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**Minesweeping: Adjustments for SIJS-based
Applicants, Asylees and Refugees, and U-visa and
VAWA Beneficiaries**

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You don't need to hear it from me or read in this paper to know that the culture, climate, and landscape of affirmatively seeking immigration benefits in this country has changed dramatically, and in an awful way, under Trump. You don't need to hear it from me to know that, now, we have to think about things that we never had to think about before, that we need to start doing things differently than we used to. It is not the purpose of this paper to provide a space for my own political rantings — we can do that as we cry and lament together at this conference, during the networking happy hour or maybe at the hotel bar. It is also not the purpose of this paper to provide a survey of the eligibility requirements for certain kinds of adjustment and how to apply for them. Instead, what I hope to provide here is some insight gathered not just from my own personal experience, but also from that of my brilliant friends and colleagues who regularly practice in this area of immigration law (thank you, Jordan Pollock, Stephanie Taylor, Natalie Hansen, Susannah Volpe, Elise Harriger, Sarah Woelk, and Sarah Valdes for your invaluable and thoughtful contributions), into new Trumpian snares and pitfalls that await particular types of adjustment and how to best avoid and navigate them. This part of our paper will cover adjustment for people with Special Immigrant Juvenile Status, asylees and refugees, and VAWA and U-visa beneficiaries, and is divided into sections for each form of adjustment, within which I will provide examples of new dangers and obstacles specific to that form of adjustment, along with suggestions on how to avoid them if you can or navigate them if you have to.

Before I get into specifics, there are a few things I've seen that apply across the board to all kinds of adjustment. First, getting waivers approved is becoming increasingly difficult, so load up that waiver application with as much hardship and discretionary evidence as your client can give you. Don't expect an approval. Expect a denial, and prepare the application with that in mind. Approach the waiver the way you would approach responding to a NOID or an appeal. What used to be enough is no longer enough.

Second, processing times have gotten a lot longer. Whereas before it took USCIS four or five months to adjudicate asylum adjustments, for example, it is now taking over a year and a half. Tell your clients upfront that that's the time period they should expect, and that they should also expect to have to renew their work permits. Also, don't submit the I-693 medical until the interview or until USCIS asks for it, because the medicals are only good for one year. That way, it won't expire before your client has had her interview or received a decision, and you'll save her the money and trouble of having to get another one. (Don't worry about the new RFE/NOID memo here; the USCIS Policy Manual itself recommends waiting to submit the medical until USCIS asks for it, so there really shouldn't be a danger of denial without first getting an RFE.)

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