a waiver is possible.

- **You need a sponsor and maybe a co-sponsor.**

  If you are applying through your family member, **you will also likely need a financial sponsor.** Your financial sponsor must meet certain income requirements and must agree to help you with money if you have troubles once you become a permanent resident.

  The income requirements change each year. To find the most up-to-date list, ask the judge for Form I-864P, *HHS Poverty Guidelines for Affidavit of Support*. Or go to https://www.uscis.gov/i-864p.

  If no one in your family makes enough money, you must find a co-sponsor as well. For example, a friend, acquaintance, or other family member may be able to help.

- **How you came into the U.S. or when you submitted your petition are factors.**

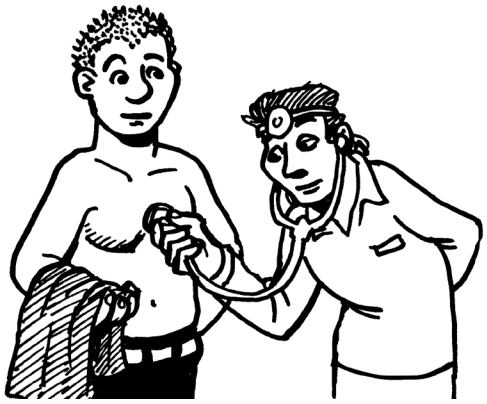
  To adjust your status, **you must show that you entered the U.S. legally**.

  If you entered without papers, you can only adjust your status before the judge if your relative filed a petition on or before April 30, 2001. To find out the date of your petition, look at the *Approval Notice* that your relative received and the *Priority Date* in the top left corner.

  If you came without papers and your petition was on or before April 30, 2001, then you should be able to apply if you meet all the other requirements.

  Do not despair. If you came to the U.S. without papers and your application was filed after April 30, 2001, you might still be able to apply for your green card through the embassy or the consulate in your country of origin. The process for applying at the embassy or consulate is beyond the scope of this guide, but voluntary departure is better than deportation.

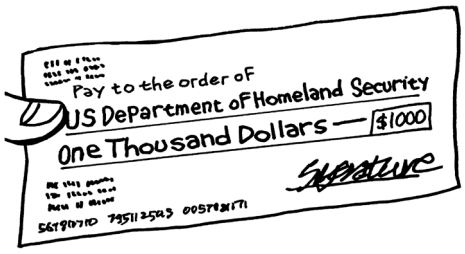
■ **You must have a medical exam.**



By law, you must have a medical exam before the judge can grant your application. Write to your Deportation Officer for the names of doctors who do these exams near the detention center. The officer can also arrange for your transportation to the doctor.

These exams usually cost a few hundred dollars. The doctor will fill out a Form I-693, *Report of Medical Examination and Vaccination Record* for you. If the doctor gives you the form after the exam, **keep it sealed and in a safe place. Only the judge should open it.**

■ **You may have to pay a fee.**



If you came without papers and you applied on or before April 30, 2001, then you are applying under a section of the law called *245(i)*.

- **If you ARE NOT applying under section 245(i), you do not have to pay.**

If you ARE applying under section 245(i), you must send $1,000 to USCIS before the judge can consider your application. Make a personal check or money order out to the *U.S. Department of Homeland Security*. Use those words exactly, not an abbreviation. Do not write "DHS." Although you can use a money order, we recommend using a personal check so that you can watch your account and know when the money was withdrawn.

Also send copies of your Form I-485, *Application to Register Permanent Residence or Adjust Status*, a fee waiver that the judge has approved, and proof that you are detained and in deportation proceedings. **You will get a receipt from USCIS in the mail. Keep it. You must give it to the judge.**

Have a lawyer or someone from the Florence Project review your packet before you send it.

Here is a cover letter you can use when you pay the 245(i) fine:

Alien Detained and in Removal Proceedings

_____ , 20___ (Date)

U.S. Citizenship and Immigration Services
Texas Service Center
P.O. Box 852463
Mesquite, TX 75185-2463

To Whom It May Concern:

I have enclosed my payment for the $1,000 fine for eligibility for adjustment of status under Section 245(i). I am enclosing a copy of the corresponding application, Form I-485A (Supplement A), and a copy of the judge's order waiving the I-485 and biometrics fees. I have submitted the original of this application and my adjustment application to the immigration judge, as I am detained and in removal proceedings in Arizona.

Because I am in removal proceedings, I do not send my application or any fines or fees to the USCIS address in Chicago.

PLEASE ALSO NOTE that this is NOT payment for the application fee for an adjustment of status application (form I-485). The judge waived that fee.

Thank you for your attention to this matter. I look forward to receiving the receipt for this payment as soon as possible.

Sincerely,

(Signature) _____

(Print Name) _____

(A#) _____

Attachments:

- 245i payment in the amount of $1,000
- Form I-485A (Supplement A)
- Proof that I am in removal proceedings
- Immigration judge's Order waiving fees

- **The judge must have a good opinion of you.**

  Finally, you must convince the judge that you deserve to be a permanent resident of the U.S. You do that by gathering proof that you have been a good member of the community during your time in the U.S.

  You could also show that your deportation would cause great difficulties for your family. Try to gather documents that prove these things, like letters from friends or people you work with. Use the following worksheet and checklist to help you prepare.

How Can You Build Your Case?

Building your case for asylum takes patience. This section will help gather your information and organize your materials.

Explain Your Reasons

First, fill out this worksheet to help prepare your application. Try to fill it out as best you can.

How you can explain hardship (for waiver):

Think about your parents, husband or wife, and children.

Family Member 1	
Which family member is a permanent resident of the U.S. or a U.S. citizen?	
	If your relative is a child, answer these questions:
Which documents will you gather to prove that person is a citizen or permanent resident?	Why would it be impossible for your child to go with you to your country?
Why would this person suffer if you were deported?	Does your child have any special needs in school?

	❑ No ❑ Yes. What are they?
How is that hardship much more serious than what most people would experience?	What services does your child receive here in the U.S.?
Does this person have any medical conditions or disabilities?	Would your child be able to receive similar services in your country?
❑ No ❑ Yes. What are they?	❑ No ❑ Yes
Is there any reason this person could not care for himself or herself if you were deported?	
❑ No ❑ Yes. What are the reasons?	
Family Member 2	
Which family member is a permanent resident of the U.S. or a U.S. citizen?	**If your relative is a child, answer these questions:**
Which documents will you gather to prove that person is a citizen or permanent resident?	Why would it be impossible for your child to go with you to your country?

Why would this person suffer if you were deported?	Does your child have any special needs in school?
	❑ No ❑ Yes. What are they?
How is that hardship much more serious than what most people would experience?	What services does your child receive here in the U.S.?
Does this person have any medical conditions or disabilities?	Would your child be able to receive similar services in your country?
❑ No ❑ Yes. What are they?	❑ No ❑ Yes
Is there any reason this person could not care for himself or herself if you were deported?	
❑ No ❑ Yes. What are the reasons?	

Other Family Members:

If you have more family members to discuss, list their names here and answer the questions about them on separate paper.

What Proof Should You Gather?

Start gathering proof as soon as you decide that you want to apply for Adjustment of Status.

Many documents will take time for your family to find and to mail to you. We know it is not easy to gather all of them while you are detained. Ask a trusted family member or friend to help you gather these documents. Make sure that this person mails **you copies of these documents, not originals.**

You will need proof to convince the judge that you deserve the opportunity to become a permanent resident of the U.S. If you must apply for a waiver, you will also need proof of the hardship that your deportation would cause your U.S. citizen or LPR family members.

You will also need to **get as many letters of reference as you can**. These letters should be from friends, family, and employers. They should talk about all the good contributions that you have made to the U.S.

Remember, all documents you submit must be in English. If you receive documents in another language, you can translate them. Just put your translation in your packet with the original letter and attach a signed copy of the *Certificate of Translation* that follows.

On the next page are some ideas of the types of proof you can gather. Remember, these are examples. You do not need to gather all of them. But try to gather as many as you can.

Evidence Checklist

	Family Ties
❑	Letters of support from as many family members as possible (including drawings from children). **These should explain how your permanent resident or U.S. citizen wife, parent, or child will suffer if you are deported.**
❑	Letters of support from friends
❑	Letters from people who know you (for example, neighbors, landlord, boss)
❑	Letters showing that you are involved in the community and have good character (church, volunteering)
❑	Proof that you financially support your family (rent receipt, child support) and proof of financial hardship since your detention (past due notices for bills or rent)
❑	Proof of any debt that your family has that you were helping to pay off (mortgage, car loans, school, medical, etc.)
❑	Copies of your children's birth certificates
❑	Photos of family (birthday parties, holidays, pets, babies, etc.)
❑	Copies of your children's school records, including letters from teachers or counselors about how your kids are doing in school. Ask the writer to include how moving to your home country would cause problems for your kids.

❑	Copies of medical records for your parent, spouse, or child if they are sick or suffer from any kind of disability
❑	Copy of your marriage certificate
❑	Copies of proof of legal status for your parents, husband, or wife (birth certificate, naturalization certificate, permanent resident card (also called a green card or a “mica”))
	Your Education and Character
❑	Certificates from any rehabilitation classes you have taken, like anger management, domestic violence, AA, substance abuse, parenting
❑	Proof of English Language Training, GED, college, etc.
❑	Certificates and diplomas from school and training courses
❑	Informational packets about any plans for school programs that you will enroll in once you are released
❑	Proof of occupational skills (certificates, licenses, etc.)
	Financial Information
❑	Tax records
❑	Pay stubs
❑	If you are self-employed, sponsor’s Schedule C, D, E, or F from most recent tax return
❑	Social Security records
❑	Letter showing that you have a job when you get out of detention

❑	Proof of insurance (car, medical, etc.)
❑	If using assets to qualify, proof of asset location, ownership, date obtained, and value. Include evidence of any debts for these assets
❑	Your IRS tax transcript for most recent tax year
❑	If you are using a household member's income to qualify, that person's IRS tax transcript for most recent tax year
❑	Proof of any additional continuing income, such as child support, that is not reported on your tax return
❑	Proof of household assets: cars, trucks, business tools and equipment, etc.
❑	Proof of liabilities and debts: mortgage, car loan, credit card debt, education loans, tax debts, liens, personal loans
❑	Credit report (issued less than 1 year before the date of your application)
❑	If you do not have credit, a credit agency report that states this (also issued less than 1 year before the date of your application)
❑	If filed for bankruptcy, proof of resolution of bankruptcy
	Related Paperwork
❑	Articles about the situation in your home country (for example, poor medical care, war and violence, unemployment, poverty, lack of educational opportunities for your children, etc.)
❑	Form I-864 Documents:
❑	Sponsor's federal tax return for most recent year
❑	Sponsor's W-2 and Form 1099s for most recent year
❑	Joint sponsor's proof of U.S. citizenship or permanent residence

Organize your documents

Once you have all your documents together, organize them.

Make a list of everything you have and then put that list on top. You can divide your documents into categories like these:

1. Family Ties in the U.S. (birth certificates, marriage certificates)
2. Evidence of Hardship if I Am Deported
3. Evidence that I Have Good Moral Character (volunteering, going to church, helping the community, etc.)
4. Evidence of Employment History and Property in the U.S.
5. Evidence of Rehabilitation (if you have criminal history)

To the last page of all your evidence, attach a signed and dated copy of the *Certificate of Service* (found below).

Then make 2 copies of all your evidence. The original will go to the judge, a copy will go to the government attorney. Keep a copy for yourself.

Use the following certificate if you will give the documents to the ICE attorney and the judge in court.

Certificate of Service: Delivered in Person

I, _____

(Write your name)

certify that I hand-delivered a copy of this document to a representative of ICE Litigation on the date below.

Signed:	

Date:	/ /

Day / Month / Year

Use the following certificate if you will mail the documents to the government attorney and judge before the hearing.

Certificate of Service: Delivered by Mail

I, _____

(Write your name)

certify that on the date below I placed a copy of this document in the mail to ICE Litigation at:

_____

(Write the address for the ICE office at the detention center where you are staying)

Signed:	

Date:	/ /

Day / Month / Year

Use the following certificate if you someone translates your documents. Remember, all your documents must be in English.

Certificate of Translation

I, _____

(Write your name)

certify that I am competent to translate this document from its original language into English and that the translation is true and accurate to the best of my abilities.

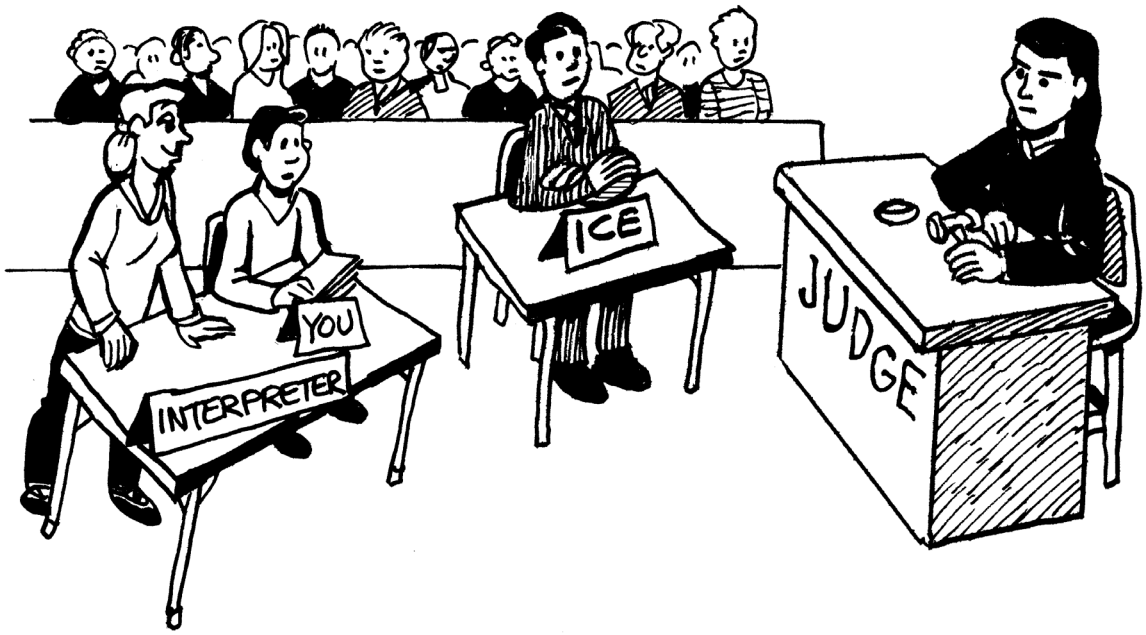
Signed by translator:	

Date:	/ /

Day / Month / Year

What Is the Process?

Not everyone can apply for an Adjustment of Status. To apply, you must go to court, collect proof, show your proof to the court, and testify.



Learn about your first court hearings

First, learn the basics about immigration court so that you know who will be in court and what will happen in your first hearings.

- **The judge will be at the front of the room and will ask you questions**. The judge will be dressed in black robes. The judge will decide your case, so it is important to be respectful, polite, and prepared.
- **A lawyer representing ICE will be there**. This lawyer is the government attorney who represents ICE. The government attorney is usually trying to get you deported.
- Do not worry if you do not speak English. **An interpreter will be there in person or on the phone.** Just make sure you speak up. Tell the judge that you do not speak or understand English well and need an interpreter.

You will attend master calendar hearings

The first few hearings that you will go to will be ***master calendar*** **hearings**. At master calendar hearings, you will be in court with a group of other detainees. These hearings are not the right time to show the judge all your proof of the reasons you should stay in the country. You will do that once the judge sets a final hearing in your case.

The judge will check in with you about your case and see what you want to do.

If you want more time to find a lawyer, the judge will give you a few weeks to do so. After you have a lawyer, you will return for another master calendar hearing.

When you return to court, the judge will ask you if you want to admit or deny the charges against you. That means that the judge wants to know if you want to force the government attorney to prove the charges against you.

If the government attorney says that you should be deported because you have criminal convictions, asking the attorney to prove the charges against you can be an important step. If you have certain types of criminal convictions, even for minor crimes, you may not be able to apply for an Adjustment of Status.

You must be careful. Do not admit to anything about your criminal record when you answer to your charges in immigration court. It is important to figure out as early as possible if a crime disqualifies you from adjusting your status.

The government has access to your *entire* criminal record. You could lose a lot of money and time in detention trying to apply for Adjustment of Status if you have a conviction that makes you ineligible to apply. Sometimes the judge and the government do not realize until the day of your final hearing that a problem exists with your record. So, ask the judge and try to find out as early as possible if any of your crimes might make it impossible for you to apply for a green card.

To learn more about denying charges against you, read the Florence Project's guide on the subject. Go to https://firrp.org/resources/prose/

Before your final hearing, you will return to court for one more master calendar hearing. Then you will give the court your application for Adjustment of Status and your other documents.

Before you fill out your paperwork, follow these tips

- **Read the whole form before you fill it out. If you are unsure about any question, talk to a lawyer or to the Florence Project before you complete the form. If you make a mistake or answer incorrectly, you may lose your case.**
- **You must use a black pen or typewriter to fill out the form**. Do not use a pencil.

- **Your answers must be in English**. They will not accept your form if you answer in another language.
- **Answer all of the questions. If you do not know how to answer a question, do not worry**. Write down as much as you know. If you do not know an answer, write *unknown* or that you may have missing or incorrect information. If a question does not apply to you, just write *None* or *N/A* for *Not Applicable*.
- **If you do not have not enough room to answer completely, continue your answer on another piece of paper**. Attach any written statements and documents that support your claim. Your written statements should include events, dates, and details. Be sure to attach those papers to your form.

Fill out and turn in your paperwork

It is important that you fill out the application completely so that the judge can accept it and schedule a final hearing. The judge can give you a copy of the applications or you can ask the Florence Project for a copy.

These are the forms that you and your family must fill out and turn in
❑ **A copy of your I-130 Approval Notice**
❑ **You fill out Form I-485, *Application to Register Permanent Residence or Adjust Status*, https://www.uscis.gov/i-485**
❑ **Your family member who applied for you fills out Form I-864, *Affidavit of Support Under Section 213A of the INA*, https://www.uscis.gov/i-864**
❑ **Your doctor fills out Form I-693, *Report of Medical Examination and Vaccination Record*, https://www.uscis.gov/i-693**
❑ **If necessary, your family or friend fills out Form I-864A*, Contract Between Sponsor and Household Member*, https://www.uscis.gov/i-864a**
❑ **If necessary, you fill out Form I-601, *Application for Waiver of Grounds of Inadmissibility,* https://www.uscis.gov/i-601**

How Should You Get Ready for Court?

Preparing your testimony for the final hearing will help make your case even stronger. At your final hearing, you will be able to tell the judge why you think you should stay in the U.S.

Keep these tips in mind when you practice your testimony:

Be prepared

- **Have copies of all your applications with you**. Be ready to convince the judge that you deserve to become a permanent resident.
- Think of the specific reasons your family would suffer if you were deported. Do not just say things like, "They will miss me." or "They need me to pay the bills." That will not help very much — all families go through that. **Think about the reasons your family will suffer much more than normal if you are deported.** Use the worksheet you filled out earlier.

- **Write your reasons on a piece of paper**. For example, you should explain how much your daughter's cancer treatment costs, how you take care of her when she is sick, how she cannot get this treatment in your home country, and how you pay all the family's medical bills. Practice explaining your reasons to a friend or a family member.
- **Explain those reasons to the judge.**

Be honest

- **Your job is to tell the judge about your life.** If you have criminal convictions and the judge asks you about them, tell the judge what happened. **Do not lie**. Lying will just make things worse. The judge and government attorney often have ways to figure out if you are lying.

Turn negatives into positives

- **If you had a problem with drugs and alcohol in the past, explain how you have overcome those problems.** For example, did you go to AA meetings? Did you complete a rehabilitation program? Tell the judge about all of those things.

Do not be defensive

- **Admitting that you made mistakes**, even if that mistake was just coming to the U.S. without the proper documentation, **can show the judge that you are sorry**. It can also show the judge that you will not repeat those mistakes in the future.

Speak from the heart

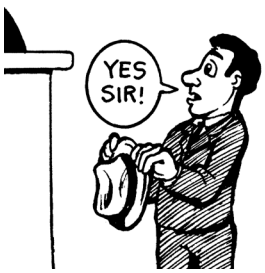
- Judges see a lot of people every day. You can make your testimony stand out if you **speak sincerely**.
- **Think of a funny story about your family to share**. Think about a story that will show the judge how much your family needs you. Explain to the judge why your deportation would hurt your family very much. Tell the judge about your plans for the future. Remember to write all of these reasons on a piece of paper so you will not forget.

- **Do not worry if you become nervous or emotional in court**.

Ask your family members to testify in court

- **Your family can come and tell the judge about the reasons you should stay in the United States.** Help your family members prepare. Ask them to list all the reasons they would suffer if you were in another country.
- **Make sure your family members practice and write the reasons down to have with them in court.** Your family members can also watch your final hearing to show the judge that they support you. Remember, some detention centers will not let small children come to court.

Answer the judge's questions



- **The judge may want to ask you some specific questions**. Remember, be respectful when the judge speaks. Refer to the judge as, "Your Honor," "Ma'am," or "Sir."
- If the judge decides that at least some of the charges against you are correct, the judge will then ask you questions to figure out if you are eligible for Adjustment of Status and to make sure that you meet the requirements.
- If the judge agrees that you are eligible to present your case for Adjustment of Status, the **judge will give you a copy of the applications**. Remember, just because the judge says you are eligible for Adjustment of Status does not mean that you have won your case! It only means that the judge thinks that you have met the basic requirements and is giving you a chance to apply.

How Will the Judge Weigh the Evidence?

In most cases, the judge will decide your case at the end of your final hearing. Here are some things the judge might do:

- **If the judge approves your application and ICE does not appeal that decision, you will likely be released the same day**.
- **If the judge approves your application and ICE appeals that decision, you will likely have to wait until the Board of Immigration Appeals gives you a final decision**. That usually takes a few months.
- **If the judge denies your application, you may appeal that decision and saying that the judge was wrong**. You must tell the judge at your final hearing that you want to appeal. The judge will give you some paperwork that you must give to the Board of Immigration Appeals within 30 days of the decision. See the Florence Project's guide to appealing your case at: https://firrp.org/resources/prose/, or schedule an appointment to talk with a lawyer about your appeal.