



Press Release

May 16, 2005

USCIS ANNOUNCES NEW POLICY REGARDING V STATUS EXTENSIONS

Washington, D.C.– U.S Citizenship and Immigration Services (USCIS) announced today that valid V-2 and V-3 status holders will no longer “age-out” of V-2 or V-3 status. USCIS will now approve extension of status applications for children of lawful permanent residents who are 21 years old or older with V-2 or V-3 status, as long as they meet the requirements for extension of status in every other way.

Established by the Legal Immigration Family Equity Act ([LIFE Act](#)) in December 2000, V status allows a spouse or child of a lawful permanent resident to enter or remain in the United States as long as his/her Form I-130 visa petition application or his/her application for permanent residency has been pending for three years or more and was filed on or before December 21, 2000. Previously, the child of an immigrant was only eligible to hold V-2 or V-3 status in the United States until he/she turned 21 years of age. After that point, the child had “aged-out” and could no longer retain or extend his/her V status.

An alien, physically present in the United States, who was previously in V-2 or V-3 status and whose application for extension of status was denied solely because he/she was 21 years of age or more, may file an application for extension of status. An alien, physically present in the United States, who was previously in V-2 or V-3 status and who did not apply for extension of status solely because the alien was 21 years of age or more at the time of expiration of his/her V status, may file an application for extension of status. If approved, USCIS will grant a period of admission not to exceed two years. The alien can continue to extend V status until he/she becomes a permanent resident or until the law terminates V status. V-2 or V-3 status holders who are physically present in the United States can request an extension by filing an Application to Extend/Change Non-immigrant Status (Form I-539). [Form I-539](#) is available on the USCIS website at www.uscis.gov, and at local District USCIS Offices.

The new guidance does not change the fact that in order to qualify for the initial V-2 or V-3 status, the applicant must meet the legal definition of “child.” This definition states that “child” includes being unmarried and less than 21 years of age.

– USCIS –

On March 1, 2003, U.S Citizenship and Immigration Services became one of three legacy INS components to join the U.S. Department of Homeland Security. USCIS is charged with fundamentally transforming and improving the delivery of immigration and citizenship services, while enhancing our nation's security.