

<b>TO:</b>	Green Card Applicant
<b>FROM:</b>	Seyfarth Shaw LLP
<b>RE:</b>	Application for Adjustment of Status

As you know, because your priority date is not current, you are unable to file stage three of the green card process at this time. However, you may begin to gather certain documents which will be required to file the Application for Adjustment of Status (stage three of the green card process) so that preparation of the Application will be faster once you are eligible to proceed. The following documentation may be gathered in anticipation of the Adjustment filing:

- Birth Certificate:** A photocopy of the long form birth certificate must be obtained by each applicant. A certified translation<sup>1</sup> must accompany the birth certificate if it is not in English. Acceptable birth certificates generally contain the full names of both parents and of the Applicant and are not in laminated form. Please note that affidavits together with third party supporting documents are required if the child's or parents' full names are not listed or if a birth certificate is unavailable. We attach samples of such affidavits for your convenience (see below). **Note that if you do not have a birth certificate, you must provide a statement from the appropriate civil authority from your country of birth stating that a birth certificate does not exist for you and/or explaining why the birth certificate is unavailable, as well as indicating whether similar records for the time and place of your birth are available.** Affidavits alone will not be sufficient. For information on obtaining a birth certificate from your country of birth, please visit [http://travel.state.gov/visa/fees/fees\\_3272.html](http://travel.state.gov/visa/fees/fees_3272.html) and choose your country of birth from the drop-down menu.
- Marriage License:** A photocopy of the marriage license or certificate must be obtained. A certified translation<sup>1</sup> must accompany the marriage license/certificate if it is not in English.
- Divorce/Death Certificate:** A photocopy of the divorce and/or death certificate(s) of any and all prior spouses must be obtained, if applicable. A certified translation<sup>1</sup> must accompany the divorce/death certificate if it is not in English.
- Evidence of Vaccinations:** Each applicant must provide evidence that all vaccinations are up-to-date. Please provide any vaccination/immunization records to your examining physician. If vaccination records are unavailable or are too difficult to be obtained, then

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<sup>1</sup> The certification format should include the certifier's name, signature, address and date of certification. A suggested format is: I, \_\_\_\_\_, certify that I am fluent in the English and \_\_\_\_\_ languages, and that the above/attached document is a complete and accurate translation of the document attached entitled \_\_\_\_\_. Note that the document holder should not certify the translation.

the examining physician will make arrangements for each applicant to be immediately vaccinated against certain vaccine-preventable diseases (including mumps, measles, rubella, polio, tetanus and diphtheria toxoids, pertussis, *haemophilus influenza* type b, rotavirus, meningococcal, varicella, pneumococcal, influenza, hepatitis A and hepatitis B). Any physician from the authorized list of medical examiners (instructions on how to locate a physician in your area are contained in the accompanying email) can provide additional information regarding the vaccines or possible waivers for medically inappropriate vaccines. If a waiver for medically inappropriate vaccinations is needed, please advise so that the proper waiver application form may be obtained. The last page of this memorandum provides information and vaccination requirements for the physical examination.

- **Evidence of Arrest/Criminal Record:** Photocopies of all documentation related to any and all prior arrests, criminal convictions, etc. (excluding routine traffic violations such as speeding tickets) must be obtained.

The following are example affidavits to be used where long form birth certificates are not available. Please note, an applicant only needs to obtain these affidavits if the applicant's birth certificate does not list the applicant's full name, date of birth, and the full names of both parents or if a birth certificate is unavailable.

### AFFIDAVIT

I, \_\_\_\_\_(Please list full name), do hereby state under oath and penalty of perjury the following matters based upon my personal information:

This affidavit is given for the purpose of establishing my name.

I was born on \_\_\_\_\_ in \_\_\_\_\_ India and was named \_\_\_\_\_(Please list full name). My mother's name is \_\_\_\_\_, and my father's name is \_\_\_\_\_.

In support of the above I attach the following documents with this affidavit:

Certified copy of my high school certificate stating my name (**EXHIBIT I**).

Affidavit of my father (or other relative), \_\_\_\_\_, confirming the details of my birth (**EXHIBIT II**).

Affidavit of my mother (or other relative) \_\_\_\_\_, maiden name \_\_\_\_\_, confirming the details of my birth (**EXHIBIT III**).

Further Affiant sayeth not.

Sworn to and subscribed before me this,  
\_\_\_\_\_day of \_\_\_\_\_, 2011

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Please list full name  
Please list full home address

My Commission Expires: \_\_\_\_\_  
[NOTARIAL SEAL]

**TO WHOM IT MAY CONCERN:**

This is to certify that I have personal knowledge regarding \_\_\_\_\_(Please list full name)'s birth. I am \_\_\_\_\_(Please list full name)'s father (or list other relative) and have personally known him since his birth. [Please provide a brief description of how you can attest to the details of the birth (i.e. I was present during the birth of \_\_\_\_\_).]

The following information regarding \_\_\_\_\_(Please list full name)'s birth is based on my personal knowledge:

Date of Birth: \_\_\_\_\_  
Place of Birth: \_\_\_\_\_  
Full Name: \_\_\_\_\_  
Full Name of Father: \_\_\_\_\_  
Full Name of Mother: \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_,2011,

\_\_\_\_\_  
Father's name (or list other relative)  
Father's full home address  
Date of Birth: \_\_\_\_\_  
Place of Birth: \_\_\_\_\_

Sworn to and subscribed before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 2011

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_

**TO WHOM IT MAY CONCERN:**

This is to certify that I have personal knowledge regarding \_\_\_\_\_(Please list full name)'s birth. I am \_\_\_\_\_(Please list full name)'s mother (or list other relative) and have personally known him since his birth. Because I am \_\_\_\_\_(Please list full name)'s mother, I was present at his birth and can attest to the details of the event.

The following information regarding \_\_\_\_\_(Please list full name)'s birth is based on my personal knowledge:

Date of Birth: \_\_\_\_\_  
Place of Birth: \_\_\_\_\_  
Full Name: \_\_\_\_\_  
Full Name of Father: \_\_\_\_\_  
Full Name of Mother: \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_,2011,

\_\_\_\_\_  
Mother's name, maiden name: \_\_\_\_\_ (or list other relative)  
Mother's full home address  
Date of Birth: \_\_\_\_\_  
Place of Birth: \_\_\_\_\_

Sworn to and subscribed before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 2011

\_\_\_\_\_

Notary Public  
My Commission Expires:

\_\_\_\_\_

## VACCINATION REQUIREMENTS FOR IMMIGRANT VISA APPLICANTS AND ADJUSTMENT OF STATUS APPLICANTS

**What are the vaccination requirements?** They are: mumps, measles, rubella, polio, tetanus and diphtheria toxoids, pertussis, *haemophilus influenza* type b, rotavirus, meningococcal, varicella, pneumococcal, influenza, hepatitis A, hepatitis B, and any other age-appropriate vaccinations recommended by the Advisory Committee for Immunization Practices (ACIP). The law requires all individuals applying for status as a lawful permanent resident (either by applying for an immigrant visa abroad or for adjustment of status in the United States) to establish that they have been vaccinated. Nonimmigrant (temporary) visa applicants are not required to comply with the vaccination requirements as a condition of visa issuance, but must comply if they apply for adjustment of status at a later date.

**Are there any exceptions?** Yes. Orphans age 10 and under who are applying for IR-3 and IR-4 visas at a U.S. consular post are exempt from complying with the vaccination requirements before the visa is issued (but not exempt from the vaccination requirements altogether.) To qualify for the exception, the adoptive parent must sign an affidavit that the child will be vaccinated within 30 days of arrival or at the earliest time that it is medically appropriate. Adoptive parents who are unable to sign the affidavit in good faith because compliance with the vaccination requirements would be against their religious beliefs or moral convictions, must apply for a waiver on behalf of the child.

**Are there any waivers available?** Yes. There are three types of waivers available. (1) You didn't have all the vaccinations (or all the vaccination certificates) at first, but then receive the missing vaccinations (or find the missing certificates); OR (2) The designated physician (known as civil surgeons for adjustment of status applicants in the United States and as panel physicians for immigrant visa applicants abroad) certifies that it would not be medically appropriate for you to have one or more of the required vaccinations. CIS can grant these two waivers based on the civil surgeon's or panel physician's certification on the vaccination supplement. You do not need to file a separate waiver application or pay a fee. Take your vaccination records with you to your medical appointment. The civil surgeon or panel physician will review your vaccination history with you to determine whether you are in compliance. Do not try to comply with these requirements before you meet with the civil surgeon or panel physician, in case it is not medically appropriate for you to have one or more of the required vaccinations.

**What if I object to the vaccination requirements because of religious or moral reasons?** The third waiver covers those applicants who believe that compliance with the vaccination requirements would be against their religious beliefs or moral convictions. Form I-601, Application for Waiver of Grounds of Excludability, with fee, is required. You must also meet the following three requirements: (1) You oppose vaccinations in any form; (2) The opposition is based on religious beliefs or moral convictions (whether or not as a member of a recognized religion); and (3) The religious belief or moral conviction is sincere. When the applicant is a child, the parent must meet all of these requirements.

**Where can I get the vaccination supplement?** The civil surgeons and panel physicians have already received the vaccination supplement and instructions from the Centers for Disease Control and Prevention (CDC). Your civil surgeon or panel physician should contact CDC directly if he or she did not receive this mailing from CDC or visit CDC's website at: <http://www.cdc.gov/ncidod/dq/health.htm>.