

INSTRUCTIONS

Purpose of This Form

This petition is used to classify an alien as an Amerasian, Widow(er), or as a Special Immigrant (Juvenile, Religious Worker, based on employment with the Panama Canal Company, Canal Zone Government or U.S. government in the Canal Zone, Physician, International Organization Employee or family member).

Who May File; Initial Evidence Requirements.

If these instructions state that a copy of a document may be filed with this petition, and you chose to send us the original, we may keep that original for our records. Any foreign language document must be accompanied by an English translation certified by the translator that he/she is competent to translate from the foreign language into English and that the translation is accurate.

Amerasian. Any person who is 18 or older, an emancipated minor, or a U.S. corporation may file this petition for an alien who was born in Korea, Vietnam, Laos, Kampuchea, or Thailand after December 31, 1950, and before December 22, 1952, and was fathered by a U.S. citizen.

The petition must be filed with:

. copies of evidence the person this petition is for was born in one of the above countries between those dates. If he/she was born in Vietnam, you must also submit a copy of his/her Vietnamese I.D. card, or an affidavit explaining why it is not available.

. copies of evidence establishing the parentage of the person, and of evidence establishing that the biological father was a U.S. citizen. Examples of documents that may be submitted are birth or baptismal records or other religious documents; local civil records; an affidavit, correspondence or evidence of financial support from the father; photographs of the father (especially with the child); or, absent other documents. affidavits from knowledgeable witnesses which detail the parentage of the child and how they know such facts.

. a photograph of the person;

. if the person is married, submit a copy of the marriage certificate, and proof of the termination of any prior marriages;

. if the person is under 18 years old, submit a written statement from his/her mother or legal guardian which:

- irrevocably releases him/her for emigration and authorizes the placing agencies to make necessary decisions for his/her immediate care until a sponsor receives custody;

- shows an understanding of the effects of the release, and states whether any money was paid or coercion used prior to obtaining the release,
- includes the full name, date and place of birth, and present or permanent address of the mother or guardian, and with the signature of the mother or guardian on the release authenticated by a local registrar, court of minors, or a U.S. immigration or consular officer.

The following sponsorship documents are also required. You may file these documents with the petition, or wait until we review the petition and request them. However, not filing them with the petition will add to the overall processing time.

- An Affidavit of Financial Support, executed by the sponsor, with the evidence of financial ability required by that form. Please note that the original sponsor remains financially responsible for the Amerasian if any subsequent sponsor fails in this area
- Copies of evidence the sponsor is at least 21 years old and is a U.S. citizen or permanent resident.
- Fingerprints of the sponsor on Form FD-258.
- If this petition is for a person under 18 years old, the following documents issued by a placement agency must be submitted:
 - a copy of the private, public or state agency's license to place children in the U.S., proof of the agency's recent experience in the in placement of children and of the agency's financial ability to arrange the placement;
 - a favorable home study of the sponsor conducted by a legally authorized agency;
 - a pre-placement report from the agency, including information regarding any family separation or dislocation abroad that would result from the placement;
 - a written description of the orientation given to the sponsor and to the parent or guardian on the legal and cultural aspects of the placement;
 - a statement from the agency showing that the sponsor has been given a report on the pre-placement screening and evaluation of the child;
 - a written plan from the agency to provide follow-up services, including

mediation and counseling, and describing the contingency plans to place the person this petition is for in another suitable home if the initial placement fails.

Widow(er) of a United States Citizen. You can file this petition on your own behalf if:

- you were married for at least two years to a U.S. citizen who is now dead and who had been a U.S. citizen for at least two years at the time of death;
- your citizen spouse's death was less than two years ago;
- you were not legally separated from your citizen spouse at the time of death, and you have not remarried.

The petition must be filed with:

- a copy of your marriage certificate to the U.S. citizen and proof of termination of any prior marriages of either of you;
- copies of evidence that your spouse was a U.S. citizen, such as a birth certificate if born in the U.S.; Naturalization Certificate or Certificate of Citizenship issued by this Service; Form FS- 240, Report of Birth Abroad of a Citizen of the United States, or a U.S. passport which was valid at the time of the citizen's death;
- a copy of the death certificate of your U.S. citizen spouse.

Special Immigrant Juvenile. Any person, including the alien, can file this petition for an alien who:

- is unmarried;
- has been declared dependent upon a juvenile court in the U.S. and has been found eligible by that court for long-term foster care;
- is still a juvenile under the law of the state in which the juvenile court is located and is still dependent upon the court and eligible for long term foster care; and
- has been the subject of administrative or judicial proceedings in which it was determined that it would not be in his/her best interests to be returned to his/her country of nationality or last habitual residence, or to his/her parent's country of nationality or last habitual residence. However, after a person is admitted as a Juvenile, his/her parent may not receive any immigration benefit based on being his/her parent.

The petition must be filed with:

- copies of the court documents upon which your claim to eligibility is based.

Special Immigrant Religious Worker. Any person, including the alien, can file this petition for an alien who for the past 2 years has been a member of a religious

denomination which has a bona fide nonprofit, religious organization in the U.S.; and who has been carving on the vocation. professional work, or other work described below, continuously for the past 2 years; and seeks to enter the U.S. to work solely:

- .as a minister of that denomination; or
- .in a professional capacity in a religious vocation or occupation for that organization; or
- .in a religious vocation or occupation for the organization or its nonprofit affiliate.

A petition for a special immigrant for a person who is not a minister may only be filed until October 1, 1994.

The petition must be filed with:

- .a letter from the authorized official of the religious organization establishing that the proposed services and alien qualify as above;
- .a letter from the authorized official of the religious organization attesting to the alien's membership in the religious denomination and explaining, in detail, the person's religious work and all employment during the past 2 years and the proposed employment; and
- .evidence establishing that the religious organization, and any affiliate which will employ the person, is a bona fide nonprofit religious organization in the U.S. and is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986.

Special Immigrant based on employment with the Panama Canal Company, Canal Zone Government or U.S. government in the Canal Zone. Any person can file this petition for an alien who, at the time the Panama Canal Treaty of 1977 entered into force, either:

- was resident in the Canal Zone and had been employed by the Panama Canal Company or Canal Zone Government for at least 1 year; or
- was a Panamanian national and either honorably retired from U.S. Government employment in the Canal Zone with a total of 15 or more years of faithful service or so employed for 15 years and since honorably retired; or
- was an employee of the Panama Canal Company or Canal Zone government, had performed faithful service for 5 years or more as an employee, and whose personal safety, or the personal safety of his/her spouse or child, is in danger as a direct result of the special nature of his/her employment and as a direct result of the Treaty.

The petition must be filed with:

- a letter from the Panama Canal Company, Canal Zone government or U.S. government agency employing the person in the Canal Zone, indicating the length and circumstances of employment and any retirement or termination;
- copies of evidence to establish any claim of danger to personal safety.

Special Immigrant Physician. Any person may file this petition for an alien who:

- graduated from a medical school or qualified to practice medicine in a foreign state;
- was fully and permanently licensed to practice medicine in a State of the U.S. on January 9, 1978, and was practicing medicine in a State on that date;
- entered the U.S. as an "H" or "J" nonimmigrant before January 9, 1978; and
- has been continuously present in the U.S. and continuously engaged in the practice or study of medicine since the date of such entry.

The petition must be filed with:

- letters from the person's employers, detailing his/her employment since January 8, 1978, including the current employment;
- copies of relevant documents that demonstrate that the person filed for meets all the above criteria.

Special Immigrant International Organization Employee or family member. Certain long-term "G" and "N" nonimmigrant employees of a qualifying international organization entitled to enjoy privileges, exemptions and immunities under the International Organizations Immunities Act, and certain relatives of such an employee, may be eligible to apply for classification as a Special Immigrant. To determine eligibility, contact the qualifying international organization or your local INS office. The petition must be filed with:

- a letter from the international organization demonstrating that it is a qualifying organization and explaining the circumstances of qualifying employment and the immigration status held by the person the petition is for; and
- copies of evidence documenting the relationship between the person this petition is for and the employee.

General Filing Instructions.

Please answer all questions by typing or clearly printing in black ink only. Indicate that an item is not applicable with "N/A". If an answer is "none," please so state. If you need extra space to answer any item, attach a sheet of paper with your name and your alien registration number (A#), if any, and indicate the number of the item the answer refers to. Every petition must be properly signed, and accompanied by the proper fee. If you are under 14 years of age, your parent or guardian may sign the petition.

Where to File.

If you are filing for a Special Immigrant Juvenile, file the petition at the local INS office having jurisdiction over the place he/she lives.

If you are filing for Amerasian classification and the person you are filing for is outside the United States, you may file this petition at the INS office that has jurisdiction over the place he/she lives or the office that has jurisdiction over the place he/she will live.

In all other instances file this petition at an INS Service Center, as follows:
If you live in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virgin Islands, Virginia, or West Virginia, mail this petition to USINS, Eastern Service Center, 75 Lower Weldon Street, St. Albans, VT 05479-0001.

If you in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, or Texas, mail this petition to USINS, Southern Service Center. P.O. Box 152122, Dept. A, Irving, TX 75015-2122.

If you live in Arizona, California, Guam, Hawaii, or Nevada, mail this petition to USINS, Western Service Center, P.O. Box 30040, Laguna Niguel, CA 92607-0040.

If you live elsewhere in the U.S., mail this petition to USINS, Northern Service Center, 100 Centennial Mall North, Room B-26, Lincoln, NE 68508.

Fee.

The fee for this petition is \$75.00, except that there is no fee if you are filing for an Amerasian. The fee must be submitted in the exact amount. It cannot be refunded. DO NOT MAIL CASH. All checks and money orders must be drawn on a bank or other institution located in the United States and must be payable in United States currency.

The check or money order should be made payable to the Immigration and Naturalization Service, except that

- If you live in Guam, and are filing this application in Guam, make your check or money order payable to the "Treasurer, Guam."
- If you live in the Virgin Islands, and are filing this application in the Virgin Islands, make your check or money order payable to the "Commissioner of Finance of the Virgin Islands." Checks are accepted subject to collection. An uncollected check will render the application and any document issued invalid. A charge of \$5.00 will be imposed if a check in payment of a fee is not honored by the bank on which it is drawn.

Processing Information.

Rejection. Any petition that is not signed or is not accompanied by the correct fee will be rejected with a notice that the petition is deficient. You may correct the deficiency and resubmit the petition. However, a petition is not considered properly filed until accepted by the Service. Initial processing. Once the petition has been accepted, it will be checked for completeness, including submission of the required initial evidence. If you do not completely fill out the form, or file it without required initial evidence, you will not establish a basis for eligibility and we may deny your petition.

Requests for additional information or interview. We may request additional information or evidence or we may request that you appear at an INS office for an interview. We may also request that you submit the originals of any copy. We will return these originals when they are no longer required.

Decision. If you establish that the person this petition is for is eligible for the requested classification, we will approve the petition. We will send it to the U.S. Embassy/Consulate for visa issuance unless he or she is in the U.S. and appears eligible and intends to apply for adjustment to permanent resident status while here. If you do not establish eligibility, we will deny the petition. We will notify you in writing of our decision.

Penalties.

If you knowingly and willfully falsify or conceal a material fact or submit a false document with this request, we will deny the benefit you are filing for, and may deny any other immigration benefit. In addition, you will face severe penalties provided by law, and may be subject to criminal prosecution.

Privacy Act Notice

We ask for the information on this form, and associated evidence, to determine if you have established eligibility for the immigration benefit you are filing for. Our legal right to ask for this information is in 8 USC 1154. We may provide this information to other government agencies. Failure to provide this information, and any requested evidence, may delay a final decision or result in denial of your request.

Paperwork Reduction Act Notice.

We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex. Accordingly, the reporting burden for this collection of information is computed as follows: (1) learning about the law and form, 15 minutes; (2) completing the form, 20 minutes; and (3) assembling and filing the application, 55 minutes for an estimated average of 1 hour and 30 minutes per response. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to both the Immigration and naturalization Service, 425 I Street, N.W., Room 5304, Washington, D.C. 20536; and the Office of Management and Budget, Paperwork Reduction Project, OMB No. 1115-0117, Washington, D.C. 20503.