INTERIM MEMO FOR COMMENT

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This memo is in effect until further notice.

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Washington, DC 20529-2000

U.S. Citizenship and Immigration Services

February 23, 2011 **PM-602-0032**

Policy Memorandum

SUBJECT: Extension of Status for T and U Nonimmigrants; Revisions to *Adjudicator's Field Manual* (*AFM*) Chapter 39.1(g)(3) and Chapter 39.2(g)(3) (*AFM* Update AD11-22)

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Purpose

This Policy Memorandum (PM) provides guidance about extensions of status for T and U nonimmigrants, including any related applications for adjustment of status.

Scope

Unless specifically exempted herein, this PM applies to and is binding on all USCIS employees. This PM becomes effective at the time of final publication.

Authority

- Victims of Trafficking and Violence Protection Act of 2000 (VTVPA), div. A; Trafficking Victims Protection Act of 2000 (TVPA), div. B; Violence Against Women Act of 2000 (VAWA 2000), Public Law No. 106-386, 114 Stat. 1464 (2000);
- Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA 2003), Public Law No. 108-193, 117 Stat. 2875 (2003);
- Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005), Public Law No. 109-162, 119 Stat. 2960 (2006);
- Violence Against Women and Department of Justice Reauthorization Act—Technical Corrections, Public Law No. 109-271, 120 Stat. 750 (2006);
- William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA 2008), Public Law No. 110-457, 122 Stat. 5044 (2008).

Background

T Nonimmigrant Status

On January 31, 2002, USCIS published an interim rule codified at 8 CFR 214.11, "New Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for "T" Nonimmigrant Status," implementing the T nonimmigrant status created by the TVPA. This regulation contained brief information on adjustment of status and required a T nonimmigrant to

file for adjustment of status within the 90 days immediately preceding the third anniversary of the approval of T nonimmigrant status. 8 CFR 214.11(p)(2) (2008). The regulation also stated that proper filing of an application for adjustment of status would allow the applicant to remain in T nonimmigrant status, with all the rights and privileges of a T nonimmigrant, until a final decision is rendered on the application.

On January 5, 2006, Congress passed VAWA 2005, lengthening the duration of status for a T nonimmigrant from three years to four years. Immigration and Nationality Act (INA) § 214(o)(7)(A). It also created an extension of T nonimmigrant status beyond the four years based on a certification from a law enforcement official that the T nonimmigrant's presence was necessary to assist in the investigation or prosecution of the acts of trafficking. INA § 214(o)(7)(B).

On December 12, 2008, USCIS published an interim rule, "Adjustment of Status to Lawful Permanent Resident for Aliens in T or U Nonimmigrant Status," implementing the adjustment of status provisions for T nonimmigrants at 8 CFR 245.23. Significant points of this rule, which became effective on January 12, 2009, include:

- To be eligible to file for adjustment of status, an alien must have been lawfully admitted as a T nonimmigrant and continue to hold that status at the time of the application for adjustment of status. But, the T nonimmigrants who had already accrued 4 years in T nonimmigrant status remained eligible for adjustment of status as long as they filed a complete application for adjustment of status before April 13, 2009. 8 CFR 245.23(a)(2)(ii).

- The failure to apply for adjustment of status in accordance with 8 CFR 245.23 will result in termination of T nonimmigrant status at the end of the 4-year period. 8 CFR 214.11(p)(2).

- A derivative T nonimmigrant is eligible for adjustment of status only if the principal is also eligible and may file only concurrently with the principal T nonimmigrant or after the principal T nonimmigrant has filed for adjustment of status. 8 CFR 245.23(b)(1).

- The denial of a principal T nonimmigrant's application for adjustment of status will result in denial of the derivative T nonimmigrant's application for adjustment of status, including any adjustment application filed by a derivative after the denial of the principal's application for adjustment of status.

On December 23, 2008, the President signed the TVPRA 2008. Section 201 of the TVPRA 2008 amended the eligibility requirements for T nonimmigrant status at INA § 101(a)(15)(T), nonimmigrant duration of status and extension provisions at INA § 214(o), and adjustment of status requirements at INA § 245(*l*). Amended INA § 214(o)(7) now provides that T nonimmigrant status *may* be extended if:

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- A Federal, State, or local law enforcement official, prosecutor, judge, or other authority investigating or prosecuting activity relating to human trafficking certifies that the presence of the T nonimmigrant in the United States is necessary to assist in the investigation or prosecution of acts of trafficking;

- The T nonimmigrant is eligible to apply for adjustment of status under INA § 245(*l*), but is unable to because regulations have not been issued to permit T nonimmigrants to adjust status; or

- USCIS determines that an extension of the period of T nonimmigrant status is warranted due to exceptional circumstances.

Amended INA § 214(o)(7) now provides that USCIS *must* extend T nonimmigrant status during the pendency of an application for adjustment of status under INA § 245*(l)*.

U Nonimmigrant Status

On September 27, 2007, USCIS published an interim rule codified at 8 CFR 214.14, "Alien Victims of Certain Qualifying Criminal Activity," implementing the U nonimmigrant status created by VAWA 2000. 8 CFR 214.14(g) provides that U nonimmigrant status may be approved for a period not to exceed four years in the aggregate. 8 CFR 214.14(g)(2)(i) provides extensions of U nonimmigrant status if:

- The U nonimmigrant's initial period of stay is less than four years; or

- A qualifying family member is unable to enter the United States timely due to delays in processing, in which case the family member's status may be extended beyond the expiration of the principal nonimmigrant's status to ensure the family member will accrue at least three years in U nonimmigrant status for purposes of adjusting status (See PM 602-0001).

8 CFR 214.14(g)(2)(ii) provides extensions of U nonimmigrant status beyond the statutorily permissible four-year period if the certifying official on the U nonimmigrant petition attests that the nonimmigrant's presence in the United States continues to be necessary to assist in the investigation or prosecution of the qualifying criminal activity.

On December 12, 2008, USCIS published an interim rule, "Adjustment of Status to Lawful Permanent Resident for Aliens in T or U Nonimmigrant Status," implementing the adjustment of status provisions for U nonimmigrants at 8 CFR 245.24. This rule became effective on January 12, 2009. To be eligible to file for adjustment of status, an alien must have been lawfully admitted as a U nonimmigrant and continue to hold that status at the time of application for adjustment of status, or the alien has accrued at least four years in U interim relief status and files a complete adjustment application within 120 days of the date of approval of the U nonimmigrant petition. 8 CFR 245.24(b)(2). Under the adjustment regulations, a derivative U nonimmigrant can adjust status at any time the derivative U nonimmigrant meets the

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requirements to adjust status at 8 CFR 245.24. The adjustment of status of a derivative U nonimmigrant is not tied to the principal, so derivative U nonimmigrants are able to adjust status as long as they meet the adjustment requirements at the time of filing. Specifically, derivative U nonimmigrants must have three years of continuous physical presence in the United States and be in U nonimmigrant status at the time of filing. A derivative U nonimmigrant may need to request an extension of derivative status to accrue sufficient continuous physical presence in derivative U nonimmigrant status before applying for adjustment of status.

The TVPRA 2008 became effective on December 23, 2008. Section 201 of the TVPRA 2008 amended the duration of status and extension provisions at INA § 214(p). Amended INA § 214(p)(6) now provides that U nonimmigrant status *may* be extended if:

- The DHS Secretary determines that an extension of such period is warranted due to exceptional circumstances.

Amended INA § 214(p)(6) now provides that USCIS *must* extend U nonimmigrant status in *any* of the following circumstances:

- A Federal, State, or local law enforcement official, prosecutor, judge, or other Federal, State, or local authority investigating or prosecuting criminal activity certifies that the alien's presence in the United States is required to assist in the investigation or prosecution of such criminal activity;

- During the pendency of an application for adjustment of status under INA § 245(m); or

- The U nonimmigrant is eligible to apply for adjustment of status under INA § 245(m), but is unable to because regulations have not been issued to permit U nonimmigrants to adjust status.

Policy

T Nonimmigrants

Due to the complex changes to the statutory and regulatory requirements for T nonimmigrant status and related adjustment of status applications, this section on T nonimmigrants is divided into four categories with specific instructions for those applications that fall within each group.

The following information applies to T nonimmigrants afforded an extension of status during the pendency of an application for adjustment of status:

- To receive an extension of T nonimmigrant status based on the filing of an application for adjustment of status, the T nonimmigrant should file the Form I-485, Application to Register Permanent Residence or Adjust Status, with the Vermont Service Center. There is no need to file the Form I-539, Application to Extend/Change Nonimmigrant Status.

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- All adjustment of status applications will be adjudicated according to the T adjustment regulation at 8 CFR 245.23.
- When a T nonimmigrant properly files for adjustment of status, USCIS will issue two new Forms I-797, Notice of Action: a receipt notice for the application for adjustment of status; and a notice of extension of the T nonimmigrant status.
- The extension of T nonimmigrant status will be valid until a decision is rendered on the pending Form I-485 and, during that time, the applicant will continue in valid T nonimmigrant status with all the associated rights, privileges, and responsibilities.
- While the Form I-485 is pending, any Employment Authorization Document (EAD), as well as renewals of such EAD, will be issued using the (c)(9) eligibility code.
- Derivative T nonimmigrants who properly file an application for adjustment of status will be issued two new Forms I-797, as described above. Derivative T nonimmigrant status will not be extended based on the principal T nonimmigrant's pending Form I-485.

The following information applies to T nonimmigrants seeking an extension of status based on law enforcement need or exceptional circumstances:

- To request an extension of T nonimmigrant status based on law enforcement need or exceptional circumstances, the principal T nonimmigrant should file the Form I-539, Application to Extend/Change Nonimmigrant Status, along with supporting evidence, with the Vermont Service Center.
- If the principal T nonimmigrant wants the extension of status also to be applied to any derivative T nonimmigrant family members, the principal should clearly indicate that request in writing on the Form I-539.
- When a T nonimmigrant properly files a Form I-539, USCIS will issue two new Forms I-797, Notice of Action: a receipt notice for Form I-539 and, if the Form I-539 is approved, a notice of extension of the T nonimmigrant status. This documentation will be issued to any derivative T nonimmigrants indicated in writing on the Form I-539.
- The extension of T nonimmigrant status based on law enforcement need or exceptional circumstances will be valid for one year from the date the T nonimmigrant status did or would end. During that period, the applicant will continue in valid T nonimmigrant status with all the associated rights, privileges, and responsibilities.
- Any Employment Authorization Document (EAD) (including renewals) will be issued using the (a)(16) eligibility code for principals and (c)(25) eligibility code for derivatives.

<u>Group 1: Applicant Filed for Adjustment of Status While in T Nonimmigrant Status</u>

Under the T nonimmigrant regulations that were in effect before the adjustment regulations, a proper filing for adjustment of status must have been made within the 90 days preceding the third anniversary of the approval of the T nonimmigrant status. 8 CFR 214.11(p)(2) (2008). Those T nonimmigrants who properly filed for adjustment of status in accordance with the previous regulations, even though they had accrued less than three years in T nonimmigrant status, will have the Form I-485 adjudicated. Based on the proper filing made under old 8 CFR 214.11(p)(2), these applicants are considered to continue in T nonimmigrant status until a final

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decision is made on the application for adjustment of status. Because these T nonimmigrants filed their applications for adjustment of status prior to the adjustment regulations, adjudicators may need to send a Request For Evidence (RFE) to request evidence required by the adjustment regulation.

Apart from those T nonimmigrants who filed in accordance with the filing instructions in old 8 CFR 214.11(p)(2) (2008), USCIS will not accept early filings for adjustment of status from principal T nonimmigrants with less than three years in T nonimmigrant status (except for those adjustment of status applications based on the exception at 8 CFR 245.23(a)(3) allowing for filing before three years in T nonimmigrant status because an investigation or prosecution is complete). Any Form I-485 that is filed prior to the principal T nonimmigrant accruing three years in T nonimmigrant status (other than the exception) will be rejected as untimely filed.

Group 2: Applicant Filed for Adjustment of Status After T Nonimmigrant Status Expired but Before April 13, 2009

The adjustment regulation allowed those applicants with expired T nonimmigrant status to file for adjustment of status by April 13, 2009 (90 days from the effective date of the T adjustment regulation). 8 CFR 245.23(a)(2)(ii).

Those applicants in Group Two with expired T nonimmigrant status who properly filed a Form I-485 *before* April 13, 2009, are considered to continue in T nonimmigrant status until a final decision is made on the application for adjustment of status.

Group 3: Applicant's T Nonimmigrant Status Expired and Applicant Failed to File for Adjustment of Status Before April 13, 2009

Those T nonimmigrants whose status has expired, but who did not file for adjustment of status before April 13, 2009, should not have their T nonimmigrant status extended, unless they request an extension based on law enforcement need or exceptional circumstances. See INA 214(o)(7)(B)(i) and (iii). One of these extensions is necessary for the expired T nonimmigrant to be eligible to file for adjustment of status.

As outlined above, to request either of these extensions, the T nonimmigrant files Form I-539 along with supporting evidence. The nonimmigrant bears the burden of establishing eligibility for an extension. To establish law enforcement need, supporting evidence may include a new Form I-914 Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons, or other evidence from law enforcement. To establish exceptional circumstances, supporting evidence may include an applicant's affirmative statement and any other credible evidence to establish exceptional circumstances. If USCIS grants an extension of T nonimmigrant status, USCIS will issue a new Form I-797 extension notice valid from the date the previous status expired and for one year from approval of the extension. Once an applicant receives this new Form I-797, they may then file Form I-485 to adjust their status to lawful permanent resident before the expiration of the extension.

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One example of possible exceptional circumstances is if a principal T nonimmigrant's status has expired and the approved derivative did not receive a T visa from a consulate and enter the United States before the expiration of the principal's T nonimmigrant status. In the evidence submitted to establish exceptional circumstances, the principal should explain what exceptional circumstances prevented the derivatives from entering the United States. Once the extension is granted and the derivatives enter the United States, then the principal and derivative T nonimmigrants can file for adjustment of status.

Group 4: Derivative Family Members

Once a principal T nonimmigrant is no longer a T nonimmigrant, whether through adjustment of status to legal permanent resident or through expiration of the T nonimmigrant status, any derivative T nonimmigrants will no longer hold derivative T nonimmigrant status. For example, if a principal T nonimmigrant did not file for adjustment of status and his or her status later expired as a result, the status of any approved derivatives in the United States will also have expired and any approved derivatives abroad would not be eligible for admission into the United States on a T visa.

To be eligible to apply for adjustment of status, a derivative T nonimmigrant must continue to hold T nonimmigrant status at the time of filing the application for adjustment of status. 8 CFR 245.23(b)(2). Accordingly, derivative T nonimmigrants are encouraged to file for adjustment of status concurrently with the principal T nonimmigrant to prevent expiration of the derivative T nonimmigrant status and the resulting ineligibility for adjustment of status. A derivative T nonimmigrant's status will be automatically extended when the derivative properly files for adjustment of status.

Where the approved derivative of a principal T nonimmigrant has not been issued a T visa by a consulate and entered the United States and the principal's nonimmigrant status is soon to expire, the principal is strongly encouraged to seek an extension of status based on exceptional circumstances, making sure to indicate on the Form I-539 that the extension should also be applied to the derivatives, and then wait for the derivatives to enter the United States before applying for adjustment of status. This step will prevent expiration of the derivative T nonimmigrant status and the resulting ineligibility for adjustment of status.

As a last resort, upon a request in writing by the principal, USCIS would consider holding a principal's application for adjustment of status if filed before the derivatives have entered the United States. However, principal T nonimmigrants are encouraged to request an extension of T nonimmigrant status to prevent a derivative's loss of eligibility for adjustment of status because the derivative did not enter the United States in valid T nonimmigrant status.

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U Nonimmigrants

The following information applies to U nonimmigrants afforded an extension of status during the pendency of an application for adjustment of status:

- To receive an extension of U nonimmigrant status based on the filing of an application for adjustment of status, the U nonimmigrant should file the Form I-485, Application to Register Permanent Residence or Adjust Status, with the Vermont Service Center. There is no need to file the Form I-539, Application to Extend/Change Nonimmigrant Status.
- All adjustment of status applications will be adjudicated according to the U adjustment regulation at 8 CFR 245.24.
- When a U nonimmigrant properly files for adjustment of status, USCIS will issue two Forms I-797, Notice of Action: a receipt notice for the application for adjustment of status and a notice of extension of the U nonimmigrant status.
- The extension of U nonimmigrant status will be valid until a decision is rendered on the pending Form I-485 and, during that time, the applicant will continue in valid U nonimmigrant status with all the associated rights, privileges, and responsibilities.
- While the Form I-485 is pending, any Employment Authorization Document (EAD) (including renewals) will be issued using the (c)(9) eligibility code.
- Derivative U nonimmigrants who properly file an application for adjustment of status will be issued two Forms I-797, as described above. Derivative U nonimmigrant status will not be extended based on the principal U nonimmigrant's pending I-485.

To be eligible to file for adjustment of status, a U nonimmigrant must be in valid U nonimmigrant status and may therefore require an extension of U nonimmigrant status. The INA allows for an extension of U nonimmigrant status based on law enforcement request or upon a determination that the extension is warranted due to exceptional circumstances. INA § 214(p)(6). The following information applies to U nonimmigrants seeking an extension of status based on law enforcement request or exceptional circumstances:

- To request an extension of U nonimmigrant status based on law enforcement request or exceptional circumstances, the principal U nonimmigrant should file Form I-539, Application to Extend/Change Nonimmigrant Status, along with supporting evidence, with the Vermont Service Center.
- If the principal U nonimmigrant wants the extension of status also to be applied to any derivative U nonimmigrant family members, the principal should clearly indicate that request in writing on the Form I-539.
- When a U nonimmigrant properly files a Form I-539, USCIS will issue two Forms I-797, Notice of Action: a receipt notice for the Form I-539 and, if the Form I-539 is approved, a notice of extension of the U nonimmigrant status. This documentation will be issued to any derivative U nonimmigrants indicated in writing on the Form I-539.
- The extension of U nonimmigrant status based on law enforcement need or exceptional circumstances will be valid for one year from the date the U nonimmigrant status did or would end. During such period, the applicant will continue in valid U nonimmigrant status with all the associated rights, privileges, and responsibilities.

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- Any Employment Authorization Document (EAD) (including renewals) will be issued using the (a)(19) eligibility code for principals and (a)(20) eligibility code for derivatives.

The nonimmigrant bears the burden of establishing eligibility for an extension. In the case of law enforcement request, supporting evidence must include a new Form I-918 Supplement B, U Nonimmigrant Status Certification. In the case of exceptional circumstances, an applicant may submit an affirmative statement and any other credible evidence to establish exceptional circumstances.

U Nonimmigrant Derivative Family Members

Once a principal U nonimmigrant is no longer a U nonimmigrant, whether through adjustment of status to lawful permanent resident or through expiration of the U nonimmigrant status, any derivative U nonimmigrants will no longer be eligible for admission into the United States on a U visa. For example, if a principal U nonimmigrant did not file for adjustment of status and his or her status later expired as a result, any approved derivatives abroad would not be eligible for admission into the United States on a U visa. After admission into the United States as a derivative U nonimmigrant, derivative status may be extended beyond the expiration of the principal nonimmigrant's status to ensure the derivative will accrue at least three years in U nonimmigrant status for purposes of adjusting status. See PM 602-0001.

To be eligible to apply for adjustment of status, a derivative U nonimmigrant must continue to hold U nonimmigrant status at the time of filing the application for adjustment of status. 8 CFR 245.24(b)(2). Accordingly, derivative U nonimmigrants are encouraged to file for adjustment of status concurrently with the principal U nonimmigrant to prevent expiration of the derivative U nonimmigrant status and the resulting ineligibility for adjustment of status. A derivative U nonimmigrant's status will be automatically extended when the derivative properly files for adjustment of status.

Where the approved derivative of a principal U nonimmigrant has not been issued a U visa by a consulate and entered the United States and the principal's nonimmigrant status is soon to expire, the principal can seek an extension of status based on exceptional circumstances, making sure to indicate on the Form I-539 that the extension should be applied to the derivatives as well, and then wait for the derivatives to enter the United States before applying for adjustment of status. This step will prevent expiration of the derivative U nonimmigrant status and the resulting ineligibility for admission into the United States. Alternatively, the principal U nonimmigrant can file the Form I-929, Petition for Qualifying Family Member of a U-1 Nonimmigrant, concurrently or after approval of the principal's Form I-485, for certain derivative family members who have never held derivative U nonimmigrant status. After approval of the Form I-929, the derivative can apply for a visa at a consulate to enter the United States as a legal permanent resident.

As a last resort, upon a request in writing by the principal, USCIS would consider holding a principal's application for adjustment of status if filed before the derivatives have entered the United States. However, principal U nonimmigrants are encouraged either to request an

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extension of U nonimmigrant status or to file a Form I-929, as USCIS cannot guarantee it will be able to match the request to the adjustment application in time to postpone adjudication of the application.

Implementation
The Adjudicator's Field Manual (AFM) is revised as follows:

☞ 1. A new paragraph (g)(3) is added to Chapter 39.1 of the *AFM* to read:

CHAPTER 39.1 U Nonimmigrants

(g) Duration of U Nonimmigrant Status.

(3) Procedures for Extension of Status

(A) Filing

- The extension of status based on the pendency of an application for adjustment of status is automatic when the applicant files Form I-485.
- To request an extension of status based on law enforcement request or exceptional circumstances, the applicant files Form I-539.

(B) Documentation

- In general, when granting an extension of status, USCIS will issue a Form I-797, Notice of Action.
- The applicant continues in valid U nonimmigrant status with all the rights, privileges, and responsibilities provided to a U nonimmigrant.
- Extensions of status based on a pending application for adjustment of status will be valid until USCIS makes a final decision on the application for adjustment of status.
- Extensions of status based on law enforcement request or exceptional circumstances will be valid for a period of one year beginning on the date U nonimmigrant status did or would end.
- Any EAD issued with the Form I-485 pending shall be issued using the (c)(9) eligibility code.
- Any EAD issued with the Form I-539 shall be issued using the (a)(19) or (a)(20) eligibility code, as applicable.

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- Derivatives who properly file Form I-485, or when a principal files a Form I-539 requesting extension for derivatives in writing, will also be issued a Form I-797 in the same manner as the principal.

(C) Supporting evidence:

- If seeking an extension of status due to a law enforcement need, an applicant must submit a new Form I-918 Supplement B from law enforcement certifying the presence of the U nonimmigrant is necessary to assist in the investigation or prosecution of the qualifying criminal activity.

- If seeking an extension of status due to exceptional circumstances, an applicant may submit an affirmative statement and any other credible evidence.

☞ 2. A new paragraph (g)(3) is added to Chapter 39.2 of the *AFM* to read:

Chapter 39.2 T Nonimmigrants

(g) Duration of T Nonimmigrant Status.

(3) Procedures for Extension of Status.

(A) Filing

- The extension of status based on the pendency of an application for adjustment of status is automatic when the applicant files Form I-485.

- To request an extension of status based on law enforcement request or exceptional circumstances, the applicant files Form I-539.

(B) Documentation

- In general, when granting an extension of status, USCIS will issue a Form I-797, Notice of Action.

- The applicant continues in valid T nonimmigrant status with all the rights, privileges, and responsibilities provided to a T nonimmigrant.

- Extensions of status based on a pending application for adjustment of status will be valid until USCIS makes a final decision on the application for adjustment of status.

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- Extensions of status based on exceptional circumstances or a law enforcement need will be valid for a period of one year beginning on the date the T nonimmigrant status did or would end.

- Any EAD issued with the Form I-485 is pending shall be issued using the (c)(9) eligibility code.

- Any EAD issued with the Form I-539 shall be issued using the (a)(19) or (a)(20) eligibility code, as applicable.

- Derivatives who file Form I-485, or when a principal files a Form I-539 requesting extension for derivatives in writing, will also be issued a Form I-797 in the same manner as the principal.

(C) Supporting evidence:

- If seeking an extension of status due to law enforcement need, an applicant must submit a document from law enforcement, including a new Form I-914 Supplement B, certifying the presence of the T nonimmigrant is necessary to assist in the investigation or prosecution relating to human trafficking.

- If seeking an extension of status due to exceptional circumstances, an applicant may submit an affirmative statement and any other credible evidence.

☞ 3. The *AFM* **Transmittal Memoranda** button is revised by adding, in numerical order, the following entry:

AD 11-22 02/23/2011	**Chapter 39.1(g)(3)** and **Chapter 39.2(g)(3)**	Provides guidance regarding extensions of T and U nonimmigrant status for applicants for adjustment of status to lawful permanent residence

Use
This PM is intended solely for the guidance of USCIS personnel in the performance of their official duties. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law or by any individual or other party in removal proceedings, in litigation with the United States, or in any other form or manner.

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Contact Information

This guidance is effective immediately. Questions or suggestions regarding this PM should be addressed through appropriate channels to the Office of Policy and Strategy or the Office of Service Center Operations.

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