

*U Visa Sample Cover Letter for Extension (I-539) and EAD (I-765) Renewal*

DATE

*SENT VIA USPS CERTIFIED MAIL*

U.S. Citizenship and Immigration Services  
Vermont Service Center  
Attention: I-539  
75 Lower Welden Street  
St. Albans, VT 05479

**FEE WAIVER**  
**REQUESTED**

**RE: Form I-539 Application to Extend U-3 Nonimmigrant Status and  
Form I-765 Application for Employment Authorization for  
for XXXXXXXXXXXX (A XXX-XXX-XXX)**

Dear Sir or Madam:

This office currently represents Ms. XXXXXXXX (A XXX-XXX-XXX), the recipient of an approved U-3 petition, in her application for an extension of her U-3 nonimmigrant status and her application for work authorization.

Ms. XXXXXX was granted U-3 nonimmigrant status valid from DATE, to DATE. This time period does not provide Ms. XXXXXX with the three years in U-3 nonimmigrant status that she would need in order to adjust her status to that of a lawful permanent resident. In addition, due to delays with consular processing, Ms. XXXXXX was not admitted to the United States until DATE, a few weeks after she was granted U-3 nonimmigrant status.

Ms. XXXXXX will not be eligible to adjust her status until DATE, which is past the validity period of her current U-3 nonimmigrant status. We now write to request an extension of Ms. XXXXXX's U-3 nonimmigrant status to DATE, so that she can accrue the requisite three years of continuous physical presence necessary to adjust her status to that of a lawful permanent resident. We are also requesting renewal of Ms. XXXXXX's employment authorization.

Enclosed, please find the following documents in support of Ms. XXXX's Application to Extend her U-3 Nonimmigrant Status and Renew her Work Authorization:

- Form G-28, Entry of Appearance as Attorney or Accredited Representative
- Form I-539, Application to Extend/Change Nonimmigrant Status

*U Visa Sample Cover Letter for Extension (I-539) and EAD (I-765) Renewal*

- Form I-765, Application for Employment Authorization
- Form I-912, Request for Fee Waiver, with supporting evidence
- Declaration of Ms. XXXXX in Support of her I-539 Application
- Copy of the biographical page of Ms. XXXXX's passport as well as her U-3 visa and USCBP admission stamp dated XXXX
- Copy of Ms. XXXXX's COUNTRY Birth Certificate with attached English translation and Certificate of Translation
- Copy of Ms. XXXXX's U-3 Approval Notice
- Copy of Ms. XXXXX's mother's U Approval Notice and I-192 Approval Notice

Ms. XXXXX's U-3 status should be extended due to exceptional circumstances. In an April 19, 2011, USCIS Policy Memorandum entitled "Extension of Status of T and U Nonimmigrants," USCIS notes that the TVPRA of 2008 amended the extension provisions of INA §214(p) so that U nonimmigrant status may also be extended due to exceptional circumstances.

Ms. XXXXX's inability to accrue the necessary three years of physical presence is an exceptional circumstance. Ms. XXXXX is the minor child of a U-1 nonimmigrant, XXXXXXXX. Ms. XXXXX's U-3 nonimmigrant status was approved from DATE, to DATE, which is a validity period of less than three years and thus does not provide Ms. XXXXX with the requisite three years needed to apply for lawful permanent resident status.

In addition, due to delays in consular processing, Ms. XXXXX was not admitted to the United States until DATE, a few weeks after she was granted U nonimmigrant status. Consequently, Ms. XXXXX will not be eligible to adjust her status to that of a lawful permanent resident until DATE, which is past the validity period of her current U-3 nonimmigrant status.

Ms. XXXXX's immediate family, including her U-1 nonimmigrant mother and her two siblings, all reside in the United States with her. We humbly request that Ms. XXXXX's request for an extension of her U-3 nonimmigrant status be granted, thereby maintaining family unity and allowing her to accrue the requisite three years of physical presence to apply for lawful permanent residence.

Pursuant to 8 CFR §245.24(d)(7), U Nonimmigrants applying for adjustment of status must establish that they have been admitted to the United States in U nonimmigrant status and continue to hold such status at the time of application for adjustment, which requires at least

*U Visa Sample Cover Letter for Extension (I-539) and EAD (I-765) Renewal*

three years of continuous physical presence in U status. Accordingly, Ms. XXXXX seeks to extend her U-3 nonimmigrant status until DATE, which will allow her to remain in U-3 nonimmigrant status until she is eligible to adjust to lawful permanent resident status.

Thank you in advance for your attention to this matter. If you have any questions, please do not hesitate to contact me at XXXX.

Sincerely,

NAME