



U.S. Department of Justice
Immigration and Naturalization Service

HQPGM 70/23.1

425 I Street NW
Washington, DC 20536

May 25, 2001

MEMORANDUM FOR REGIONAL DIRECTORS

FROM: Michael A. Pearson /s/
Executive Associate Commissioner
Office of Field Operations

SUBJECT: Public Law 106-378, Adjustment of Status for certain Syrian nationals.

Attached is a policy memorandum regarding Public Law 106-378, adjustment of status for certain Syrian nationals. The Federal Register regulation implementing this program was published on May 17, 2001. The attached memorandum is effective immediately.

The Office of Field Operations, Immigration Services Division (ISD), has been given the responsibility of developing and implementing national procedures. Interim national procedures have been developed by ISD in conjunction with the Office of Programs. These procedures will be refined in consultation with the Regional Offices, the Office of General Counsel, and the Office of Programs. Until these national procedures are created, I ask that field offices follow the interim procedures set out in the attached policy memorandum.

If you have questions regarding the adjudication of Syrian-processed asylum adjustments, please contact your service center or regional representative. If needed, service center representatives may contact HQISD coordinator, Danielle Lee via e-mail or by telephone at (202) 305-8010. Regional representatives may contact Kathy Dominguez via email or at (202) 616-1050.

Attachment



U.S. Department of Justice
Immigration and Naturalization Service

HQADN 70/23

Office of the Executive Associate Commissioner

425 I Street NW
Washington, DC 20536

May 24, 2001

MEMORANDUM FOR Michael A. Pearson
Executive Associate Commissioner
Office of Field Operations

FROM: Michael D. Cronin /s/
Acting Executive Associate Commissioner
Office of Programs

SUBJECT: Public Law 106-378, adjustment of status of certain Syrian nationals.

This memorandum provides eligibility information and adjudication policy guidance for the implementation of Public Law 106-378, which pertains to the adjustment of certain Syrian nationals who were granted asylum after arriving in the United States after December 31, 1991.

ELIGIBILITY

Public Law 106-378 provides for the adjustment of status of a principal alien as well as an alien who is the spouse, child, or unmarried son or daughter of a principal alien.

Principal alien. In order to be eligible for adjustment under this law, the principal alien must:

1. Be a Jewish national of Syria;
2. Have arrived in the United States after December 31, 1991, after being permitted by the Syrian government to depart from Syria;
3. Be physically present in the United States at the time of filing the application to adjust status;
4. Apply for adjustment of status under Public Law 106-378 no later than October 26, 2001, or, have applied for adjustment of status under another provision of law prior to October 27, 2000, and request to have the basis of that application changed to Public Law 106-378;
5. Have been physically present in the United States for at least one year after being granted asylum;
6. Not be firmly resettled in any foreign country; and

7. Be admissible as an immigrant under the Act at the time of examination for adjustment of status.

Dependant spouse, children, or unmarried sons or daughters. The dependant spouse, child, or unmarried son or daughter of an eligible Syrian national may also adjust status under Public Law 106-378 if he or she meets the requirements of 4, 5, 6, and 7 as listed above.

FILING INFORMATION

Application and fees. Eligible Syrian nationals have 2 filing options: (1) Filing a new application, or (2) Requesting that the basis of a pending application for adjustment of status be converted to Public Law 106-378.

- (1) New applications. Eligible Syrian nationals must file Form I-485, Application to Register Permanent Residence or Adjust Status, with all associated forms and filing fees or fee waiver requests, unless otherwise stated in this memorandum. Applicants must submit a \$25 fingerprinting service fee. New applications must be received by the Nebraska Service Center (NSC) on or before close of business on October 26, 2001. Applicants are instructed to mark "SYRIAN ASYLEE P. L. 106-378" on the outside of their envelopes.
- (2) Forms I-485 already pending with the Service.
(A) *Pending applications filed prior to October 27, 2000.* Eligible Syrian nationals who filed an application for adjustment of status with the Service **prior to** October 27, 2000, on another basis of law are also eligible to request that the basis for their application for adjustment of status be converted to Public Law 106-378. These requests also must be submitted to the NSC, **and there is no filing deadline for the request.** Applicants are instructed to mark "SYRIAN ASYLEE P. L. 106-378" on the outside of their envelopes. Since there is a limit of 2,000 adjustments under this law, applicants have been instructed to make this request as soon as possible.
(B) *Pending applications filed on or after October 27, 2000.* Eligible Syrian nationals who filed an application for adjustment of status with the Service **on or after** October 27, 2000, on another basis of law are also eligible to request that the basis for their application for adjustment of status be converted to Public Law 106-378 following the same procedures as (2)(A) above. Under the terms of the statute, these requests are considered to be new applications, and as such, must be submitted to the NSC **prior to October 26, 2001.**

In any case, if an applicant makes this request and the pending application and/or the associated A-File is not located at the NSC, the NSC should request the A-File prior to adjudicating the application.

(C) Simultaneous filing. An applicant with Form I-485 already pending with the Service may choose the option of filing a new Form I-485 with the NSC based on Public Law 106-378 instead of making a request for conversion. Such an application must be submitted as a new application under paragraph (1) above.

Medical. Each applicant is subject to the medical examination requirement as set forth in 8 CFR 245.5.

ADJUDICATION CRITERIA

Jewish national of Syria. The applicant fulfills this requirement if line 16 of the applicant's asylum claim lists his or her religion as Jewish. If that information is not available, the Service may accept the applicant's claim that he or she is Jewish. No proof other than the information found on the application for asylum or the applicant's own statement may be requested for this requirement. For proof of Syrian nationality, the Service will accept standard evidence, for example, a passport or birth certificate.

Arrived in the United States after 12/31/91, after being permitted by the Syrian government to depart from Syria. The Service will accept standard evidence, for example, a passport or I-94, as proof of arrival. INS systems such as CIS or RAPS may also contain the date of arrival and can be utilized as proof.

Admissibility. An applicant must be admissible as an immigrant at time of examination. An applicant may request any waiver found at 212(h), (i), and (k) of the Act, to the extent that he or she is eligible for the waiver. Additionally, the ground of inadmissibility at section 212(a)(4) of the Act, relating to public charge, is automatically waived.

Visa numbers. No visa numbers should be assigned to those Syrian nationals whose status is adjusted under Public Law 106-378. The appropriate adjustment code (see below) should be used on the I-181.

Date of adjustment. A date one year prior to the date of approval is used as the date of adjustment on the I-181. The notation referring to Public Law 106-378 should be made on the Form I-181 as the law under which the adjustment occurred.

Decision.

New applications.

- If an applicant is *eligible* for adjustment of status under Public Law 106-378, the Service should adjust the applicant under Public Law 106-378 and subtract one from the 2,000 limit.

- If an applicant is *ineligible* for adjustment of status under Public Law 106-378, the Service should deny the application.

Applicants with pending applications.

- If an applicant is *eligible* for adjustment of status under *both* Public Law 106-378 and section 209 of the Act, the Service should adjust the applicant under Public Law 106-378 and subtract one from the 2,000 limit.
- If an applicant is *ineligible* for adjustment of status under Public Law 106-378, the Service should examine the reason for the alien's *ineligibility*. If the reason does not also make the alien *ineligible* to adjust status under section 209 of the Act, the Service should provide the applicant with notice (1) that he or she is *ineligible* under Public Law 106-378, and (2) that the Form I-485 will be returned to the queue for *asylum-based* adjustment.
- If an applicant is *ineligible* for adjustment of status under *both* Public Law 106-378 and section 209 of the Act, the pending Form I-485 should be denied.

NEW IMMIGRANT ADJUSTMENT CODES

Applications adjusted under the provisions of Public Law 106-378 must be identified by a separate immigrant adjustment code recently created for this kind of asylee. Use of a distinct immigrant code enables the NSC to count the number of Syrian asylees who adjust. The new immigrant codes used for the adjustment of the Syrian asylees are as follows:

<u>CODE</u>	<u>DESCRIPTION</u>
SY6	Syrian national who was granted asylum and adjusts to permanent resident status under Public Law 106-378
SY7	Syrian national spouse of a principal SY6 applicant, who was adjusted to permanent resident status under Public Law 106-378.
SY8	Syrian national child or unmarried son or daughter of a principal SY6 applicant, who was adjusted to permanent resident status under Public Law 106-378.

Note: The codes SY7 and SY8 apply only to spouses, children or unmarried sons or daughters of a principal Syrian asylee. These individuals adjust as dependent family members and count toward the 2,000 limitation stipulated in Public Law 106-378.

REQUIRED FIELD OFFICE ACTION

Field offices are to identify all potentially eligible Syrian asylee adjustment applications and forward them and the related A-files to NSC within 30-days of this memorandum. The appropriate code, "SY6, 7 or 8" and reference to Public Law 106-378 must be noted. A-files are to be routed to the NSC in separate batches, with individual cover sheets attached to the outside face of each file reflecting "**SYRIAN ASYLEE P. L. 106-378**". If, for whatever reason, a field office cannot accomplish this goal, they are to provide a report to their respective region identifying each case, explaining the reason(s), and advising the anticipated date of completion of the A-file transfer. Regions are requested to review the report and take appropriate action.

SERVICE CENTER ACTION ON APPROVED ASYLEE APPLICATIONS

The NSC must review all asylum adjustment cases received via Direct Mail as well as all cases forwarded to them from the field to cull out those Syrian nationals whose applications contain evidence of Syrian nationality, arrival in the United States after December 31, 1991, and a grant of asylum or asylee dependent status. The NSC must also retrieve A-files belonging to qualifying Syrian applicants inappropriately coded as "AS" adjustments, and take corrective action. A list containing the names of Syrian asylees has already been provided to the NSC to help in this regard. The NSC will also track the total number of cases approved. After the NSC approves 2,000 principal beneficiaries under this law, the NSC will stop adjudicating applications, and will notify HQ ISD and HQ ADN that the numerical limitation has been reached.

SUPPLEMENTAL FILING INSTRUCTIONS

The Form I-485 supplemental filing instructions are being modified to instruct qualified applicants to identify themselves by writing "**SYRIAN ASYLEE P. L. 106-378**" in Part 2, Block 2. Since many qualified Syrian asylees may be unaware of their special classification or the correct way to claim it, the NSC should review all newly submitted asylee adjustment applications, and, when appropriate, endorse the Form I-485 as described above. When an applicant's eligibility to adjust under Public Law 106-378 has been verified, the adjudicator will check the "other" block in the "Section of Law" portion of the FOR INS USE ONLY Section of Form I-485 and will enter the notation, "**Public Law 106-378**."

CONCLUSION

Segregating the Syrian asylum adjustments for proper adjudication is essential to preserve the use of the 10,000 visa numbers authorized annually for other asylees who are eligible to adjust their status. If you have questions regarding the adjudication of Syrian-processed asylum adjustments, please contact your center or regional representative. If needed, service center

representatives may contact Danielle Lee via e-mail or by telephone, at (202) 305-8010. Regional representatives may contact Kathy Dominguez via email or at (202) 616-1050.