§ 245.7

(a) Application. Each person applying for benefits under section 599E of Public Law 101–167 (103 Stat. 1195, 1263) must file Form I–485, Application to Register Permanent Residence or Adjust Status, and must pay the appropriate filing and fingerprinting fee, as prescribed in §103.7 of this chapter. Each application shall be accompanied by Form I–643, Health and Human Services Statistical Data for Refugee/Asylee Adjusting Status, and the results of a medical examination given in accordance with §245.8. In addition, if the applicant has reached his or her 14th birthday but is not over 79 years of age, the application shall be accompanied by a completed Form G–325A, Biographic Information, and the applicant shall be fingerprinted on Form FD–258, Applicant Card, as prescribed in §103.2(e) of this chapter.

(b) Aliens eligible to apply for adjustment. The benefits of this section shall only apply to an alien who:

1. Was a national of the Soviet Union, Vietnam, Laos, or Cambodia, and
2. Was inspected and granted parole into the United States during the period beginning on August 15, 1988, and ending on September 30, 1990, after being denied refugee status.

(c) Eligibility. Benefits under Section 599E of Public Law 101–167 are limited to any alien described in paragraph (b) of this section who:

1. Applies for such adjustment,
2. Has been physically present in the United States for at least one year and is physically present in the United States on the date the application for such adjustment is filed,
3. Is admissible to the United States as an immigrant, except as provided in paragraph (d) of this section, and
4. Pays a fee for the processing of such application.

(d) Waiver of certain grounds for inadmissibility. The provisions of paragraphs (14), (15), (20), (21), (25), (28) (other than subparagraph (F), and (32) of section 212(a) of the Act shall not apply to adjustment under this section. The Attorney General may waive any other provision of section 212(a) (other than paragraph (23)(B), (27), (29), or (33)) with respect to such adjustment for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

(e) Date of approval. Upon approval of such an application for adjustment of status, the Attorney General shall create a record of the alien’s admission as a lawful permanent resident as of the date of the alien’s inspection and parole described in paragraph (b)(2) of this section.

§ 245.8
Adjustment of status as a special immigrant under section 101(a)(27)(K) of the Act.

(a) Application. Each person applying for adjustment of status as a special immigrant under section 101(a)(27)(K) of the Act must file a Form I–485, Application to Register Permanent Residence or Adjust Status. Benefits under this section are limited to aliens who have served honorably (or are enlisted to serve) in the Armed Forces of the United States for at least 12 years, and their spouses and children. For purposes of this section, special immigrants described in section 101(a)(27)(K) of the Act and his or her spouse and children shall be deemed to have been paroled into the United States pursuant to section 245(g) of the Act. Each applicant must file a separate application with the appropriate fee.

(b) Eligibility. The benefits of this section shall apply only to an alien described in section 101(a)(27)(K) of the Act who applies for such adjustment.