

U.S. Department of Justice  
Immigration and Naturalization Service

## Inter-Agency Alien Witness and Informant Record

### INSTRUCTIONS

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#### PART I. GENERAL

**Purpose Of This Form.** This form is used by law enforcement agencies (LEA's) to bring alien witnesses and informants to the United States in a "S" nonimmigrant classification. This form provides the Department of State (DOS) and the Immigration and Naturalization Service (INS) with information necessary to identify the requesting LEA, the alien witness and/or informant, and others e.g., the United States Attorney, needing the information or testimony of that alien. It assists DOS and INS in the exercise of their joint responsibility to adjudicate requests by LEA's for S classification.

**General Instructions.** Please read the instructions carefully. A separate form must be used for each witness/informant requested. Please answer all questions by typing or clearly printing in ink. Failure to answer all questions will delay the processing of this application and may result in its denial. Indicate a non-applicable question with "N/A." If the answer is "none", please so state. Submit both copies of the form. If you, as the requesting agent, need extra space to answer any item, attach a sheet of paper with your name on it, as well as the name of the alien, the LEA requestor and the control agent. You should make copies of this completed form for your records. Please provide exact information about the request you are making (e.g., for S classification waivers of grounds of inadmissibility or adjustment of status) and complete and attach all necessary certifications and documentation.

#### PART II. WHO IS TO USE THIS FORM

This form may be used only by a Federal or State LEA and only to request that an alien witness or informant be allowed to: (1) proceed into the United States pursuant to the S nonimmigrant classification; (2) change nonimmigrant classification to an S classification, or; (3) adjust to lawful permanent resident status from the S nonimmigrant classification. For the witness/informant, the LEA must specifically request:

**S-5 or S-6 nonimmigrant classification.** The S classification may be requested when an alien witness or informant intends to remain permanently in the United States. An S-5 classification may be requested for an alien who possesses and is willing to provide to the requesting

LEA critical, reliable information on a criminal organization and who otherwise qualifies under section 101(a)(15)(S) of the Immigration and Nationality (Act) and 8 CFR 214.2(t). An S-6 classification may be requested for an alien who possesses and is willing to provide information on a terrorist organization, who will be or is placed in danger as a result, is eligible for an award under section 36(a) of the State Department Basic Authorities Act of 1956, 22 U.S.C. 2708(a), and who otherwise qualifies under section 101(a)(15)(S) of the Act and 8 CFR 214.2(t).

**Please note:** A Federal or State LEA may request S-5 nonimmigrant classification for an alien witness or informant. However, only a Federal LEA or Federal court may request S-6 classification for an alien witness or informant.

**The LEA May Also Make A Request For Derivative Beneficiaries (Part A 6).** Qualifying relatives (spouse, married and unmarried sons and daughters, and parents) of the principal alien witness and informant may be included in a request for the S nonimmigrant classification. All required information for such derivative beneficiaries of this request must be included at the time of filing the request for nonimmigrant classification. Only qualifying relatives identified at the time of filing will be considered as accompanying or following to join. Proof of family relationship, biographical data, and grounds of excludability must be attached for each named qualifying relative.

**For Change of Status To The S Classification.** An LEA may request the Service to change the classification of an alien already in the United States from another valid nonimmigrant classification to S-5 or S-6 classification (8 CFR 214.2(t)(12)) by filing this form and Form I-539, Application to Extend/Change Nonimmigrant Status, together with the relevant documentation and requisite fees, pursuant to the instructions for filing requests for an S classification, below.

**For Requests To Allow An S Nonimmigrant To File For Adjustment Of Status To That Of Lawful Permanent Resident (8 CFR 245.11).** A request to allow a nonimmigrant in an S classification to file for adjustment of status must be filed by the LEA that originally requested the S classification and may not be filed until the alien has fulfilled the terms and conditions of his or her S classification. Please attach to the request on Part F of this form all relevant documentation establishing that the alien has fulfilled the terms and conditions of his or her S classification and related recommendations. Only the derivative beneficiaries named on the request for S classification are eligible to adjust pursuant to 8 CFR 245.11.