

## ADJUSTMENT OF STATUS FOR REFUGEES

### ***What are the benefits of lawful permanent resident status for refugees?***

1. ***Citizenship Eligibility.*** Once a refugee has become a lawful permanent resident *and* has resided in the U.S. for five years, the refugee may apply for U.S. citizenship through the process of naturalization. The acquisition of U.S. citizenship is widely considered an important step towards a refugee's integration into U.S. society. In addition, citizenship preserves eligibility for Supplemental Security Income (SSI) for elderly and disabled refugees who are subject to the seven-year limit imposed by welfare reform.
2. ***Immigrating Family Members.*** Refugees who become lawful permanent residents may file immigration petitions to sponsor family members to join them in the U.S. Lawful permanent residents are eligible to file the I-130 (Petition for Alien Relative) for eligible spouses, children, and adult sons and daughters. Refugees who are not lawful permanent residents are only allowed to file refugee family reunification petitions, such as the I-730 (Refugee/Asylee Relative Petition), and the I-730 must be filed within the first two years after arriving in the U.S.
3. ***Familiar Documentation of Immigration Status.*** United States federal and state governments recognize lawful permanent resident cards (a.k.a. "green cards") as a legitimate form of identification and evidence of lawful immigration status. The green card also is evidence of lawful employment authorization and is valid for a period of ten years. Refugees who do not have lawful permanent resident status often lack universally recognizable documentation of their immigration status.
4. ***Ability to Remain in the U.S. Permanently.*** Technically, changed (improved) country conditions in the refugee's country of persecution before the refugee obtains permanent resident status could result in USCIS revoking refugee status and denying the refugee's application for adjustment of status due to the USCIS' perception that it would be safe for the refugee to return home.
5. ***Easier Access to Services.*** Refugees who become lawful permanent residents may find it easier to obtain discretionary civilian services, like private bank loans for mortgages or businesses, than their counterparts who are not permanent residents.

### ***What can refugee service providers do to encourage and facilitate adjustment of status for eligible refugees?***

1. Provide information about adjustment of status soon after refugees' arrival, emphasizing preservation of eligibility while explaining the benefits and requirements of adjustment, the risks of delaying, and where to go for assistance

with the I-485 (Application to Register Permanent Residence or Adjust Status). This information can be provided in cultural orientation sessions for newly arrived refugees.

2. Remind refugees of their eligibility to file the I-485 by sending letters or calling individuals as they near the one year of physical presence required to apply for lawful permanent residence.
3. Invite eligible refugees to schedule an appointment with your office for adjustment application assistance. *Advisal: there must be an attorney and/or Board of Immigration Appeals (BIA) – accredited representative present to provide legal oversight for this model to work.*
4. Provide adjustment of status-eligible refugees with a list of non-profit agencies in your community that offer low-cost legal immigration services, including I-485 applications.
5. Offer adjustment of status group application workshops for refugees in your community. Consider partnering with other local social and/or legal service organizations. *Advisal: there must be an attorney and/or Board of Immigration Appeals (BIA) – accredited representative present to provide legal oversight for this model to work.* For more information on the workshop model, go to [www.cliniclegal.org/Refugee.html](http://www.cliniclegal.org/Refugee.html). This page contains a detailed description of the naturalization workshop model, which can be easily adapted for adjustment of status applications.

***Are some refugee cases not appropriate for group processing workshops due to the presence of complicating factors such as criminal convictions?***

Yes, refugees who: 1) have criminal convictions (no matter how minor the offense may seem); 2) have a serious medical illness; 3) have traveled to their country of persecution since being granted refugee status; or 4) may have provided “material support” to a terrorist organization should be referred to an attorney knowledgeable in immigration law for further evaluation prior to filing for any immigration benefits. For more information about material support, see Fact Sheet entitled “The Material Support Bar & Applying for Immigration Benefits,” available at [www.cliniclegal.org/Refugee.html](http://www.cliniclegal.org/Refugee.html).

**KEEP IN MIND: THIS DOCUMENT DOES NOT CONSTITUTE LEGAL ADVICE. IMMIGRATION LAW IS COMPLICATED AND YOU SHOULD GET LEGAL ADVICE FROM A COMPETENT IMMIGRATION LAWYER OR LEGAL WORKER BEFORE FILING ANY APPLICATION WITH THE U.S. CITIZENSHIP AND IMMIGRATION SERVICES.**

*Last updated January 2007  
Catholic Legal Immigration Network, Inc.*