

Department of Homeland Security
U.S. Citizenship and Immigration Services

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January 23, 2004

MEMORANDUM FOR REGIONAL DIRECTORS, CIS
SERVICE CENTER DIRECTORS, CIS

FROM: William R. Yates /S/ by Janis Sposato
Associate Director for Operations

SUBJECT: Concurrent Filing for Section 101(a)(27)(I) Special Immigrants

This memorandum provides guidance regarding the notice in the Federal Register published at [69 FR 3380](#) (January 23, 2004), which changes the filing procedures for aliens eligible to file Form I-360, Petition for Amerasian, Widow(er) or Special Immigrant, separately or concurrently with Form I-485, Application to Register Permanent Residence or Adjust Status, under section 101(a)(27)(I) of the Immigration and Nationality Act (Act).

On June 10, 1992, the Immigration and Naturalization Service (INS) issued guidance allowing aliens eligible for special immigrant classification under section 101(a)(27)(I) of the Act to concurrently file an application for adjustment of status with their petition for classification as a Special Immigrant -- International Organization Officer or Employee or eligible family member at their local INS district office. Petitioners not concurrently submitting an adjustment of status application (*i.e.*, submitting only a Form I-360) were required to file their petitions at the appropriate service center. Service centers were given discretion to return a petition to an alien with instructions to resubmit the petition concurrently with an application for adjustment of status at his or her local INS district office in cases where the alien appeared to be eligible for adjustment of status. Thus, the 1992 guidance limited the concurrent filing of Forms I-360 based upon 101(a)(27)(I) of the Act with Forms I-485 to the Service's district offices. This memorandum supercedes the 1992 guidance in regard to the filing of petitions and applications under section 101(a)(27)(I) of the Act.

Updated guidance regarding concurrent filing is needed in order to remind both CIS

employees and the public that it is in the best interest for certain aliens seeking special immigrant benefits to file for them concurrently. For example, to be considered eligible for special immigrant status, unmarried sons and daughters of international organization officers or employees must properly file an application for adjustment of status (Form I-485), or an application for an immigrant visa if abroad, in addition to the petition for special immigrant classification (Form I-360), by their 25th birthday. To minimize the possibility that qualified aliens do not lose their eligibility for special immigrant benefits, we are issuing the following guidance regarding the centralization of the processing of Forms I-360 and I-485 filed by aliens seeking special immigrant classification under section 101(a)(27)(I) of the Act and/or adjustment of status based upon classification as a special immigrant under 101(a)(27)(I) of the Act.

As of February 23, 2004, an alien petitioning for special immigrant classification under section 101(a)(27)(I) of the Act may concurrently file Form I-360 with Form I-485 only at the Nebraska Service Center. Applicants may be eligible for a waiver of the interview pursuant to existing I-485 interview waiver criteria. Forms I-360 and I-485 must be filed simultaneously, *i.e.*, at the same time bundled together in a single mailer or delivery packet with proper filing fees, at the Nebraska Service Center by the alien in order to qualify as “concurrently filed” applications.

In addition, the Nebraska Service Center will be the designated service center to accept a petition from an alien seeking classification under section 101(a)(27)(I) of the Act who chooses to file only the Form I-360. Any subsequent filing of a Form I-485 by an international organization special immigrant must also be submitted to the Nebraska Service Center, together with evidence of the approved I-360.

Any pending petitions and applications at the Texas Service Center, the California Service Center, and the Vermont Service Center or at district offices on February 23, 2004, should be adjudicated to completion and not forwarded to the Nebraska Service Center. Petitions and applications arriving at offices other than the Nebraska Service Center on or after February 23, 2004, should be forwarded to the Nebraska Service Center until the instructions to the Forms I-360 and I-485 have been amended to include the correct filing address.

[Attachment – Federal Register Notice](#)