



USCIS Update

Aug. 14, 2009

USCIS Reminds Eligible Applicants under Ruiz-Diaz to File Adjustment of Status Application before End of August

WASHINGTON — U.S. Citizenship and Immigration Services (USCIS) reminds special immigrant religious workers, who have a pending or approved *Petition for Amerasian, Widow(er), or Special Immigrant*, (Form I-360), to file their *Application to Register Permanent Residence or Adjust Status*, (Form I-485), on or before Aug. 31, 2009. Special immigrant religious workers who wish to file a Form I-360 petition with an I-485 application should also file on or before Aug. 31, 2009.

USCIS is issuing this reminder because the U.S. Department of State recently published its September 2009 Visa Bulletin (http://travel.state.gov/visa/frvi/bulletin/bulletin_1360.html), stating that visas for the employment based fourth preference category, which includes special immigrant religious workers, will become unavailable effective Sept. 1, 2009. As a result, USCIS will reject Form I-485 applications submitted on or after Sept. 1, 2009, because an immigrant visa will not be immediately available, as required by INA 245(a).

USCIS will only accept properly filed Form I-485 applications based on pending or approved Form I-360 petitions seeking the special immigrant religious worker classification of either minister (SD-1) or nonminister (SR-1) or I-485 applications filed concurrently with I-360 petitions seeking SD-1 or SR-1 classification through Aug. 31, 2009.

Special immigrant religious ministers, who are not subject to the Sept. 30, 2009 sunset date, and who do not file on or before Aug. 31, 2009, must wait until visas for fourth preference special immigrant religious workers become available before they can apply to adjust status.

Individuals who file a Form I-360 seeking special immigrant religious worker classification (SD-1 or SR-1) with a Form I-485 and/or Form I-765 on or before Sept. 9, 2009, as well as beneficiaries of a pending or approved I-360 petition seeking SD-1 or SR-1 classification, who file a Form I-485 application with appropriate fees and supporting documentation on or before Sept. 9, 2009, will receive protection from the accrual of unlawful presence and unauthorized employment that began after either the filing of the Form I-360 or Nov. 21, 2007, whichever is earlier. For further information regarding the district court's final order, please refer to the [Ruiz-Diaz v. United States](#) legal settlement notices section on the USCIS web site at www.uscis.gov.

Special immigrant religious ministers who file an adjustment of status application during fiscal year 2010, based on an I-360 petition filed before Sept. 9, 2009, will receive protection from the accrual of unlawful presence and unauthorized employment up until Sept. 9, 2009. Periods of unlawful presence and unauthorized employment that accrue after Sept. 9, 2009, and before the filing of the Form I-485, will be counted when determining an alien's eligibility for adjustment of status.

Customers are encouraged to check the USCIS Web site at www.uscis.gov frequently for updates or call USCIS' National Customer Service Center toll free at (800) 375-5283.