

BOTELHO IMMIGRATION COURSES

The Marriage Green Card System

DISCRETIONARY STATEMENT TEMPLATE

*A fillable sworn declaration template for marriage-based green card applicants
preparing an adjustment of status case under USCIS Policy Memorandum PM-602-0199*

2026 Update

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How to Use This Template

This template provides a structured framework for drafting the sworn Discretionary Statement that should accompany your Form I-485 in light of USCIS Policy Memorandum PM-602-0199 (issued May 21, 2026). The discretionary statement is the single most important document you can add to your filing under the memo — it is your written argument explaining why USCIS should exercise its discretion favorably and grant you permanent residence from inside the United States.

What the memo asks you to show

The memo reaffirms that adjustment of status under INA §245(a) is a matter of "discretion and administrative grace." The officer weighs all positive and negative factors in your case — family ties, your immigration status and history, your moral character, and any other relevant factor — under the totality of the circumstances (Matter of Mendez-Morales; Matter of Marin), and decides whether granting permanent residence is in the best interests of the United States.

Where you have adverse factors (such as an overstay or failure to depart), the governing case law (Matter of Blas) says you may need to offset them with "unusual or even outstanding equities." Your discretionary statement is where you make that affirmative showing.

This template is structured in nine sections. Sections 2 through 7 map to this course's seven working categories from the companion Discretionary Equities Checklist (those categories are our organizational framework for the factors the memo asks officers to weigh, not labels drawn from the memo itself), and Sections 1 and 8 provide an introduction and a respectful conclusion. Each section contains: a blue instruction box explaining what that section should accomplish, fill-in-the-blank placeholder text in [RED BRACKETS] that you replace with your case-specific information, and example template language you can adapt to your own facts.

Recommended workflow

1. Complete the companion Discretionary Equities Checklist first. You cannot write the statement well if you have not gathered the evidence it references.
2. Print this template or open it in Microsoft Word, Google Docs, or your preferred word processor.
3. Work through each section in order. Replace every [RED BRACKET PLACEHOLDER] with your case-specific information. Delete the example language and replace it with your own facts.
4. After your full draft is complete, delete the blue instruction boxes — they are for your reference during drafting and should not appear in the final statement filed with USCIS.
5. Cross-reference each section to your exhibits. The exhibit numbers should match the numbered exhibits in your I-485 package.
6. Review the entire statement for accuracy, specificity, and candor. Do not exaggerate. Do not minimize. Tell the truth in a structured way.

7. Sign and date the final version in the presence of a notary. The notary must complete the notarization block.
8. Include the notarized statement as a numbered exhibit in your I-485 package (typically the highest-numbered exhibit, often Exhibit Z) and reference it in your cover letter.

Important: this is a template, not a finished document.

Every section requires customization to your specific facts. Do not file the template as-is. Doing so will undermine the credibility of your entire application. The template provides structure and example language. The substance must be yours, in your own voice, about your own situation.

First confirm the memo even applies to you.

A limited set of adjustment categories are NOT discretionary — refugee/asylee adjustment under INA §209, the Cuban Adjustment Act, NACARA, and the Liberian Refugee Immigration Fairness (LRIF) provisions. If you are adjusting under one of those, USCIS must approve once you meet the eligibility requirements, the discretionary analysis does not apply, and you generally do not need this statement at all. Most marriage-based applicants adjust under the discretionary INA §245(a), for whom this template is designed. Confirm which provision governs your case before relying on this template.

Important: this is educational material, not legal advice.

This material provides general legal education for students of The Marriage Green Card System course. It does not create an attorney-client relationship with Botelho Law Group PLLC or any other attorney. USCIS policy, regulations, and adjudication practices change over time — verify current requirements before filing. For advice specific to your situation, schedule a free consultation with Botelho Law Group at 508-500-1551 or us-immigration-lawfirm.com/free-consultation/. Botelho Immigration Courses is offered by Botelho Financial Group LLC and is a separate entity from Botelho Law Group PLLC.

DISCRETIONARY STATEMENT TEMPLATE — BEGINS HERE

Header Block

How to complete the header

Replace each placeholder with your case-specific information. If you do not yet have a receipt number because you are filing concurrently, you can add it later as a supplemental cover sheet. The date should be the date you sign the final notarized version.

SWORN DECLARATION IN SUPPORT OF APPLICATION FOR ADJUSTMENT OF STATUS

Pursuant to INA §245(a) and USCIS Policy Memorandum PM-602-0199

Applicant Name: [FULL LEGAL NAME OF APPLICANT]

A-Number: [A-NUMBER IF ASSIGNED, OTHERWISE "None Assigned"]

Application Receipt Number: [I-485 RECEIPT NUMBER IF AVAILABLE]

Date: [DATE OF SIGNATURE]

SECTION 1 — INTRODUCTION

Purpose of this section

One short paragraph identifying yourself, your spouse, your application, and the relief you are requesting. This section sets up everything that follows. Keep it tight — three to four sentences.

I, **[FULL LEGAL NAME]**, being duly sworn, depose and state as follows. I am the applicant in the above-referenced application for adjustment of status to lawful permanent residence under Section 245(a) of the Immigration and Nationality Act. I am married to **[FULL LEGAL NAME OF U.S. CITIZEN OR LPR SPOUSE]**, a **[U.S. citizen OR lawful permanent resident]**. I submit this sworn declaration in support of my application and respectfully request that U.S. Citizenship and Immigration Services exercise its discretion favorably under INA §245(a) in adjudicating my application. The reasons supporting a favorable exercise of discretion are set forth in detail in the sections that follow, with cross-references to the supporting exhibits in my application package.

SECTION 2 — FAMILY TIES

Purpose of this section

Describe your U.S. family in detail: spouse, children, dependent parents, other immediate family members. Family ties are a factor the memo expressly directs officers to weigh. Cross-reference each piece of family-tie documentation to the corresponding exhibit number in your evidence package. Typical length: 2 to 3 pages depending on family complexity. Be specific. Avoid generic statements.

Subsection 2.1 — Marriage to U.S. Citizen / LPR Spouse

I married **[SPOUSE'S FULL LEGAL NAME]** on **[DATE OF MARRIAGE]** in **[CITY, STATE OF MARRIAGE]**. Our marriage certificate is attached as Exhibit **[EXHIBIT NUMBER]**.

My spouse and I have built a shared life together that includes the following documented elements:

- Joint financial accounts — see Exhibits **[LIST EXHIBIT NUMBERS FOR JOINT BANK ACCOUNTS, JOINT CREDIT CARDS, ETC.]**
- Shared residence — see Exhibits **[LIST EXHIBIT NUMBERS FOR JOINT LEASE/MORTGAGE, UTILITIES, ETC.]**
- Joint insurance and beneficiary designations — see Exhibits **[LIST EXHIBIT NUMBERS]**
- Joint tax filings for tax years **[LIST YEARS]** — see Exhibit **[EXHIBIT NUMBER]**

Subsection 2.2 — U.S. Citizen / LPR Children (if applicable)

Skip this subsection if you have no U.S. citizen or LPR children.

If you do have children, write a separate paragraph for each child including name, date of birth, citizenship status, your relationship, and a brief description of your role in the child's life. Cross-reference the supporting exhibits.

My spouse and I have **[NUMBER]** U.S. citizen child(ren):

Child 1: **[CHILD'S NAME, DATE OF BIRTH]**. Birth certificate attached as Exhibit **[EXHIBIT NUMBER]**. **[DESCRIBE YOUR DAILY ROLE IN THIS CHILD'S LIFE — caregiving, school involvement, medical care, etc. Be specific and concrete.]**

Subsection 2.3 — Other Dependent U.S. Citizen / LPR Relatives (if applicable)

Skip this subsection if you have no other dependent U.S. relatives.

Include parents, siblings, or other relatives who depend on you and who are U.S. citizens or LPRs.

[DESCRIBE OTHER DEPENDENT U.S. CITIZEN OR LPR FAMILY MEMBERS, YOUR RELATIONSHIP, AND THE NATURE OF THEIR DEPENDENCE ON YOU. Cross-reference supporting exhibits.]

SECTION 3 — FAMILY IMPACT AND HUMANE CONSIDERATIONS

One of the most important sections

Describe the genuine human impact on your U.S. citizen or LPR family members — and your role in their lives — if you were required to depart the United States for consular processing. The memo directs officers to weigh the "social and humane considerations" in your case (Matter of Mendez-Moralez; Matter of Marin). Note: the memo does NOT impose a formal "hardship" test, and this is not the qualifying-relative "extreme hardship" standard used for I-601/I-601A waivers — so do not force your facts into a hardship-to-qualifying-relatives mold or cite the waiver hardship framework. Instead, describe the real-world consequences, concretely. Cross-reference medical records, school records, financial records, country conditions evidence, and the sworn declarations of your family members. Typical length: 2 to 4 pages. This is where you spend the most time and the most words.

If I were required to depart the United States for consular processing, my U.S. citizen **[spouse and/or children and/or parents]** would experience the following specific, documented consequences:

Subsection 3.1 — Medical Impact

[DESCRIBE ANY MEDICAL CONDITION OF A U.S. CITIZEN OR LPR FAMILY MEMBER that requires ongoing care which would be disrupted by your departure or by their relocation. Cross-reference physician letters and medical records. Be specific about the condition, the treatment plan, and why your presence is essential.]

Subsection 3.2 — Educational Impact (if applicable)

[DESCRIBE ANY EDUCATIONAL DISRUPTION that U.S. citizen or LPR children would experience. Cross-reference school records, IEPs, college-planning documents.]

Subsection 3.3 — Financial Impact

[DESCRIBE THE FINANCIAL IMPACT on the U.S. household of your departure — income loss, debt obligations, childcare costs, business operations. Cross-reference financial records.]

Subsection 3.4 — Caregiving Impact (if applicable)

[DESCRIBE CAREGIVING RESPONSIBILITIES for elderly or disabled U.S. citizen or LPR relatives — why you specifically, and why alternative care is not available or affordable.]

Subsection 3.5 — Country Conditions (if applicable)

[DESCRIBE COUNTRY CONDITIONS in your country of origin that would affect your U.S. family if they relocated. Cross-reference State Department reports and human rights documentation.]

Sworn declarations from my U.S. family members describing these circumstances in their own words are attached as Exhibits **[LIST EXHIBIT NUMBERS FOR FAMILY MEMBER DECLARATIONS]**

SECTION 4 — MORAL CHARACTER AND COMPLIANCE

Purpose of this section

Summarize your moral character and compliance evidence — both factors the memo directs officers to weigh. Cross-reference the supporting documentation: IRS transcripts, FBI background check, character reference letters, volunteer records. Keep this section tight: typically 1 to 2 pages. The letters and records themselves carry the weight; this section frames them.

Subsection 4.1 — Tax Compliance

I have filed all required federal and state tax returns for every year of my presence in the United States. My IRS tax transcripts for tax years **[LIST YEARS]** are attached as Exhibit **[EXHIBIT NUMBER]**. State tax records are attached as Exhibit **[EXHIBIT NUMBER]**.

Subsection 4.2 — Criminal Record

My FBI Identity History Summary, attached as Exhibit **[EXHIBIT NUMBER]**, reflects **["no criminal history" OR a candid description of any arrest or conviction, with reference to the certified court disposition attached as a separate exhibit]**.

Subsection 4.3 — Character References

Character reference letters from **[LIST CATEGORIES — employer, clergy, neighbors, community members, etc.]** are attached as Exhibits **[LIST EXHIBIT NUMBERS]**. Each letter describes specific conduct and contributions over time.

Subsection 4.4 — Community Service and Volunteer Work

[DESCRIBE YOUR VOLUNTEER COMMITMENTS AND COMMUNITY SERVICE with specific organizations, dates, roles, and supervisor contact information. Cross-reference exhibits.]

SECTION 5 — COMMUNITY AND PROFESSIONAL CONTRIBUTIONS

Purpose of this section

Describe what you have built and contributed during your time in the United States — employment, professional credentials, economic contributions, civic engagement. This speaks to whether your permanent residence is in the best interests of the United States. Cross-reference exhibits. Typical length: 1 to 2 pages.

Subsection 5.1 — Employment History

[DESCRIBE YOUR U.S. EMPLOYMENT HISTORY — current employer, role, tenure, salary range, contributions. Then prior employers in chronological order. Cross-reference employer letters and tax records.]

Subsection 5.2 — Professional Credentials

[LIST PROFESSIONAL LICENSES, CERTIFICATIONS, ADVANCED DEGREES that you hold. Cross-reference supporting exhibits.]

Subsection 5.3 — Business Ownership (if applicable)

[IF YOU OWN A U.S. BUSINESS, describe formation, operation, employees, contributions. Cross-reference business records.]

Subsection 5.4 — Economic Contributions

[DESCRIBE YOUR ECONOMIC TIES TO THE UNITED STATES — home ownership, retirement accounts, tax contributions over time, investments. Cross-reference exhibits.]

Subsection 5.5 — Civic and Educational Engagement

[DESCRIBE CIVIC ENGAGEMENT, PTA SERVICE, COACHING, MENTORING, BOARD SERVICE, religious community involvement. Cross-reference exhibits.]

SECTION 6 — HONEST TREATMENT OF ADVERSE FACTS (IF APPLICABLE)

Include this section ONLY if you have adverse facts to address.

If your immigration history is fully clean, delete this entire section. If you have any adverse facts — overstays, unauthorized work, prior denials, status lapses, prior misrepresentation — you **MUST** include this section. The memo treats failure to maintain status and failure to depart as expected as highly relevant negative factors, so they must be addressed directly. Acknowledge, contextualize, and bound. Do not minimize. Do not exaggerate. Tell the truth in a structured way.

Critical caution.

Do NOT argue that you should not consular process because you would face the 3-year or 10-year unlawful presence bar on departure. That argument asks USCIS to reward your overstay — the very failure-to-depart the memo identifies as a negative factor. The sound approach is to document the genuine family ties and humane considerations that make adjustment appropriate, and to address any unlawful-presence problem through the I-601A provisional waiver process. If unlawful-presence bars apply to you, you may need attorney representation alongside this statement.

I acknowledge the following adverse fact(s) in my immigration history. I provide context and explain what I have done since.

Subsection 6.1 — [Name of Adverse Fact, e.g. "Overstay of B-2 Admission"]

[DESCRIBE WHAT HAPPENED — what the adverse fact was, when it began, when it ended.]

[DESCRIBE THE CONTEXT — what was going on in your life at the time, and why the violation occurred. Do not justify; explain.]

[DESCRIBE WHAT YOU HAVE DONE SINCE — how your conduct has been since the violation ended: compliance with tax law, immigration law, and other obligations.]

[DEMONSTRATE THAT THE VIOLATION IS BOUNDED — it ended, it has not recurred, and your conduct since has been fully compliant.]

If you have additional adverse facts to address, repeat this subsection structure for each one, numbered 6.2, 6.3, etc.

SECTION 7 — WHY ADJUSTMENT FROM WITHIN THE U.S. IS APPROPRIATE

Purpose of this section

The memo frames adjustment as an extraordinary alternative to the ordinary consular immigrant visa process and puts the burden on you to justify it. This section affirmatively explains why adjustment from inside the United States is the appropriate course in your specific case. You are not arguing against consular processing in the abstract — you are explaining why it does not fit your situation.

Adjustment from within the United States is the appropriate course for adjudication of my application for the following reasons specific to my case:

Subsection 7.1 — Family Impact of Separation

As detailed in Section 3 above, my departure for consular processing would have a specific, documented impact on my U.S. citizen **[spouse, children, parents — list applicable]**. The estimated time required for consular processing at **[NAME OF RELEVANT U.S. CONSULATE]** is **[CURRENT WAIT TIME FROM travel.state.gov]**, a period during which my U.S. family would be without my presence, support, and **[caregiving, income, etc.]**.

Subsection 7.2 — State Department Processing Constraints

[DESCRIBE ANY APPLICABLE STATE DEPARTMENT BACKLOGS, STAFF REDUCTIONS, OR COUNTRY-SPECIFIC IMMIGRANT VISA SUSPENSIONS that affect your country. Cross-reference travel.state.gov current wait times. If your country is on the immigrant visa suspension list, state that fact directly.]

Subsection 7.3 — Medical or Travel Impediment (if applicable)

[DESCRIBE ANY MEDICAL CONDITION OR PREGNANCY that makes international travel impractical or dangerous. Cross-reference physician letters.]

Subsection 7.4 — Caregiving Obligations Requiring Presence (if applicable)

[DESCRIBE ANY CAREGIVING ROLE for U.S. citizen or LPR family members that cannot be interrupted without harm to those individuals. Cross-reference Section 3.]

Subsection 7.5 — Country Conditions (if applicable)

[DESCRIBE ANY COUNTRY CONDITIONS that justify adjusting from within the United States — short of asylum, but documented. Cross-reference State Department reports.]

SECTION 8 — RESPECTFUL REQUEST

Purpose of this section

One short closing paragraph. Restate the relief you are requesting. Acknowledge that adjustment is a matter of discretion. Respectfully ask USCIS to exercise that discretion in your favor based on the totality of the circumstances. Do not be defensive. Do not be demanding. Be respectful and direct.

For the reasons set forth in the foregoing sections and the supporting exhibits referenced throughout, I respectfully request that U.S. Citizenship and Immigration Services exercise its discretion favorably and grant my application for adjustment of status under INA §245(a). I acknowledge that adjustment of status is a matter of discretion and administrative grace and that the burden of demonstrating that a favorable exercise of discretion is warranted rests with me. I submit this declaration, together with the supporting evidence in my application package, in support of that burden. I respectfully ask USCIS to consider the totality of the circumstances presented and to grant my application.

SIGNATURE AND NOTARIZATION

Final step before filing.

Sign and date this declaration in the presence of a notary public. Do not sign before the notary witnesses it. The notary completes the notarization block below. Most banks, UPS Stores, and law offices provide notary services. Bring valid government-issued photo identification.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Executed on this ____ day of _____, 20____ in _____,
_____.

Signature of Applicant

Printed Name: _____

NOTARIZATION

State of _____

County of _____

Subscribed and sworn to (or affirmed) before me on this ____ day of _____, 20____, by
_____, who is personally known to me or who has
produced _____ as identification.

Notary Public — Signature

Printed Name: _____

My Commission Expires: _____

(SEAL)

END OF DISCRETIONARY STATEMENT TEMPLATE

Appendix: Filing Tips

Length expectations

A strong discretionary statement typically runs four to eight pages, depending on case complexity. Simple cases with strong equities and no adverse facts can be shorter. Complex cases with multiple adverse facts and detailed family-impact documentation will be longer. Do not pad. Do not omit. Length should match substance.

Voice and tone

Write in the first person. This is your voice telling your story. Be specific about facts and dates. Be respectful in tone — you are addressing a USCIS officer who has discretion over your future. Avoid emotional language; let the facts carry the weight. Do not be defensive about adverse facts. Do not be boastful about positive equities.

Cross-reference discipline

Every factual claim in the statement should cross-reference a specific exhibit in your evidence package. Use exhibit numbers consistently. The reviewing officer should be able to verify every claim by going to the referenced exhibit. Unsupported assertions undermine credibility.

Translation requirements

If any supporting exhibit is in a language other than English, it must be accompanied by a certified English translation per 8 CFR §103.2(b)(3). The translation certification template is in Module 1, Lesson 1.6 of The Marriage Green Card System course.

If you receive a discretionary denial

Remember that the memo requires USCIS, when it denies a case as a matter of discretion, to spell out in writing the positive and negative factors it weighed and why the negatives prevailed. If that happens, the written analysis tells you exactly what the officer found lacking — which is the starting point for a motion to reopen or reconsider, or other appropriate relief. This is a moment to consult an attorney; your Confidence Credit Guarantee covers exactly this scenario.

After filing

Keep the original notarized statement in your records. File a certified copy with your I-485 package. If you later receive a Request for Evidence asking about discretionary factors, you can submit a supplemental discretionary statement using the same template structure, addressing the specific concerns raised and referencing any new evidence.

When to escalate to representation

If you have any of the following, consider transitioning to attorney representation using your Confidence Credit Guarantee: overstay longer than 180 days; any unauthorized employment; prior visa denial; any criminal history; any prior misrepresentation; existing RFE on discretionary factors; or a denied I-485. Call Botelho Law Group at 508-500-1551 or visit [us-immigration-lawfirm.com/free-consultation/](https://www.us-immigration-lawfirm.com/free-consultation/).

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