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Instructions for Unlawful Aliens Residing in the US to become Lawful Residents.

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Background: The unprecedented relaxation of security at the US border, particularly the southern border, during the Biden presidency (2021-2024) resulted in a record number of border "encounters". It has been reported that Customs and Border Patrol recorded more than 10.8 million encounters in that four year period, which is considered extremely high border activity. Other estimates that attempt to translate flows into how many unauthorized people live in the U.S. diverge: ranging from10.5 million to as high as 14 million or more. Regardless of the number, this group of aliens must not be rewarded with treatment better than those who have followed the correct process. However, they are here and a humane way to deal with them is to provide a path to citizenship that is considered fair but not "cutting the line" (assuming they truly want to stay and be productive), or to removal (if they don't). That is why I developed this temporary process. It requires no new legislation and uses existing resources (forms, websites, apps) with minimal modifications. I believe it is a fair compromise that considers the wishes of most US citizens, immigrants currently on a legal path to citizenship, and undocumented aliens wishing to acclimate to US society. It balances compassion with personal responsibility and sets high standards and expectations for those wanting to become citizens.

Purpose: This temporary process is meant to document all aliens currently residing in the United States unlawfully. Once documented, they will not be subject to deportation if they continue to follow the process and adhere to its conditions. This process does not apply to anyone currently not residing in the United States, nor does it apply to aliens with expired visas, parole or temporary protected status. It is provided as a "one-time" alternative to the removal process. It is meant to allow those who have or will claim asylum a path to citizenship, however it is the responsibility of the alien to ensure they follow the process exactly or they will be subject to immediate and unconditional removal. Aliens following this process will not be counted against the US worldwide annual limits for immigration.

Conditions: This process will permanently expire 31 December, 2027. It will not be repeated after that date. Any alien that is residing in the US unlawfully after that date is subject to immediate and unconditional removal. Failure of the applicant to meet any of the conditions and deadlines listed in the process will be grounds for immediate and unconditional removal from the United States. To continue to participate in this process, all applicants must continually maintain full time work once authorized for work, including payment of all applicable income taxes; or be an immediate family member of someone maintaining full time documented work and a caregiver of a dependent minor child; and not be collecting any form of public assistance at the federal or state level in accordance with Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). The prohibition on collecting public assistance also applies to all immediate family members, working or not. Examples of prohibited public assistance include, but is not limited to, any grant, contract, loan, professional license, or commercial license provided by an agency of the United States or by appropriated funds of the United States, any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment

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benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of the United States or by appropriated funds of the United States or any state within the US. Not included is public school attendance, merit-based scholarships, self-help programs such as learning English, employment assistance and immigration process support, and services available to the public without condition. Failure to maintain full-time work for a period of more than 30 calendar days at any point in the process will result in immediate and unconditional removal. Should an unlawful alien be detained prior to the December 31, 2027 expiration date, and is found to have not started this process, they will be provided with a choice of either initiating this process or being deported. If they choose to initiate the process, additional fees apply. USCIS shall make the required forms available in the CBP Home app or similar and will not require the mailing or physical delivery of paper forms.

Step 1: Apply for Asylum: (immediately, but not later than 31 December, 2027)

If not yet completed, file form I-94, Arrival and Departure Record.

If not yet completed, file Form I-589, Application for Asylum and for Withholding of Removal, with USCIS. This temporary process waives the requirement to file within 1 year of your last arrival in the United States and qualifies the applicant for an exception to the 1-year filing deadline.

Pay the Filing Fee(s): Pay the applicable fees unless you qualify for a fee waiver. If the applicant is filing after the one year deadline, the application fee is double the normal fee.

You may not be eligible to apply for asylum if you:

Had a previous asylum application denied by an immigration judge or the Board of Immigration Appeals; or

You can be removed to a safe third country under a 2-party or multi-party agreement between the United States and other countries; or

You have been charged with or convicted of any crime while residing in the US other than unlawful residence.

Once USCIS has received the completed application, you will receive 2 notices:

Acknowledgment of receipt of your application, and

Notice to visit your nearest application support center (ASC) for fingerprinting.

Step 2: Create and attend your biometric appointment. (Immediately, but no more than 30 calendar days after Acknowledgment of receipt of your application of Form I-589 , and Notice to visit your nearest application support center (ASC) for fingerprinting)

Pay the Processing Fee: Pay the applicable fee unless you qualify for a fee waiver.

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You will be told by USCIS where to go. You will be fingerprinted, a photo of your face taken and your signature recorded. If required, you may also be submitted to a familial DNA test to determine the biological relationship of those you are claiming to be your dependent children.

Step 3: Apply for work authorization: (Immediately, but not more than 90 days after approval of lawful asylum status)

Complete Form I-765T*: Fill out the Application for Employment Authorization (Form I-765T*) accurately, providing all required information.

Submit Supporting Documents: Attach necessary documents such as your approved I-589 form, proof of identity, immigration status, and any other required evidence.

Pay the Filing Fee: Pay the applicable fee unless you qualify for a fee waiver.

Wait for Approval: USCIS will process your application and, if approved, will mail your EAD card or provide instructions on where to pick it up.

(*Note – Form I-765T is a tailored version of the current form I-765 specifically developed and used in support of this temporary process and is to be used on-line only either through the use of an app or a website. See the attachment for this version of the form.)

Step 4: Submit Your Green Card Application (5 years after receiving Lawful Asylum Status)

File Form I-485 (Application to Register Permanent Residence or Adjust Status).

Pay the Filing Fee(s): Pay the applicable fees unless you qualify for a fee waiver.

Prepare and Submit Supporting Documents. Common required documents include:

- Passport and government-issued ID
- Birth certificate (with certified translation if not in English)
- Medical examination report (Form I-693)
- Financial support affidavit (Form I-864)
- Proof of eligibility for your category (e.g., marriage certificate, employment offer)

Step 5: Attend Biometrics Appointment (Immediately, but no more than 30 calendar days after Acknowledgment of receipt of your application of Form I-485, and Notice to visit your nearest application support center (ASC) for fingerprinting)

Pay the Processing Fee: Pay the applicable fee unless you qualify for a fee waiver.

USCIS will schedule a biometrics appointment to collect fingerprints, photographs, and signatures for background checks and comparison to the biometrics collected previously.

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Step 6: Attend an Interview (if required)

Many applicants must attend an interview with USCIS or at a U.S. consulate. Be prepared to answer questions about your application and provide additional documentation if requested.

Step 7: Receive Your Conditional Permanent Resident Card **

If approved, you will receive your Conditional Permanent Resident Card (Green Card) for Asylum Seekers**. Conditional Green Cards for Asylum Seekers are valid for 10 years and are not renewable. Conditional Green Card for Asylum Seekers holders must initiate the process of naturalization or permanently leave the US prior to the expiration of the Conditional Green Cards for Asylum Seekers or be subject to immediate and unconditional removal.

(**Note – The Conditional Permanent Resident Card for Asylum Seekers is a special version of the Permanent Resident Card (Green Card) created for the purposes of this process only.)

Step 8: Apply for citizenship: (between 5 and 9 years after receiving your Conditional Permanent Resident Card for Asylum Seekers)

To apply for naturalization, you must meet the following criteria:

Continuous Residence: You must have lived in the U.S. as a lawful permanent resident for at least 5 years. If married to a U.S. citizen, this period is reduced to 3 years, provided you have been living in marital union with your spouse for the entire time.

Physical Presence: You must have been physically present in the U.S. for at least 55 months out of the 5-year period (or 33 months out of 3 years for spouses of U.S. citizens)

Good Moral Character: You must have no serious criminal history or immigration violations.

English and Civics Knowledge: You must pass an English language test and a civics test covering U.S. history and government.

Application Process: Complete and submit the Application for Naturalization (Form N-400) online or by mail through USCIS. Pay the applicable fees unless you qualify for a fee waiver.

Biometrics Appointment: USCIS will schedule a biometrics appointment to collect fingerprints and other identification information.

Interview and Tests: Attend an interview with a USCIS officer, during which you will take the English and civics tests.

Oath of Allegiance: If approved, you will participate in a ceremony to take the Oath of Allegiance, after which you receive your Certificate of Naturalization.

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ATTACHMENT

Application For Employment Authorization Department of Homeland Security U.S. Citizenship and Immigration Services - Temporary

USCIS Form I-765T

Expires 12/31/2027

Part 1. Reason for Applying

I am applying for (select only one box):

- ☐ 1.a. Initial permission to accept employment.
- ☐ 1.b. Replacement of lost, stolen, or damaged employment authorization document, or correction of my employment authorization document NOT DUE to U.S. Citizenship and Immigration Services (USCIS) error.
- ☐ NOTE: Replacement (correction) of an employment authorization document due to USCIS error does not require a new Form I-765 and filing fee. Refer to www.uscis.gov/i-765 for further details.
- ☐ 1.c. Renewal of my permission to accept employment. (Attach a copy of your previous employment authorization document.)

Part 2. Information About You

Your Full Legal Name

1.a. Family Name (Last Name)

1.b. Given Name (First Name)

1.c. Middle Name

Other Names Used

Provide all other names you have ever used, including aliases, maiden name, and nicknames.

2.a. Family Name (Last Name)

2.b. Given Name (First Name)

2.c. Middle Name

Repeat for other aliases

Your U.S. Mailing Address

5.a. In Care of Name (if any)

5.b. Street Number and Name

5.c. Suite. Floor. Apt.

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5.d. City or Town

5.e. State

5.f. ZIP Code

6. Is your current mailing address the same as your physical

address? No Yes NOTE: If you answered "No" to Item Number 6.,

provide your physical address below.

7. Physical Address

8. Alien Registration Number (A-Number) (if any)

9. USCIS Online Account Number (if any)

10. Gender Assigned at Birth: Female Male

11. Marital Status: Widowed Divorced Single Married

12. Have you previously filed Form I-765? Yes No

13. Provide your Social Security number (SSN) (if known).

Your Country or Countries of Citizenship or Nationality - List all countries where you are currently a citizen or national.

14.a. Country

14.b. Country

(repeat as needed)

Place of Birth - List the city/town/village, state/province, and country where you were born.

15.a. City/Town/Village of Birth

15.b. State/Province of Birth

15.c. Country of Birth

16. Date of Birth (mm/dd/yyyy)

<u>Information About Your Last Arrival in the United States</u>

17. Form I-94 Arrival-Departure Record Number (if any)

18.Passport Number of Your Most Recently Issued Passport

19.Travel Document Number (if any)

20. Country That Issued Your Passport or Travel Document

21. Expiration Date for Passport or Travel Document (mm/dd/yyyy)

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22. Date of Your Last Arrival Into the United States, On or About (mm/dd/yyyy)

23. Place of Your Last Arrival Into the United States

24. Immigration Status at Your Last Arrival (for example, B-2 visitor, F-1 student, or no status)

25. Your Current Immigration Status or Category (for example, B-2 visitor, F-1 student, parolee, deferred action, or no status or category)

26 .Student and Exchange Visitor Information System (SEVIS) Number (if any)

Information About Your Eligibility Category

27. Are you currently employed? Yes No

28. If #27 is Yes, enter Employer's Name as Listed in E-Verify 28.b., Employer's E-Verify Company Identification Number or a Valid E-Verify Client Company Identification Number

29. Have you EVER been arrested for and/or convicted of any crime? Yes No

NOTE: If you answered “Yes” to Item Number 29., refer to Special Filing Instructions for Those With Pending Asylum Applications (c)(8) in the Required Documentation section of the Form I-765 Instructions for information about providing court dispositions.

30. Provide the receipt number of your Form I-797 Notice for Form I-589, Application for Asylum and for Withholding of Removal.

Applicant’s certification and e-signature

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ATTACHMENT

Application to Register Permanent Residence or Adjust Status - Temporary

USCIS Form I-485T

Expires 12/31/2027

Part 1. Information About You (Person applying for lawful permanent residence)

A-Number:

1. Your Current Legal Name (Do not provide a nickname)

Family Name (Last Name)

Given Name (First Name) Middle Name (if applicable)

Provide all other names you have ever used, including your family name at birth, other legal names, nicknames, aliases, and assumed names.

2. Other Names You Have Used Since Birth (if applicable)

Family Name (Last Name) Given Name (First Name) Middle Name (if applicable)

Date of Birth (mm/dd/yyyy)

3. Have you ever used any other date of birth? Yes No

If you answered "Yes," provide all

other dates of birth (mm/dd/yyyy)

4. Do you have an Alien Registration Number (A-Number)? Yes No

A-Number (if any)

5. Have you ever used, or been assigned, any other A-Number? Yes No

If you answered "Yes," provide your other A-Number

6. Sex Assigned at Birth: Female Male

7. Place of Birth City or Town of Birth

8. Country of Citizenship or Nationality

9. USCIS Online Account Number (if any)

If one has been assigned, you can find it on a notice that USCIS may have sent to you.

10. Recent Immigration History

If you last entered the United States using a passport or travel document, provide the following information.

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Passport or Travel Document Number Used at Last Arrival

Expiration Date of this Passport or Travel Document (mm/dd/yyyy)

Country that Issued this Passport or Travel Document

Nonimmigrant Visa Number Used During Most Recent Arrival (if any)

Date Nonimmigrant Visa Was Issued (mm/dd/yyyy)

Place and Date of Last Arrival into the United States

City or Town/State/Date of Last Arrival (mm/dd/yyyy)

11. When I last arrived in the United States:

- ☐ I was inspected at a Port of Entry and admitted as (for example, exchange visitor, visitor, temporary worker, student):
- ☐ I was inspected at a Port of Entry and paroled as (for example, humanitarian parole, Cuban parole):
- ☐ I came into the United States without admission or parole.
- ☐ Other

12. If you were issued a Form I-94 Arrival/Departure Record, provide the information from your most recent Form I-94 below:

Family Name (Last Name) Given Name (First Name)

Form I-94 Arrival/Departure Record Number ►

Expiration Date of Authorized Stay Shown on Form I-94 (mm/dd/yyyy) or Type or Print "D/S" for Duration of Status

Immigration Status on Form I-94 (for example, class of admission, or paroled, if paroled)

13. Was your last arrival the first time you were physically present in the United States?Yes No

14. What is your current immigration status (if it has changed since your last arrival)?

15. Expiration Date of Current Immigration Status (mm/dd/yyyy) or Type or Print "D/S" for Duration of Status

16. Not used

17. Not used

18. Addresses

Current U.S. Physical Address

In Care Of Name (if any)

Street Number and Name

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City or Town

State ZIP Code

Date You First Resided at This Address (mm/dd/yyyy)

Is this your current mailing address? Yes No

If you answered "No," provide your current mailing address.

In Care Of Name (if any)

Street Number and Name

City or Town

State ZIP Code

Have you resided at your current address for at least 5 years? Yes No

If you answered "No," provide your prior address(es) for the last 5 years. Use the space provided in Part 14. Additional Information, if necessary.

Prior Address

Street Number and Name Apt.Ste.Flr. Number

City or Town State ZIP Code

Postal Code Country Province

In Care Of Name (if any)

Dates of Residence From (mm/dd/yyyy) To (mm/dd/yyyy)

Most Recent Address Outside the United States

Provide your most recent physical address outside the United States where you lived for more than one year (if not already listed above).

Street Number and Name Apt.Ste.Flr. Number

City or Town State ZIP Code

Postal Code Country Province

Dates of Residence From (mm/dd/yyyy) To (mm/dd/yyyy)

19. Social Security Card 19.

Has the Social Security Administration (SSA) ever officially issued a Social Security card to you? No Yes

If you answered "Yes," provide your U.S. Social Security Number (SSN). ►

If No, Do you want the SSA to issue you a Social Security card? Yes No

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If you answered "Yes," you must also answer "Yes" to the Consent for Disclosure below.

Consent for Disclosure: I authorize disclosure of information from this application to the SSA as required for the purpose of assigning me an SSN and issuing me a Social Security Card. Yes No

Part 2 Employment and Educational History

Provide ALL your employment and educational history for the last 5 years as indicated in the Instructions. Provide your current employment or school attended first, then work back in time to when you first entered the US. Include periods of self-employment and unemployment. There should be NO GAPS IN TIME from when you entered the US to the present. For each period of unemployment, list your source of financial support. If you have additional employment or educational history, use the space provided in Part 14. Additional Information.

Employer or School (current or most recent)

Your Occupation (if unemployed, so state)

Address of Employer, Company, or School

Dates of Employment, Unemployment, or School Attendance From (mm/dd/yyyy) To (mm/dd/yyyy)

If unemployed, source of financial support.

Part 3 General Eligibility and Inadmissibility Grounds

You must meet ALL general eligibility requirements and not be subject to ANY inadmissibility grounds as listed in regular form I-495.

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