Memorandum

HQ 204-P

Subject	Date
Implementation of Crime Bill Self-Petitioning for Abused or Battered Spouses or Children of U.S. Citizens or Lawful Permanent Residents	APR 16 1996

To

All Regional Directors
All District Directors (Including Foreign)
All Service Center Directors
All Officers in Charge (Including Foreign)

From

Office of Programs

The Violent Crime and Control Act ("the Crime Bill"), Public Law 103-322, was signed by the President on September 13, 1994. Title IV of the Crime Bill is entitled the "Violence Against Women Act" ("the VAWA") and contains three provisions amending the Immigration and Nationality Act ("the Act"). These amendments to the Act provide benefits for certain spouses or children of abusive U.S. citizens or lawful permanent residents.

Each regional director, district director, service center director, and officer in charge must ensure that enforcement personnel under his or her jurisdiction are aware of these immigration-related provisions of the Crime Bill and take them into consideration when making enforcement decisions. Examinations staff, of course, must also be made aware of the new benefits available under the Act.

The following three immigration-related benefits are provided in the VAWA:

I. SELF-PETITIONING

Section 40701 of the Crime Bill allows certain spouses and children of abusive citizens or lawful permanent residents of the United States to self-petition for immigrant classification. An eligible spouse or child, who would have qualified for immigrant classification had the abusive spouse or parent petitioned for him or her, may be classified as an immediate relative or preference immigrant based on the relationship to the abuser without the abuser's knowledge or consent.

A self-petitioning spouse must be legally married to the abuser when the self-petition is filed, although the couple need not be living together at the time. Legal termination of the marriage (whether by divorce, death, or annulment) after the self-petition is properly filed with the Service will NOT be the basis for denial or revocation of the self-petition.

A qualified self-petitioner must meet certain additional statutory requirements, which include a demonstration of the self-petitioner's good moral character and of the extreme hardship that would be caused by his or her deportation.

Section 40701 of the Crime Bill does not waive any requirements for adjustment of status or immigrant visa issuance. For adjustment of status or immigrant visa issuance purposes, a self-petitioner should be regarded as any other immediate relative or family-sponsored preference alien. The spouse or child of an abusive U.S. citizen is an immediate relative and may be eligible to file an adjustment of status application concurrently with a self-petition. A self-petitioning spouse or child of a lawful permanent resident is a preference immigrant under the family-sponsored 2A category, however, and cannot apply for adjustment of status until his or her immigrant visa number is current or is earlier than the cut-off date listed in the State Department's Visa Bulletin for that month.

II. EVIDENCE FOR WAIVER OF JOINT PETITION FOR REMOVAL OF CONDITIONS

Section 40702 of the Crime Bill amends section 216 of the Act to require the Service to accept any relevant credible evidence submitted with a request for a waiver of the joint petitioning requirement for removal of conditions on residency because of abuse or extreme cruelty. This change in the statute prohibits the Service from requiring the recommendation of a mental health professional or any other specific form of evidence to support a Form I-751 waiver based on abuse or extreme cruelty. The waiver request may be denied, however, if the applicant fails to credibly establish eligibility.

III. SUSPENSION OF DEPORTATION

Section 40703 of the Crime Bill amends section 244 of the Act to allow certain spouses and children of abusive citizens or lawful permanent residents of the United States to request suspension of deportation. In addition to establishing the requisite relationship to the U.S. citizen or lawful permanent resident and showing that the abuse took place, the applicant must have continuously resided in the United States during the past three years. The applicant must also show that he or she is a person of good moral character whose deportation would cause extreme hardship to the applicant or the applicant's child.

A copy of the relevant portions of the Crime Bill is attached to this memorandum. A copy of the interim rule implementing the self-petitioning provisions and instructions for processing self-petitions are also attached.

This memorandum has the concurrence of the Office of Field Operations.

T. Alexander Aleinikoff
Executive Associate Commissioner

Attachments

SELF-PETITIONING

IMPLEMENTATION

Section 40701 of Public Law 103-322 became effective January 1, 1995. Service offices must accept properly filed applications submitted on or after that date.

An interim rule implementing the new law has been published in the Federal Register and is effective upon publication. A copy of the rule is attached. Action should now be taken on self-petitions that had been held in abeyance pending publication of the regulations.

BASIC ELIGIBILITY REQUIREMENTS

Each spouse or child petitioning for himself or herself under section 40701 of the Crime Bill must show that he or she:

(1) is now the spouse or child of an abusive U.S. citizen or lawful permanent resident;

(2) is eligible for immigrant classification based on that relationship;

(3) is now residing in the United States;

(4) has resided in the United States with the citizen or lawful permanent resident abuser in the past;

(5) has been battered by or has been the subject of extreme cruelty perpetrated by:

(a) the citizen or lawful permanent resident spouse during the marriage; or, is the parent of a child who has been battered by or has been the subject of extreme cruelty perpetrated by the citizen or lawful permanent resident spouse during the marriage; or

(b) the citizen or lawful permanent resident parent while residing with that parent;

(6) is a person of good moral character;

(7) is a person whose deportation would result in extreme hardship to himself or herself; or is a person whose deportation would result in extreme hardship to his or her child, if self-petitioning as a spouse; and

(8) if self-petitioning as a spouse, entered into the marriage to the citizen or lawful permanent resident in good faith.

FORM

Self petitioners must file Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant. This form has been revised for use by self-petitioners, and will be distributed to field offices and the forms centers shortly. The attached copy of the revised form may be reproduced locally as needed.

Properly filed self-petitions should not be returned solely because the applicant completed the 1991 revision of the form before the current revision became available. (Crime Bill Self-Petitioning Wire #1, dated January 20, 1995, provided instructions on the use of the 1991 revision of Form I-360 by self-petitioners.)

FILING

Self-petitioners must pay the standard Form I-360 application fee, which is currently $80.00. This fee may be waived only in accordance with 8 CFR 103.7(c).

A self-petitioner who is the spouse or child of an abusive U.S. citizen is an immediate relative and may file the self-petition together with an application for adjustment of status at the office having jurisdiction over the adjustment application.

A self-petitioner who is not an immediate relative but whose priority date is immediately available may also file the self-petition together with the application for adjustment of status at the office having jurisdiction over the adjustment application.

In all other cases, the self-petition must be filed at the Service Center having jurisdiction over the self-petitioner's residence in the United States. Self-petitions will NOT be adjudicated at overseas Service offices or U.S. consulates or embassies abroad.

RELATIVE PETITION FILED BY ABUSER

The filing or approval of a self-petition has no effect on a relative visa petition; a spouse or child may be both the beneficiary of a self-petition and the beneficiary of a relative visa petition filed by the abuser.

A qualified spouse or child of an abusive U.S. citizen or lawful permanent resident may seek immigrant visa issuance or adjustment of status based on either the self-petition or the relative visa petition, whichever is most advantageous to the spouse or child.

PRIORITY DATE

A self-petitioning priority date is established when the Form I-360 is properly filed with the Service. A self-petitioner who has been the beneficiary of a relative visa petition (Form I-130) filed by the abuser to accord the self-petitioner immigrant classification as his or her spouse or child, however, will be allowed to transfer the relative visa petition priority date to

the self-petition. The earlier priority date may be assigned without regard to the current validity of the relative visa petition filed by the abuser; the earlier priority date may be used even though the relative visa petition was withdrawn, denied, or the approval revoked.

ELIGIBILITY FOR ADJUSTMENT OF STATUS/IMMIGRANT VISA ISSUANCE

An approved self-petition gives the self-petitioner immediate relative or family-sponsored immigrant classification. For adjustment of status or immigrant visa issuance purposes, the self-petitioner should be regarded as any other immediate relative or family-sponsored preference alien. No provisions of section 212 or 245 have been waived, although self-petitioners are not precluded from applying for any waiver or other benefit for which they may qualify.

A self-petitioner who would not otherwise qualify for adjustment of status under section 245 of the Act because he or she entered without inspection or is included in one of the classes enumerated in section 245(c) of the Act may utilize the benefits of section 245(i) of the Act. The self-petitioner, like any other adjustment of status applicant, may file Supplement A to Form I-485 and pay the additional sum. Payment of the additional sum will be waived only if the applicant is less than 17 years of age or if the applicant is the spouse or child of a legalized alien as described in section 245(i) and the relating regulations.

(Note: A self-petitioner who is filing for adjustment of status as the spouse or child of an abusive U.S. citizen is an immediate relative. Immediate relatives are not subject to the requirements of section 245(c) of the Act, although they are still subject to the requirements of section 245(a) of the Act.)

ADJUSTMENT OF STATUS APPLICATION BASED ON RELATIVE PETITION FILED BY ABUSER

An adjustment of status applicant who states that he or she has been abused by the petitioning U.S. citizen or lawful permanent resident spouse or child may be advised of the self-petitioning option. If the spouse or child chooses to self-petition, he or she would not be required to file another adjustment of status application if:

(1) the previously filed adjustment application was still pending before the Service on the date the self-petition was properly filed with the Service; and

(2) the spouse or child qualified for adjustment of status on the date the adjustment application was properly filed with the Service.

The adjustment applicant may also choose to proceed with the adjustment application based on the visa petition filed by the abuser, provided the visa petition has not been withdrawn, denied, or revoked. If the adjustment applicant chooses to proceed based on the abuser's petition, the Service retains the option of requiring the petitioner to appear for an interview.

Adjudicators, however, must keep in mind that the purpose of interviewing the petitioner is to determine whether a basis exists for denial or revocation of the visa petition. When deciding whether to require the petitioner and the beneficiary to appear together or at the same time, the adjudicator must keep in mind the inherently sensitive nature of cases involving domestic abuse and give careful consideration to the available information concerning the case. At the discretion of the interviewing officer, the petitioning relative may be interviewed at a different time or date, or may be interviewed separate and apart from the beneficiary.

VOLUNTARY DEPARTURE

No voluntary departure program has been established for self-petitioners. Officers authorized to approve voluntary departure under 8 CFR 242.5(a)(1), however, are encouraged to give favorable consideration to a voluntary departure request submitted by a person who has properly filed a self-petition with the Service. Voluntary departure may be granted without issuance of an Order to Show Cause under 8 CFR 242.5(a)(2)(v), (vi), or (viii), as appropriate in accordance with the regulations. In most cases, voluntary departure may be authorized in one-year increments. Similar consideration should also be extended to a voluntary departure request made by the derivative child of a self-petitioner. This favorable consideration should be extended both to voluntary departure requests based on pending self-petitions that have been properly filed with the Service, as well as requests based on approved self-petitions.

Voluntary departure would not be necessary, of course, if the self-petitioner is eligible to immediately apply for adjustment of status or is able to maintain a valid immigration status in the United States. Favorable consideration may be deemed by the authorized officer to be inappropriate in cases where substantial adverse factors exist, such as the self-petitioner's conviction for a criminal offense that would require the Service to find that he or she lacks good moral character or if the familial relationship to the abuser appears to have been entered into solely for the purpose of obtaining immigration benefits. Entry without inspection, intent to remain permanently in the United States at the time of admission as a nonimmigrant, or the fact that the pending self-petition has not yet been approved should not generally be considered as adverse factors in reviewing these voluntary departure requests.

A self-petitioner or derivative child who has been granted voluntary departure and who needs to travel outside the United States for emergent reasons may be issued advance parole under the guidelines set forth in OI 212.5(c).

Note: This memorandum addresses voluntary departure requests made only by or on behalf of self-petitioners and their qualified derivative children. It should not be understood as either encouraging or discouraging the issuance of voluntary departure to any other person.

EMPLOYMENT AUTHORIZATION

Section 47071 of the Crime Bill does not direct the Service to provide employment authorization based solely on the filing or approval of a self-petition. A qualified self-petitioner, however, may be eligible to apply for employment authorization under the existing provisions of 8 CFR 274a.12. Requests for employment authorization or for an extension of employment authorization should be made on Form I-765, Application for Employment Authorization.

Many self-petitioners will be immediately eligible to apply for adjustment of status. These self-petitioners may qualify for employment authorization under 8 CFR 274a.12(c)(9) while the adjustment application is pending.

Most other self-petitioners will be eligible to request voluntary departure prior to or after a deportation hearing for the reasons set forth in 8 CFR 242.5(a)(2)(v), (vi), or (viii). A person who has been granted voluntary departure for one of these reasons may request employment authorization under 8 CFR 274a.12(c)(12), if the person shows an economic need to work.

A person who has been placed in deferred action status may request employment authorization under 8 CFR 274a.12(c)(14) if the person shows an economic need to work.

A self-petitioner also would not be precluded from requesting the employment authorization benefits of any other provision of 8 CFR 274a.12 under which he or she may qualify.

EVIDENCE IN GENERAL

The regulations recommend the submission of certain types of documents with the self-petition. The Service is, however, statutorily required to consider any relevant credible evidence submitted in connection with the self-petition. A self-petition cannot be denied merely because a self-petitioner has not submitted a specific type of document. A self-petition may be denied, however, if the evidence that has been submitted does not credibly establish eligibility for this benefit.

Although the burden of proof to establish eligibility lies with the self-petitioner, adjudicators should give due consideration to the difficulties some self-petitioners may experience in acquiring documentation, particularly documentation that cannot be obtained without the abuser's knowledge or consent. Readily available electronic records (such as CIS, CLAIMS, etc.) should be checked if the self-petitioner is unable to provide documentary evidence of the abuser's immigration or citizenship status or of the abuser's filing of a visa petition on behalf of the self-petitioner. The adjudicating officer may also choose to review other Service records to verify the claimed status or filing. Any other information provided with the self-petition may also be verified through a review of these and other Service records, at the discretion of the adjudicating officer.

LEGAL STATUS OF MARRIAGE

A self-petitioning spouse must be legally married to the abusive citizen or lawful permanent resident when the petition is filed. Legal termination of the marriage (whether by divorce, death, or annulment) after the petition is properly filed with the Service will NOT be the basis for denial or revocation of the petition.

A pending spousal self-petition will be denied or the approval of a spousal self-petition revoked, however, if the self-petitioning spouse remarries before he or she becomes a lawful permanent resident.

CHILDREN UNDER THE SELF-PETITIONING PROVISIONS

The definitions of "child" and "parent, father or mother" contained in section 101(b) of the Act apply to self-petitions.

SELF-PETITIONING CHILD

An otherwise eligible child born in wedlock, stepchild, legitimated child, child born out of wedlock, or adopted child of a U.S. citizen or lawful permanent resident abuser may self-petition. A self-petitioning child must be unmarried and less than 21 years old when the self-petition is filed and when it is approved.

A valid approved self-petition for a self-petitioning child will be automatically converted to an approved petition for family-sponsored preference classification, however, if the child reaches his or her 21st birthday or marries before embarking for the United States with the immigrant visa or adjusting status to that of a lawful permanent resident.

SPOUSAL SELF-PETITION BASED ON ABUSE OF CHILD

A spouse may be eligible to self-petition based on abuse committed against his or her child born in wedlock, step-child, legitimated child, child born out of wedlock, or adopted child. The abused child must qualify as the self-petitioning spouse's child; the child need not be the abuser's child.

DERIVATIVE CHILD

A child of a self-petitioning spouse who has been granted immediate relative immigrant classification under section 201(b) of the Act or preference classification under section 203(a)(2) of the Act may obtain derivative immigrant classification if the child:

(1) is not the beneficiary of an approved or pending self-petition; and

(2) is the self-petitioner's child as defined in section 101(b)(1) of the Act.

There are NO other requirements for classification as a derivative child of a self-petitioning spouse. (A derivative child need not have suffered abuse and need not qualify as the abuser's child. The derivative child is not required to have ever lived in the United States and is not required to have lived with the abuser.)

There is no derivative immediate relative classification for the grandchild of a U.S. citizen abuser (the child of an immediate relative self-petitioning child). (An approved immediate relative self-petition will be automatically converted to a self-petition for family-sponsored preference classification under section 203(a) of the Act, however, if the self-petitioning child marries or reached 21 years of age before becoming a lawful permanent resident based on the self-petition. The self-petitioner's child may then become eligible for derivative benefits under section 203(d) of the Act.)

A spouse or child of a principal alien classified as a family-sponsored immigrant under section 203(a) of the Act may be accorded derivative classification under the provisions of section 203(d) of the Act.

A derivative child ceases to qualify for derivative benefits if the child marries or reaches his or her twenty-first birthday prior to approval of the child's application for adjustment of status or prior to the child's embarkation for the United States with his or her immigrant visa.

EXTREME HARDSHIP

The statute requires a self-petitioning spouse to show that he or she, or his or her child, would suffer extreme hardship if the self-petitioner were to be deported. A self-petitioning child must show that he or she would suffer extreme hardship if he or she were to be deported. Extreme hardship to other persons, such as extended family members, cannot be used to meet this requirement.

Although the burden of proof lies with the self-petitioner, the adjudicator must review the circumstances surrounding the case before reaching a decision concerning extreme hardship. This review may include evidence which may not have been specifically identified by the self-petitioner as supporting the extreme hardship claim.

The phrase "extreme hardship" is not defined in the Act, and sections 40701 and 40703 of the Crime Bill provide no additional guidelines for the interpretation of this requirement. The phrase "extreme hardship" has acquired a settled judicial and administrative meaning, however, largely in the context of suspension of deportation cases under section 244 of the Act.

It has been found that the personal deprivation contemplated in a situation characterized by "extreme hardship" within the meaning of section 244 of the Act is not a definable term of fixed and inflexible content or meaning; it necessarily depends upon the facts and

circumstances peculiar to each case. Matter of Hwang, 10 I&N Dec. 448 (BIA 1964). The hardship requirement encompasses more than the mere economic deprivation that might result from an alien's deportation from the United States. Davidson v. INS, 558 F.2d 1361 (9th Cir. 1977); and Matter of Sipus, 14 I&N Dec. 229 (BIA 1972). It has also been found that the loss of a job and the concomitant financial loss incurred is not synonymous with extreme hardship. Lee v. INS, 550 F.2d 554 (9th Cir. 1977). Similarly, readjustment to life in the native country after having spent a number of years in the United States is not the type of hardship that has been characterized as extreme, since most aliens who have spent time abroad suffer this kind of hardship. Matter of Uy, 11 I&N Dec. 159 (BIA 1965).

Some precedent suspension of deportation cases have discussed the reasons why a particular applicant was found to have established that his or her deportation would cause extreme hardship. These reasons include the:

(1) age of the person;

(2) age and number of the person's children and their ability to speak the native language and adjust to life in another country;

(3) serious illness of the person or his or her child which necessitates medical attention not adequately available in the foreign country;

(4) person's inability to obtain adequate employment in the foreign country;

(5) person's and the person's child's length of residence in the United States;

(6) existence of other family members who will be legally residing in the United States;

(7) irreparable harm that may arise as a result of disruption of educational opportunities; and

(8) adverse psychological impact of deportation.

In self-petitioning cases, the circumstances surrounding the domestic abuse and the consequences of the abuse may also cause or contribute to the extreme hardship. Although none of these factors automatically establish that a person's deportation would result in extreme hardship, some or all of the following areas may be relevant to the extreme hardship determination in an individual self-petitioning case:

(1) the nature and extent of the physical and psychological consequences of the battering or extreme cruelty;

(2) the impact of the loss of access to the U.S. courts and criminal justice system (including, but not limited to, the ability to obtain and enforce: orders of protection; criminal investigations and prosecutions; and family law proceedings or court orders regarding child support, maintenance, child custody and visitation);

(3) the self-petitioner's and/or the self-petitioner's child's need for social, medical, mental health, or other supportive services which would not be available or reasonably accessible in the foreign country;

(4) the existence of laws, social practices, or customs in the foreign country that would penalize or ostracize the self-petitioner or the self-petitioner's child for having been the victim of abuse, for leaving the abusive situation, or for actions taken to stop the abuse;

(5) the abuser's ability to travel to the foreign country and the ability and willingness of foreign authorities to protect the self-petitioner and/or the self-petitioner's child from future abuse; and

(6) the likelihood that the abuser's family, friends, or others acting on behalf of the abuser in the foreign country would physically or psychologically harm the self-petitioner and/or the self-petitioner's child.

Further interpretive guidance concerning the extreme hardship determination in self-petitioning cases will be provided as the Service acquires experience in processing these cases and self-petitioning case law becomes established.

BATTERY OR EXTREME CRUELTY

The self-petitioner or the self-petitioning spouse's child must have been a victim of the battery or extreme cruelty. The qualifying abuse must also have been committed by the abusive U.S. citizen or lawful permanent resident spouse or parent. In addition, the battery or extreme cruelty must have been committed during the marriage between the self-petitioning spouse and the abuser, or must have been committed while the self-petitioning child was living with the abuser.

The qualifying abuse must further rise to the level of "battery or extreme cruelty." There is no exhaustive list of acts that constitute "battery or extreme cruelty." The interim rule provides a flexible regulatory definition of the phrase "was battered by or subjected to extreme cruelty," which is similar to the regulatory definition of this phrase provided for "battered spouse or child" waivers in 8 CFR 216.

A self-petitioner who has suffered no physical abuse may also be eligible for this benefit. The regulatory definition of "battery or extreme cruelty" should be applied to claims of extreme mental cruelty as well as to claims of physical abuse.

Self-petitioners are NOT required to submit an evaluation completed by a mental health professional, nor are they required to submit any other specific form of evidence. The adjudicator must consider all relevant credible evidence submitted (including any relevant mental health evaluation voluntarily provided by the self-petitioner). The burden of proof lies with the self-petitioner, however, and the self-petition may be denied if the self-petitioner fails to establish eligibility.

Under the regulatory definition, incest is automatically considered to be an act of violence if the victim was a minor at the time, without regard to the minor's possible "consent." If the participant was an adult, incest is not automatically considered to be an act of violence; the circumstances leading to and surrounding the incident(s) of incest must be reviewed to determine whether the adult's participation was the result of an act or threatened act of violence which resulted or threaten to result in physical or mental injury.

GOOD MORAL CHARACTER

Section 40701 of the Crime Bill requires a self-petitioner to be a person of "good moral character," but does not specify a period for which good moral character must be established. The rule requires persons who are 14 years of age and older to provide evidence of good moral character for the past three years. The Service is not precluded from determining that a person lacks good moral character because of actions that took place more than three years prior to submission of the self-petition. Actions that took place after the self-petition was filed or approved may also be considered. The Service is also not precluded from finding that a person who is less than 14 years of age lacks good moral character, although such cases are expected to be exceedingly rare.

The self-petitioner's lack of good moral character must be documented in the Service file prior to issuance of a denial or revocation on this basis.

The "good moral character" determination must be made on a case-by-case basis, taking into account the provisions of section 101(f) of the Act and the general standards of the community.

The Service must conclude that a person who has been convicted of an offense falling within section 101(f) of the Act lacks good moral character. The Service may only look to the judicial records to determine whether the person has been convicted of the crime, and may not look behind the conviction to reach an independent determination concerning guilt or innocence. Pablo v. INS, 72 F.3d 110, 113 (9th Cir. 1995); Gouveia v. INS, 980 F.2d 814, 817 (1st Cir. 1992); and Matter of Roberts, Int. Dec. 3148 (BIA 1991).

Extenuating circumstances may be taken into account, however, if the person has not been convicted of the offense in a court of law but admits to the commission of an act or acts that could show a lack of good moral character under section 101(f) of the Act. The Board of Immigration Appeals (BIA) has ruled that a person who admitted to having engaged in

prostitution under duress but had no prostitution convictions was not excludable as a prostitute under section 212(a)(12) of the Act (currently section 212(a)(2)(D) of the Act) because she was involuntarily reduced to such a state of mind that she was actually prevented from exercising free will through the use of wrongful, oppressive threats, or unlawful means. Matter of M-, 7 I&N Dec. 251 (BIA 1956). A person who was subjected to abuse in the form of forced prostitution or who can establish that he or she was forced to engage in other behavior that could render the person excludable, therefore, would not be precluded from being found to be a person of good moral character if the person has not been convicted for the commission of the offense or offenses in a court of law.

A self-petitioner may also be found to lack good moral character, unless he or she establishes extenuating circumstances, if he or she: (1) willfully failed or refused to support dependents; or (2) committed unlawful acts that adversely reflect upon his or her moral character, or was convicted or imprisoned for such acts, although the acts do not require an automatic finding of lack of good moral character.

DENIALS

The self-petitioner must be notified of the Service's intent to deny a self-petition. He or she must be allowed an opportunity to respond to that notice before a final decision is issued concerning a properly filed self-petition.

Field offices need not obtain HQBEN concurrence prior to denying a self-petition. Until further notice, however, field offices must forward a copy of each final denial notice issued during the month with the monthly report discussed below.

REPORTING REQUIREMENTS

A monthly report has been developed to allow HQBEN to gather statistical information to respond to Congressional and public inquiries regarding the implementation of this provision. A copy of the report is attached. Field offices must submit the report to the regional offices (ROADN) for consolidation, no later than the fifth day of each month. The first report will be due no later than May 5, 1995.

Offices using CLAIMS to process these applications are also being asked to submit these reports until CLAIMS is modified to provide HQBEN with the information electronically.

Offices will be notified when the need for the manual report has ended.

CLASS OF ADMISSION AND ADJUSTMENT CODES

Distinct class of admission and adjustment codes have been established for self-petitioners and their derivative family members, as follows:

IMMEDIATE RELATIVES

Self-Petitioning Spouse of USC	IB1	IB6
Self-Petitioning Child of USC	IB2	IB7
Child of IB1 or IB6	IB3	IB8

FAMILY PREFERENCE ALIENS

FIRST PREFERENCE

Self-Petitioning Unmarried Son/Daughter of USC	B11	B16
Child of B11 or B16	B12	B17

SECOND PREFERENCE

Self-Petitioning Spouse of LPR	B21	B26
Self-Petitioning Child of LPR	B22	B27
Child of B21, B22, B26 or B27	B23	B28
Self-Petitioning Unmarried Son/Daughter of LPR	B24	B29
Child of B24 or B29	B25	B20

Second Preference Exempt from Country Limitations

Self-Petitioning Spouse of LPR, exempt	BX1	BX6
Self-Petitioning Child of LPR, exempt	BX2	BX7
Child of BX1, BX2, BX6 or BX7, exempt	BX3	BX8

THIRD PREFERENCE

Self-Petitioning Married Son/Daughter of USC	B31	B36
Spouse of B31 or B36	B32	B37
Child of B31 or B36	B33	B38

ADDITIONAL INFORMATION

Please refer to the Crime Bill, the supplementary information to the interim rule, the regulatory provisions established by the interim rule, Crime Bill Self-Petitioning Wire #1, and Crime Bill Self-Petitioning Wire #2 for additional information about self-petitioning.

HQBEN CONTACTS

Field officers are encouraged to consult HQBEN concerning any aspect of the self-petitioning process that is unclear or to suggest areas in which additional guidance or training would be helpful. The HQBEN contacts, Rita Arthur and Ramonia Law-Hill, may be reached at:

(202) 514-5014 (voice)

(202) 514-0198 (fax)