



## USCIS Policy Manual Discretion Chart\*

### Non-Exhaustive List of Issues and Factors to Consider Related to the Exercise of Discretion in Adjustment Applications

Issue	Positive Factors	Negative Factors
Eligibility Requirements	<ul style="list-style-type: none"> <li>Meeting the eligibility requirements for adjustment of status.<sup>[23]</sup></li> </ul>	<ul style="list-style-type: none"> <li>Not meeting the eligibility requirements may still be considered as part of a discretionary analysis.<sup>[24]</sup></li> </ul>
Family and Community Ties	<ul style="list-style-type: none"> <li>Family ties to the United States and the closeness of the underlying relationships.<sup>[25]</sup></li> <li>Hardship to the applicant or close relatives if the adjustment application is denied.<sup>[26]</sup></li> <li>Length of lawful residence in the United States, status held and conduct during that residence, particularly if the applicant began his or her residency at a young age.<sup>[27]</sup></li> </ul>	<ul style="list-style-type: none"> <li>Absence of close family, community, and residence ties.<sup>[28]</sup></li> </ul>

\*Copied directly from the USCIS Policy Manual, Volume 7, Part A, Chapter 10.

Issue	Positive Factors	Negative Factors
Immigration Status and History	<ul style="list-style-type: none"> <li>• Compliance with immigration laws and the conditions of any immigration status held.</li> <li>• Approved humanitarian-based immigrant or nonimmigrant petition, waiver of inadmissibility, or other form of relief and the underlying humanitarian, hardship, or other factors that resulted in the approval.<sup>[29]</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Violations of immigration laws and the conditions of any immigration status held.<sup>[30]</sup></li> <li>• Current or previous instances of fraud or false testimony in dealings with USCIS or any government agency.<sup>[31]</sup></li> <li>• Unexecuted exclusion, deportation, or removal orders.<sup>[32]</sup></li> </ul>
Business, Employment, and Skills	<ul style="list-style-type: none"> <li>• Property, investment, or business ties in the United States.<sup>[33]</sup></li> <li>• Employment history, including type, length, and stability of the employment.<sup>[34]</sup></li> <li>• Education, specialized skills, and training obtained from an educational institution in the United States relevant to current or prospective</li> </ul>	<ul style="list-style-type: none"> <li>• History of unemployment or underemployment.<sup>[35]</sup></li> <li>• Unauthorized employment in the United States.<sup>[36]</sup></li> <li>• Employment or income from illegal activity or sources, including, but not limited to, income gained illegally from drug sales, illegal gambling, prostitution, or alien smuggling.<sup>[37]</sup></li> </ul>



Issue	Positive Factors	Negative Factors
	<p>employment and earning potential in the United States.</p>	
<p>Community Standing and Moral Character</p>	<ul style="list-style-type: none"> <li>• Respect for law and order, and good moral character (in the United States and abroad) demonstrated by a lack of a criminal record and evidence of good standing in the community.</li> <li>• Honorable service in the U.S. armed forces or other evidence of value and service to the community.<sup>[38]</sup></li> <li>• Compliance with tax laws.</li> <li>• Current or past cooperation with law enforcement authorities.</li> <li>• Demonstration of reformed or rehabilitated criminal conduct, where applicable.<sup>[39]</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Moral depravity or criminal tendencies (in the United States and abroad) reflected by a single serious crime or an active or long criminal record, including the nature, seriousness, and recent occurrence of criminal violations.<sup>[40]</sup></li> <li>• Lack of reformation of character or rehabilitation.<sup>[41]</sup></li> <li>• Public safety or national security concerns.<sup>[42]</sup></li> <li>• Failure to meet tax obligations.</li> <li>• Failure to pay child support.</li> <li>• Failure to comply with any applicable civil court orders.</li> </ul>



Issue	Positive Factors	Negative Factors
	<ul style="list-style-type: none"> <li>Community service beyond any imposed by the courts.</li> </ul>	
Other	<ul style="list-style-type: none"> <li>Absence of significant undesirable or negative factors and other indicators of good moral character in the United States and abroad.<sup>[43]</sup></li> </ul>	<ul style="list-style-type: none"> <li>Other indicators adversely reflecting the applicant's character and undesirability as an LPR of this country.<sup>[44]</sup></li> </ul>

