AMERICAN CONSULATE GENERAL
IMMIGRANT VISA UNIT
78 BHUALBHAI DESAI ROAD
MUMBAI, INDIA 400 026
(telephone: 91-22-23637407, 23637408; facsimile: 91-22-23630350)
(email: mumbaiiv@state.gov; website: http://mumbai.usconsulate.gov)

INSTRUCTION PACKAGE FOR V VISA APPLICANTS - (PACKET THREE)

A "V" nonimmigrant visa is issued to a person who is the beneficiary of a F2A immigrant visa petition and who has been waiting for an available visa number for at least three years. The "V" visa is a nonimmigrant visa that allows the qualifying applicant to enter the United States to join the petitioner of his/her pending immigrant visa petition while he/she waits for the immigrant visa priority date (petition filing date) to become current.

In order to qualify for a V visa you, the visa applicant, must meet all of the following criteria. You are eligible for a V visa if:

- You are the spouse or minor child of a foreign national who is a legal permanent resident (LPR) of the United States, **and**
- You are the beneficiary of an immigrant visa petition filed on or before December 21, 2000, **and**
- You have been waiting for an available visa number for at least three years since the petition (Form I-130) was filed, **and**
- You have not yet been scheduled for an immigrant visa interview at the Consulate.

IF YOU DO NOT MEET ALL OF THE CRITERIA LISTED ABOVE, YOU WILL NOT BE ELIGIBLE FOR A V VISA.

You are not eligible for a V visa if:

- Your priority date is current, you have already been interviewed by a consular officer for your immigrant visa, you are already scheduled for an immigrant visa interview, your visa petition was filed after December 21, 2000, **or**
- You are the brother or sister of an LPR and your immigrant visa petition is sponsored by your sibling, **or**
- You are the parent of an LPR or U.S. citizen and your immigrant visa petition is sponsored by your child, **or**
- You are the grandchild of an LPR or U.S. citizen and your immigrant visa petition is sponsored by your grandparent, **or**
- You are the beneficiary of an employment based immigrant visa petition.

Application procedure

If you have received a letter from the National Visa Center in the United States indicating that you are eligible for a V visa, contact our office to verify your eligibility and to request that your application be processed and visa interview scheduled.
Note: interviews for V visas generally take 30 to 60 days from the date you contact our office asking for your visa interview to be scheduled.

Please take the following steps:

STEP ONE: Complete & immediately return the enclosed Forms DS-156 and DS-3052 (separate forms for each applicant) to this office along with clear photocopies of the biographic data page of your passport and the last page of your passport which contains your parents/spouse's names, and any other page(s) which may indicate any change in name / date & place of birth / marital status, and a clear photocopy of the approval notice (Form I-797). We cannot complete our clearance procedure until the enclosed forms are completed and returned to us along with the photocopies. When completing the form please include all names used by each applicant, including any names used in the past. In particular, married women must be sure to include their full name as used before marriage, after marriage, and any other aliases. Please use the exact spelling and name order indicated in the applicant's passport. Issuance of the visa will be delayed if our office is not informed of all names, previous and current, used by each applicant.

STEP TWO: Obtain the following documents which pertain to you. As you obtain each document, check the box beside each item. **DO NOT SEND THE DOCUMENTS TO THIS OFFICE NOW. YOU WILL NEED TO SUBMIT THEM AT YOUR VISA INTERVIEW.**

☐ **PASSPORT:** Each applicant must have a valid passport. The passport must be valid for travel to the United States and must have at least six months validity beyond the issuance date of the visa. The passport should reflect the correct name and date of birth of the applicant. If the applicant's exact date of birth is known, an estimated date of birth (e.g. 01-Jun-1970) is not acceptable. The visa is issued in the name given in the applicant's passport. A female applicant does not compulsorily have to change her name to her married name. Those applicants whose passports are issued in their maiden names will have their visas issued in their maiden names. Applicants should bring all current and former/expired passports with them to the consulate for their interview.

☐ **BIRTH CERTIFICATE**: Each applicant must submit an original and a clear photocopy of his/her birth certificate and any required secondary evidence (see below). The certificate should include the applicant's name, date & place of birth, the names of both parents, an annotation by the issuing office indicating that it is an extract from its official records, and the seal of the issuing office, i.e. the municipal authorities or the village authorities (gram panchayat or talati-cum-mantri). The certificate must be in the original, official language of the state in which you were born. If your birth was not recorded, please submit a "no record of birth registration" letter from the relevant municipality or village authorities along with secondary evidence (see below). If your birth record has been destroyed or the municipality or village authorities will not issue one, submit a letter from the municipality or village authorities stating so along with secondary evidence (see below). If your name is not mentioned in the birth certificate, submit the certificate along with secondary evidence (see below). If any details are missing in the birth certificate or if there is a discrepancy regarding your date of birth or name, submit the certificate along with secondary evidence (see below). If your birth was registered more than three years after you were born, you must submit the certificate along with a magistrate's order concerning the late registration. If any documents were issued in a local language, you must submit the document as well as a notarized English translation.
Examples of secondary evidence (which should also include your name, date and place of birth; names of both parents; and the seal of the issuing office): a baptismal certificate, an adoption decree, a school record, a notarized affidavit from a close relative (a parent, a close relative, a

neighbor or friend who was present at the time of your birth) on the appropriate stamp paper which must be sworn before a First Class Magistrate. The person making this affidavit must state how he/she knows your family and how he/she knows the facts of your birth.

☐ **POLICE CERTIFICATES**: Each applicant aged 16 years and older must submit a police certificate that includes information regarding the applicant including all arrests, the reason for the arrest(s) and the disposition of such cases. (A) Indian citizens residing in India for six months or more since turning 16 years of age must present Indian police clearance certificates from both their district police station and the local area passport office. Applicants whose passports were issued within six months of the visa interview may present just the passport office certificate. These certificates are valid for one year from the date of issuance. (B) If an Indian citizen who has lived in India for at least one year after the age of 16 currently resides outside India, he/she must obtain a certificate issued by the Indian Embassy or Consulate where he/she lives. These certificates are valid for only one year from the date of issuance. (C) Foreign police certificates: applicants who have resided in any other country for one year or more after the age of 16 may also be required to submit police certificates for these countries. Applicants may inquire with our Immigrant Visa Unit regarding police certificates for these countries or look up the information at www.travel.state.gov/visa/reciprocity/index.html (D) U.S. police certificates are not required for applicants who have lived in the U.S.A.
Note: The police certificates should be valid on the day the visa applicant is interviewed. We suggest that applicants obtain new police certificates if their current certificates are no longer valid.

☐ **DEPORTATION:** Any applicant who has been deported from the United States must submit all documents relating to the matter.

☐ **PRISON RECORDS:** Applicants who have been convicted of a crime must submit court records, prison records, records regarding the disposition of the case and any additional information regarding the crime, regardless of the fact that he/she may have subsequently benefited from an amnesty, pardon or other act of clemency.

☐ **MILITARY RECORDS**: A certified copy of any military record is required. The record should contain a complete record of the applicant's service and conduct while in service. It must show any conviction of crime before a military tribunal. A discharge certificate is required upon discharge, retirement, or resignation from military service.

☐ **PHOTOGRAPH:** *See attached instructions.*

☐ **MARRIAGE CERTIFICATE**: Any applicant who has ever married must provide an **original and a clear photocopy** of the marriage certificate(s) for all marriages of the petitioner and for the visa applicant. Persons who married before 1955 must attempt to register their marriage. Failing this, they must submit affidavits on appropriate stamp paper sworn before a First Class Magistrate by one parent of the groom and one parent of the bride giving the names of the bride and groom, the date and place of the marriage ceremony, the name of the person who performed the ceremony. Persons married in 1955 and later must submit a marriage registration certificate. Certificates issued by the appropriate authorities or recognized religious organizations are acceptable if they are legally valid in India. If any of these documents were issued in a local language, a notarized English translation is required in addition to the original.

☐ **TERMINATION OF PREVIOUS MARRIAGE**: All applicants who have divorced or whose spouses have died must provide an **original and a clear photocopy** of proof of the legal

termination of all previous marriages of the petitioner and/or visa applicant (death certificate of spouse, divorce decree). Divorce between Hindus, Christians, and Parsis must be documented by a court order. Divorce between Muslims must be documented by a certificate from the Kazi or the head of the Jammat. If any of these documents were issued in a local language, a notarized English translation is required in addition to the original.

☐ **EVIDENCE OF RELATIONSHIP TO THE PETITIONER:** We strongly suggest that all applicants bring extensive documentary evidence of the relationship between the petitioner and the primary beneficiary and between the primary beneficiary and any derivative beneficiaries. **Failure to do so could greatly delay your application while your application is investigated.** Some examples of such evidence are family and other photographs (old and recent) showing the parties together, letters, cards, correspondence, and telephone records.

☐ **AFFIDAVIT OF SUPPORT:**

Note: Only U.S. consular officers, DHS officers and U.S. notaries are authorized to notarize form I-134.

Each visa applicant needs to satisfy the consular officer that he/she will not become a public charge. The petitioner must provide a notarized affidavit of support (form I-134), a job letter or pay stubs, a bank letter, forms 1040 and W2 for the most recent taxable year and proof of U.S. citizenship. These documents must be less than 12 months old when submitted to this office. If the petitioner's income is not sufficient the applicant MUST submit the above documents from the petitioner along with the same documents from an additional sponsor willing to assume financial responsibility for the visa applicant. See the paragraph below for details regarding these documents.

- ○ Form I-134.
- ○ Documentary evidence that the petitioner/joint sponsor is a U.S.citizen /U.S. permanent resident (e.g. clear photocopy of birth certificate / certificate of naturalization / U.S. passport / both sides of green card, as applicable).
- ○ Federal tax returns (form 1040) with all supporting schedules for the most recent taxable year from the date of interview. An applicant applying in May 2005 should provide a 1040 form for 2004. Failure to provide a 1040 form for the most recent taxable year could delay your application.
- ○ W-2 form for the most recent taxable year, if applicable.
- ○ Job letter or pay stubs (should be less than 12 months old on the day of the visa interview).
- ○ Bank letter (should be less than 12 months old on the day of the visa interview).
- ○ If self-employed include self-employment schedules filed with income tax returns or financial records such as a bank statement for the business accounts.
- ○ If the petitioner did not file a tax return, the applicant should submit a written explanation from the petitioner explaining why he/she had no legal duty to file the return.

○ If the petitioner filed a late or amended tax return, he/she should submit evidence of this.

○ If the petitioner does not have copies of his/her tax returns, an Internal Revenue Service (IRS) summary of this should be submitted.

STEP THREE: As soon as you have collected all the above documents, carefully read the statement below, sign and date it, and return this checklist to our office together with a photocopy of all applicants' passports. **You will not be scheduled for a visa interview until you complete, sign, and return this checklist to our office.**

After we receive this checklist we will schedule your visa interview at the earliest possible date. It is not possible to predict when the interview will be scheduled. Generally, the visa interviews are scheduled within 2 to 4 months of our office receiving this checklist from the visa applicant. When your visa interview is scheduled our office will send you an appointment letter (also known as a packet 4) which will contain instructions regarding the interview. You will not normally receive further correspondence from this office until the visa interview is scheduled. You may check whether your appointment has been scheduled by visiting our website at http://mumbai.usconsulate.gov

We encourage applicants to e-mail inquiries to our office. Please mention your BMB case number in any correspondence with our office regarding your visa case. Our e-mail address is mumbaiiv@state.gov.

Enclosures:
Forms DS-156, DS-3052.
Photograph specifications.

APPLICANT'S STATEMENT

I have in my possession and am prepared to present all documents listed above which apply to my case. I fully realize that no advance assurance can be given when or whether a visa will actually be issued to me/us. At such time as it is possible for me to receive an appointment to make formal visa application, I intend to apply: (check appropriate boxes)

☐ Alone

☐ Together with my following minor children

_____
(Print complete names of each child who will accompany you)

Date: (mm-dd-yyyy)_____ BMB case number_____

Signature:_____ Print Name:_____

Current address: _____
_____

If you would prefer that we communicate with you by e-mail, please write your e-mail address below. Please use block letters and put one character in each box:

Any false statement or concealment of a material fact may result in your permanent exclusion from the United States. Please do not make any travel plans until the visa is issued to you.

Additional Information:
Please inform our office immediately of any changes that may affect your visa application, such as your change of address, your change of marital status, the death of the petitioner, birth or adoption of any children by you. Failure to keep our office informed of your current address at all times may result in the delay of the issuance of a visa to you.

No assurance can be given in advance that a visa will be issued. A consular officer can make a decision only after you are fingerprinted, your visa application and documents are reviewed, and you have been personally interviewed. You are, therefore, advised not to make travel arrangements, not to dispose of your property, not to give up your job until the visa has been issued. If your visa application is refused, you will be given a refusal letter that will indicate the basis for your refusal. If applicable, it will tell you what actions you could take to overcome the refusal.

Children about to reach 21 years of age: Generally, unmarried children under 21 years of age, of visa applicants, can be issued visas based on the visa petition filed for their parent. The child should be unmarried and under 21 years of age when he/she enters the United States.

Revised: 30 November 2004