



Instructions for Supplement A to Form I-539

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-539
OMB No. 1615-0004
Expires 12/31/2014

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 3 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 **Item Number 1.b.** in **Part 2, Application Type** of Form I-539, and indicate "V" in the provided space;
2. Use information from the qualifying Form I-130 for your response to **Part 3, Item Number 3.a.1.** of Form I-539; and

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.

What Is the Filing Fee?

In addition to the required application fee of **\$290** for Form I-539, you must remit the biometrics 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 biometrics services requirements.

How to Check If the Fees Are Correct

The fee on this form is current as of the edition date appearing in the lower left 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 the USCIS Web site at www.uscis.gov, select "FORMS" and check the appropriate fee; or
2. Telephone our National Customer Service Center at **1-800-375-5283** and ask for the fee information. For TDD (hearing impaired) call: **1-800-767-1833**.

Where to File?

Please see our Web site at www.uscis.gov/i-539 or call our National Customer Service Center at **1-800-375-5283** for the most current information about where to file this benefit request. For TDD (hearing impaired) call: **1-800-767-1833**.

Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with this request, we will deny the benefit you are filing for, and may deny any other immigration benefit.

In addition, you will face severe penalties provided by law, and may be subject to criminal prosecution.

USCIS Privacy Act Statement

AUTHORITIES: The information requested on this form, and the associated evidence, is collected under the Immigration and Nationality Act, section 101, *et seq.*

PURPOSE: The primary purpose for providing the requested information on this form is to determine if you have established eligibility for the immigration benefit for which you are filing. The information you provide will be used to grant or deny the benefit sought.

DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information, and any requested evidence, may delay a final decision or result in denial of your Form I-539.

ROUTINE USES: The information you provide on this form may be shared with other Federal, State, local, and foreign government agencies and authorized organizations following approved routine uses described in the associated published system of records notices [DHS-USCIS-007 - Benefits Information System and DHS/USCIS-ICE-CBP-001 - Alien File, Index, and National File Tracking System of Records, which can be found at www.dhs.gov/privacy]. The information may also be made available, as appropriate, for law enforcement purposes or in the interest of national security.

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 30 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 Coordination Division, Office of Policy and Strategy, 20 Massachusetts Ave NW, Washington, DC 20529-2140. OMB No. 1615-0004.
Do not mail your completed Form I-539 to this address.