



U.S. Citizenship
and Immigration
Services

HQ 70/6.2
AD 06-26

Interoffice Memorandum

To: Regional Directors
Service Center Directors
District Directors

From: Michael Aytes /s/
Acting Associate Director
Domestic Operations

Date: July 11, 2006

Re: Disposition of Form I-508 and Form I-566 in Adjustment Adjudications;
Revisions to *Adjudicator's Field Manual (AFM)* Chapter 23.2 (*AFM* Update AD 06-26)

I. **Purpose**

This memorandum provides guidance to U.S. Citizenship and Immigration Services (USCIS) personnel on the proper disposition of Form I-508, Waiver of Rights, Privileges, Exemptions and Immunities, (and Form I-508F, if applicable), and the Form I-566, Interagency Record of Request, following the adjudication of an adjustment application from an alien formerly in A or G nonimmigrant status. This memorandum supersedes the 1996 guidance in regard to the disposition of these forms. It also updates the Adjudicator's Field Manual accordingly.

II. **Field Guidance**

Disposition of the Form I-508 (I-508F): Following the adjudication of an adjustment application of a nonimmigrant previously in A or G status, the Form I-508 (and I-508F, if applicable), with original signature, must be placed in the alien's A file. If the adjustment application is approved, copies of these forms must be forwarded to the Office of Foreign Missions in Washington, DC (formerly referred to as "the Department of State") or to the U.S. Mission to the United Nations in New York, NY and also to the Internal Revenue Service in Washington, DC. Please note that some of these addresses have recently been updated. The Office of Records (referred to on earlier versions of the Form I-508 as Central Office) no longer requires a copy of this form.

Disposition of the Form I-566: Following either an approval or denial of an adjustment application of a nonimmigrant previously in A or G status, Part 8 of this form must be completed by the adjudicator and

placed in the alien's A file. A copy of the Form I-566 must be forwarded to either the Office of Foreign Missions in Washington, DC, or to the U.S. Mission to the United Nations in New York, NY. Please note that endorsement of the Form I-566 by the Office of Foreign Missions or the U.S. Mission to the United Nations prior to the adjustment adjudication is not required.

III. **Contact**

Questions regarding this memorandum should be directed through appropriate channels to Donna Crump, Office of Service Center Operations.

IV. **AFM Update**

Accordingly, the *AFM* is revised as follows:

- ☞ 1. Section 23.2(k) in Chapter 23 of the Adjudicator's Field Manual is amended (revision date 07/11/2006) to read as follows:

(k) **Diplomatic Immunity Waiver Cases.**

An alien cannot hold both lawful permanent resident status and diplomatic immunity. If an alien who has diplomatic immunity applies for adjustment of status, he or she must complete the Form I-508 (and if a French national, also Form I-508F) and submit it as part of the adjustment application packet.

The adjudicator must place the Form I-508 (and Form I-508F, if applicable) with original signature in the alien's file.

If the adjustment application is *approved*, copies of the Form I-508 (and Form I-508F, if applicable) must be forwarded to the following addresses:

If:	Then, mail one copy to:	And another copy to:
The principal alien was employed at a foreign embassy or consulate, or at an international organization <i>other than</i> the United Nations in New York	Office of Foreign Missions Tax and Customs Program 3507 International Place, NW Washington, DC 20008	Internal Revenue Service 1111 Constitution Avenue, NW LE 4423 SBSE International SE:S:SP:IN:PSP Washington, DC 20224
The principal alien was employed at a foreign government's mission to the United Nations or with the United Nations Secretariat in	U.S. Mission to the United Nations 799 United Nations Plaza New York, NY 10017	Internal Revenue Service 1111 Constitution Avenue, NW LE 4423 SBSE International SE:S:SP:IN:PSP Washington, DC 20224

New York		
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Please note that the Office of Records (or Central Office as it was referred to on earlier versions of the Form I-508) no longer requires a copy of the Form I-508/Form I-508F. This office decided that since this form is placed in the alien's A file, there is no need to maintain a separate copy of it at USCIS Headquarters.

Note: If an alien who is currently a lawful permanent resident is appointed to a position which entitles him or her to diplomatic immunity, he or she must waive such immunity (by completing and submitting a Form I-508 (and I-508 F, if applicable) or his or her status must be adjusted to that of a nonimmigrant under section 247 of the Act. [D1]

Aliens in A or G classification requesting adjustment to lawful permanent residence are also required to include in their adjustment packets a Form I-566. Endorsement by the Office of Foreign Missions (formerly referred to as the "Department of State") or by the U.S. Mission to the United Nations is not required prior to the adjudication of the adjustment application.

However, following the approval or denial of the adjustment application, the adjudicator must complete Part 8 of the Form I-566 and forward a copy of this form to one of the following addresses:

If:	Then, mail a copy of the Form I-566 to:
The principal alien was employed at a foreign embassy or consulate, or at an international organization <i>other than</i> the United Nations in New York	Office of Foreign Missions 3507 International Place, NW Washington, DC 20008
The principal alien was employed at a foreign government's mission to the United Nations or with the United Nations Secretariat in New York	U.S. Mission to the United Nations 799 United Nations Plaza New York, NY 10017

By forwarding the completed Form I-566 to the Office of Foreign Missions or to the U.S. Mission to the United Nations, USCIS notifies these Department of State entities whenever the status of a nonimmigrant previously in A or G status has been adjusted to that of a lawful permanent resident alien. In this regard the Office of Foreign Missions and the U.S. Mission to the United Nations update their databases and take steps to secure the individual's diplomatic ID card, diplomatic license plates, and tax-free card and undertake other appropriate actions.

2. The AFM Transmittal Memoranda button is revised by adding a new entry, in numerical order, to read:

Disposition of Form I-508 and Form I-566 in Adjustment Adjudications;
Revisions to *Adjudicator's Field Manual (AFM)* Chapter 23.2 (*AFM* Update AD 06-26)

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23.2(k) of the *Adjudicator's Field Manual (AFM)* to provide guidance regarding the proper disposition of Forms I-508 and I-566.