

Additional Instructions to Form I-539 for V Nonimmigrant Status**What is the purpose of this form?**

This form contains additional instructions for Form I-539, Application to Extend/Change Nonimmigrant Status, for aliens physically in the United States who are applying for V nonimmigrant status. **If you are not applying to obtain V nonimmigrant status, you do not need to use this form.** Aliens who are applying for V nonimmigrant status should complete Form I-539, and follow the instructions contained in Supplement A to Form I-539 as well as those contained in Form I-539.

Note: Aliens who are using this form in conjunction with the Form I-539 do not necessarily have to be in a valid nonimmigrant status to obtain V nonimmigrant status in the United States. See "Who is Eligible for V Nonimmigrant Status?" below.

Who is Eligible for V Nonimmigrant Status?

To be eligible for V nonimmigrant status, an alien must be the spouse or child of a lawful permanent resident and be the beneficiary of a properly filed Form I-130, Petition for Alien Relative, filed on or before December 21, 2000. In addition, the Form I-130 must have been filed three (3) or more years prior to the date of filing Supplement A to Form I-539, and be:

- Still pending; or
- Approved, and the alien beneficiary must either:
 - (1) Waiting for an immigrant visa number to become available, or;
 - (2) If the visa number is immediately available, the alien must have pending an application for adjustment of status or an application for an immigrant visa.

In addition, applicants must be admissible to the United States, except where the grounds of inadmissibility do not apply or have been waived. The grounds of inadmissibility that do not apply are INA sections:

- 212(a)(6)(A) -- Aliens present without admission or parole;
- 212(a)(7) -- Aliens without valid passports, visas, or other entry documents; and
- 212(a)(9)(B) -- Aliens who were unlawfully present for more than 180 days, then departed, and seek admission while barred from doing so.

Additional Instructions.

1. The applicant should check box "b" in part 2 of Form I-539, and indicate "V" in the provided space;
2. The applicant should use information from the qualifying Form I-130 for his or her response to Part 3, question 4 of Form I-539.

Additional Evidence Requirements.

In addition to the General Filing Instructions and Initial Evidence required by the instructions to Form I-539, the following requirements must be submitted:

1. Form I-693, Medical Examination of Aliens Seeking Adjustment of Status without vaccination supplement; and
2. Additional Initial Evidence. An alien applying for V nonimmigrant status with the Immigration and Naturalization Service (Service) should submit proof of filing of the immigrant petition that qualifies the alien for V status, and if necessary, proof of filing of the Form I-485, Application to Register Permanent Residence or Adjust Status. Proof of filing may be in the form of Form I-797, Notice of Action, which serves as a receipt or as a notice of approval, or a receipt for a filed Form I-130 or Form I-485, or notice of approval issued by a local district office. If the alien does not have such proof, the Service will review other forms of evidence, such as correspondence to or from the Service regarding a pending petition. If the alien does not have any of the above items, but believes he or she is eligible for V nonimmigrant status, he or she should state where and when the petition was filed, the name and alien number of the petitioner, and the names of all beneficiaries.

Where to File.

Aliens filing for V nonimmigrant status should file at:

U.S. Immigration and Naturalization Service
P.O. Box 7216
Chicago, IL 60680 - 7216

Fee.

In addition to the application fee required for Form I-539, the applicants must remit the fingerprint service fee of \$25.00, as required by 8 CFR 103.2(e)(4).

Privacy Act Notice.

We ask for the information on this form, and associated evidence, to determine if you have established eligibility for the immigration benefit for which you are filing. Our legal right to ask for this information is in 8 U.S.C. 1103. We may provide this information to other government agencies. Failure to provide this information, and any requested evidence, may delay a final decision or result in denial of your request.

Paperwork Reduction Act Notice.

An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it contains a currently valid OMB approval number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex. The estimated average time to complete and file Form I-539, to which this form is a supplement is as follows: (1) 10 minutes to learn about the law and form; (2) 5 minutes to complete the form; (3) 15 minutes to assemble and file the application; for a total estimated average response of 30 minutes per application. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Immigration and Naturalization Service, HQPDI, 425 I Street, N.W., Room 4034, Washington, DC 20536; OMB No. 1115-0237. *(Do not mail your completed application to this address.)*