

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, if you are physically in the United States and are applying to U.S. Citizenship and Immigration Services (USCIS) for V nonimmigrant status. **If you are not applying to obtain V nonimmigrant status, you do not need to use this form.** If you are applying for V nonimmigrant status, you should complete Form I-539, and follow the instructions contained in this Supplement A to Form I-539 as well as those contained in Form I-539.

NOTE: If you are using this form in conjunction with Form I-539, you 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, you 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, Form I-130 must have been filed three or more years prior to the date of filing Supplement A to Form I-539, and be:

1. Still pending; or
 2. Approved, and your beneficiary must either:
 - (A) Wait for an immigrant visa number to become available; or
 - (B) If the visa number is immediately available, you must have pending an application for adjustment of status or an application for an immigrant visa.
- In addition, you 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:
1. 212(a)(6)(A) -- Aliens present without admission or parole;
 2. 212(a)(7) -- Aliens without valid passports, visas, or other entry documents; and
 3. 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. Check box "b" in **Part 2** of Form I-539, and indicate "V" in the provided space; and
2. Use information from the qualifying Form I-130 for your 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 the vaccination supplement; and
2. Proof of filing of the immigrant petition that qualifies you for V nonimmigrant status, and if necessary, proof of filing of 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, that 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/field office.

If you do not have such proof, USCIS will review other forms of evidence, such as correspondence to or from USCIS regarding a pending petition.

If you do not have any of the above items, but believe you are eligible for V nonimmigrant status, you must state where and when the petition was filed, the name and alien registration number of the petitioner, and the names of all beneficiaries.

Where to File?

You must submit your Form I-539 to the USCIS Chicago Lockbox:

For U.S. Postal Service:

USCIS
P.O. Box 7216
Chicago, IL 60680 - 7216

For Express mail and courier deliveries:

USCIS
Attn: VKL
131 South Dearborn- 3rd Floor
Chicago, IL 60603-5517

What Is the Fee?

In addition to the application fee required of **\$290** for Form I-539, you must remit the biometric services fee of **\$85** as required by 8 CFR 103.2(e)(4). If necessary, USCIS may also take your photograph and signature as part of the biometric services requirements.

How to Check If the Fees Are Correct

The form fee on this form is current as of the edition date appearing in the lower right corner of this page. However, because USCIS fees change periodically, you can verify if the fees are correct by following one of the steps below:

1. Visit our website at **www.uscis.gov**, select "FORMS" and check the appropriate fee;
2. Review the Fee Schedule included in your form package, if you called us to request the form; or
3. Telephone our National Customer Service Center at **1-800-375-5283** and ask for the fee information.

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 can be found in the Immigration and Nationality Act, as amended. 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 Form I-539.

Paperwork Reduction Act

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 displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 45 minutes per response, including the time for reviewing instructions and completing and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Products Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529. OMB No. 1615-0004. **Do not mail your application to this address.**