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# USCIS Implements Help HAITI Act of 2010

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Submitted by Editor on Jan 10th 2011

### Green Card Through the Help Haiti Act of 2010

On December 9, 2010, President Obama signed into law the Help Haitian Adoptees Immediately to Integrate Act of 2010 (Help HAITI Act of 2010). This new law will make it possible for certain Haitian orphans paroled into the United States to become lawful permanent residents (LPR) of the United States and get green cards. Applications to get a green card under this law may be filed at any time on or before December 9, 2013.

## Eligibility for a green card under the Help HAITI Act of 2010

To be eligible, you must:

- File a Form I 485 <sup>[2]</sup>, Application to Register Permanent Residence or Adjust Status, with fee, on or before December 9, 2013.
- Have been inspected and granted parole into the United States under the humanitarian parole policy announced by the Secretary of Homeland Security on January 18, 2010 <sup>[3]</sup>, and closed to new parole requests on April 15, 2010.
- Be admissible to the United States as an immigrant <sup>[4]</sup>, (the visa and passport requirements are waived).
- Be physically present in the United States when you file your Form I-485 AND on the date that USCIS decides your case

**Please note:** It is not necessary for a U.S. citizen to adopt a Haitian parolee in order for the Haitian parolee to obtain a green card under the Help HAITI Act of 2010. However, adoption by a U.S. citizen will be necessary for the Haitian parolee to obtain automatic citizenship under section 320 of the Immigration and Nationality Act. See further information below under the ?Citizenship? heading.

## Filing Requirements

You must file your application on or before December 9, 2013. If your application is received after December 9, 2013, USCIS will reject your application and return your application fee.

You must submit:

- Form I-485,
  - Under Part 2 check box (h) "Other basis for eligibility" and write in "Help HAITI Act"
- A filing fee of \$985.00 for each applicant per Form I-485 instructions.
  - Since the Help HAITI Act does exempt applicants from public charge inadmissibility [5], USCIS cannot waive the filing fee.
- A biometrics fee of \$85.00 if you are 14 years of age or older
- A Form I -693, *Report of Medical Examination and Vaccination Record*, that was completed and issued within one year of the application.
  - Must be completed legibly, signed by a designated civil surgeon [6], and in the original sealed envelope
- A copy of the Form I-94 Departure Record that you received when you were paroled.
- Evidence of your identity and nationality, if available. These may be documents such as:
  - A Haitian passport and Birth Certificate
  - A national identity document from Haiti
  - Other documents issued by the Haitian Government or Authority
- All other documentation required by the Form I-485 instructions (See "General Instructions") and/or requested by the Service. If any required document is unavailable, an affidavit or other credible evidence may be submitted.

*Copies:* A legible photocopy of documents may be submitted with the application, unless the original document is specifically required in the instructions.

*Translations:* Any document containing a foreign language submitted to USCIS shall be accompanied by a full English language translation. The translator must certify that translation is complete and accurate and that he/she is competent to translate from a foreign language into English.

Individuals adjusting under the Help HAITI Act are not actually adjusting as "immediate relatives." Therefore you do not need to submit Form I-864 Affidavit of Support.

## Filing Location

If you are applying under the Help HAITI Act, you must mail your Form I-485 to:

### ***USCIS Phoenix Lockbox***

#### **For U.S. Postal Service (USPS) deliveries:**

USCIS  
PO Box 21281  
Phoenix, AZ 85036

#### **For Express mail and courier deliveries:**

USCIS

Attn: AOS  
1820 E. Skyharbor Circle S  
Suite 100  
Phoenix, AZ 85034

## After You Submit Your Application

After you file your application, you will be notified to appear at an Application Support Center (ASC) for biometrics collection. This usually involves having your picture, signature, and index fingerprint taken. If you are 14 years of age or older at the time of adjudication, this will also include an FBI fingerprint check. This information will be used to conduct required security checks and for eventual creation of a green card. It may also be used to create an employment authorization (work permit) or advance parole document.

We will also send you an appointment notice if your case requires us to interview you.

If we approve your Form I-485, you should receive your green card approximately 2 weeks after we approve your Form I-485.

## Travel while your application is pending

If you want to travel abroad and return to the United States while your Form I-485 is pending, you must obtain an advance parole document from USCIS **before** you leave the United States. If you do not obtain an advance parole document, you may not be able to return lawfully to the United States, and your Form I-485 will be considered abandoned. To obtain advance parole, submit Form I-131, application for travel document, according to the Form I-131 instructions. You may file the Form I-131 with your Form I-485, or while your Form I-485 is pending.

## Checking the Status of your Application

You may enter the Form I-485 receipt number in the appropriate box on the [My Case Status webpage](#) [7]. This number appears on the top of the Form I-797 receipt and begins with MSC.

## Citizenship

The Help HAITI Act of 2010 does not directly grant U.S. citizenship. You will be deemed to meet the requirements of sections 320 and 322 of the INA that relate to adopted children if, before your 18th birthday, you:

- Obtain permanent residence under the Help Haiti Act; and
- Are adopted by a U.S. citizen.

For other requirements, see "[Citizenship through Parents](#) [8]" for more information

Note: Normally, a child must be adopted before his or her 16th birthday to get citizenship through adoptive parents; however the Help HAITI Act 2010 allows children to be adopted up to the age of 18.

If you obtain permanent residence under the Help Haiti Act, but you do not meet the special qualifications for citizenship through a parent, you will be able to apply for naturalization once

you meet the regular naturalization requirements. See "[Citizenship through Naturalization](#) [9]"

## **Eligibility to immigrate under normal immigration procedures for "adopted children" and "orphans"**

The enactment of the Help HAITI Act does not mean you are no longer eligible to become a permanent resident on any other basis that you may be eligible for. In particular, if you are the beneficiary of an approved Form I-130, petition for alien relative, or of an approved Form I-600, petition to classify orphan as immediate relative, you may still be eligible to become a permanent resident based on the approved petition, instead of relying on the Help HAITI Act. See "[Immigration through Adoption](#) [10]."

### **Background**

On January 12, 2010, a massive earthquake struck Haiti, causing widespread loss of life, injuries, devastating damage to infrastructure (including orphanages and government buildings), and the temporary collapse of the Haitian government.

On January 18, 2010, the Secretary of the Department of Homeland Security announced a special humanitarian parole policy for certain Haitian orphans that were adopted or in the process of being adopted by US citizens. Requests for humanitarian parole under this program were accepted through April 14, 2010. This special program and the steps taken to allow the parolees to obtain a green card and citizenship are collectively referred to as the HOPP.

Many HOPP parolees may be eligible to become permanent residents through the normal inter-country adoption procedures available prior to the Help HAITI Act of 2010. However, in some cases it was not possible for families to complete the adoption process in Haiti and/or the child may already have been too old to meet the requirements necessary to get a green card as an "adopted child" or "orphan."

#### **Green Card:**

[General Green Card](#) [11]

[Adoption](#) [12]

#### **Agency:**

[USCIS](#) [13]

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#### **Links:**

[1] <https://immigration.com/news/adoption/uscis-implements-help-haiti-act-2010>

[2] <http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=3faf2c1a6855d01>

[3] <http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=9c22546ade1462>

[4] <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=80f63a4107083>

[5] <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=829b0a5659083>

[6] <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=271e6138f898d>

[7] <https://egov.uscis.gov/cris/Dashboard.do>

[8]

<http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=32dffe9dd4aa32>

[9]

<http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=d84d6811264a3>

[10]

<http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=724c18a1f8b73>

[11] <https://immigration.com/greencard/green-card/general-green-card>

[12] <https://immigration.com/greencard/green-card/adoption>

[13] <https://immigration.com/agencies/agency/dhs/uscis>