



NEWS RELEASE

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September 7, 2001

INS Implements 'V' Nonimmigrant Provision of the LIFE Act

WASHINGTON — The Immigration and Naturalization Service (INS) today implemented the new V nonimmigrant status to allow certain spouses and minor children of lawful permanent residents to reside and work in the United States while waiting to obtain immigrant status. This provision is one of several immigration benefits provided by the Legal Immigration Family Equity Act (LIFE Act), enacted on December 21, 2000. The regulation that implements the V provision was published today in the *Federal Register*.

Persons granted V nonimmigrant status must still wait until an immigrant visa number (priority date) becomes available -- in accordance with the Department of State's monthly Visa Bulletin -- to apply for their Green Card.

The spouse or unmarried child (under 21 years of age) of a lawful permanent resident is eligible for the V nonimmigrant classification, if he/she:

- Had a Form I-130 (Petition for Alien Relative) filed with the INS on his or her behalf by the lawful permanent resident spouse or parent on or before December 21, 2000; and
- Has been waiting for at least three years after the Form I-130 was filed for their immigrant status -- either because a visa number (priority date) has not yet become available, or because INS has not yet adjudicated the Form I-130 or the Form I-485 (Application for Adjustment to Permanent Residence).

The unmarried child (under 21 years of age) of a person who meets the above requirements is also eligible for V status.

Applying for V Nonimmigrant Status Inside the United States

Eligible persons living in the United States must apply for **V nonimmigrant status** with the INS by submitting to the INS:

- A completed Form I-539 (Application to Extend/Change Nonimmigrant Status) along with required documentation, the \$120 application fee and an additional \$25 fingerprint fee (unless exempt from fingerprinting);
- The information required by Supplement A to Form I-539; and

- A Form I-693 (Medical Examination) completed by a certified civil surgeon without the vaccination supplement.

All V-related applications and fees submitted to the INS should be mailed to the following post office box (P.O. Box) address:

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

Applying Outside the United States

Eligible persons living abroad must apply for a **V visa** with the Department of State at the U.S. Embassy or Consulate where the immigrant visa would have been processed. (See the Department of State Web site for more information at www.state.gov.) After entering the United States with their V nonimmigrant visa, they may apply for work authorization with INS (see below).

Employment Authorization

To obtain authorization to work in the United States, applicants should file a completed Form I-765 (Application for Employment Authorization) and the \$100 application fee with INS at the P.O. Box address specified above.

Travel Abroad

V nonimmigrants may travel to and from the United States while they wait for their immigrant status. However, persons who have been **unlawfully present in the United States for more than 180 days and depart the country must carefully consider the consequences of departure.** Their departure will trigger the grounds of inadmissibility regarding unlawful presence that bar admission to the United States for three years or 10 years. The bars for unlawful presence do not prevent eligible persons from obtaining V status, or from being readmitted to the United States with a V visa following travel abroad. However, unless such persons seek and are granted a waiver by INS, these grounds of inadmissibility will prevent them from adjusting status to lawful permanent resident (for the applicable 3-year or 10-year period).

V nonimmigrants who wish to travel abroad while they are waiting for immigrant status do not need to obtain permission or advance parole from INS prior to their departure. However, in order to return to the United States, V spouses and children must have a valid **V visa** in their passport issued from the Department of State.

Those who obtained V status while in the United States and then travel abroad must obtain a V visa from the Department of State at a U.S. Embassy or Consulate abroad

before they can be readmitted to the country. (See the Department of State Web site for more information at www.state.gov.)

Information and Forms

Additional information and forms are available through the INS Web site www.ins.gov (forms can be downloaded from the site), or from the toll-free telephone service 1-800-375-5283. Application procedures are explained in the *Federal Register* notice.

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