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Tips for Filing Petitions and Applications to the National Benefits Center

Welcome to the National Benefits Center (NBC) Filing Tips page. This page has been designed to provide helpful hints to applicants, attorneys, and representatives when filing petitions and applications with the Chicago Lockbox and NBC.

Tips for Filing Petitions and Applications to the National Benefits Center April 2008 General

1. Follow the form's instructions carefully:

- Use the most current edition of the form. (You can access the most current edition by selecting "Forms" in the "Related Links" section in the upper right of this web page.)
- Respond to all questions and provide information in the answer blanks and check boxes.
- Print or type information using black ink only. **IMPORTANT:** Do NOT "highlight" or "background shade" entries
- Make sure the applicant or petitioner signs the form as instructed.
- Include the correct fee specified in the form instructions. Attach the fee or fee waiver by paper clip or staple in the upper left corner of the completed form application or petition.
- Provide all requested documentation and evidence with the application or petition.
- Follow the instructions on the notice you receive for biometrics/fingerprinting. The date, time, and location of your appointment will be provided. Take all receipt notices you have with you to your appointment.

2. Submit your application or petition package with:

- Primary application or petition (completed, with applicant/petitioner's signature).
- Fee payment or waiver stapled or paper-clipped to the upper left corner of your form.
- I-797 Receipt or Approval Notice in support of the filed form.
- Any requested supporting documents.
- Form G-28, if applicable (with original signatures of both the representative and the applicant or petitioner).

3. Take the following steps to avoid delays in processing applications or petitions through the Chicago Lockbox.

- Do NOT send original passports or other valuable personal documents. Make sure that copies of original passports or personal documents are made on standard white letter-sized paper (8.5" x 11")
- Use paperclips when attaching supporting personal documents to forms (do NOT use "ACCO" fasteners; staples are acceptable when attaching fees).
- If a payment is submitted, attach it to the first primary application or petition by paper clip or staple, and make sure the name of the applicant is indicated on the payment document (i.e., in the memo field). **IMPORTANT:** If more than one application is filed using a single check, and any of the forms are found to be improperly filed, ALL forms will be rejected.
- Make checks or money orders payable to "U.S. Department of Homeland Security."
- Always use the same name and the same version of the name on all forms that pertain to the same person (I-485, I-765, I-131, etc.).
- In the address section of any document, the "care of" line is for names only, such as an attorney, firm/organization, or a building. Do not put a street address in the "care of" section.
- "Place of Birth" always means country of birth.
- Include the date of birth on all forms in the designated field in MM/DD/YYYY format.
- The applicant or petitioner must sign each application or petition submitted.

4. The Chicago Lockbox will accept the payment of fees via:

- Money order.
- Cashier's check.

- Personal check.
- Cash is NOT accepted.

5. If you make your payment by check, please note that it will be converted into an electronic funds transfer (EFT). This means the Lockbox will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually occur within 24 hours and will be shown on your regular account statement. You will not receive your check back. The Lockbox will destroy your original check but will keep a copy of it. If the EFT cannot be processed for technical reasons, you authorize the Lockbox to process the copy in place of your original check. If the EFT cannot be completed because of insufficient funds, the Lockbox may try to make the transfer up to two times. After two attempts, the Lockbox will turn the check over to Debt Management for collection.

6. These guidelines apply to individual applicant packages as well as family packages. Family packages should be sent together, if possible. Every effort will be made to schedule these cases together for interview. However, if a Request for Evidence (RFE) is necessary for one family member, the entire family package will be held together until the RFE response is received.

**Adjustment of Status
Family Package Guidelines**

Remittance for father's I-485	Remittance for mother's I-485
Father's G-28	Mother's G-28
Father's I-485	Mother's I-485
Father's I-485 supporting documentation	Mother's I-485 supporting documentation
Remittance for father's I-765*	Remittance for mother's I-131*
Father's I-765	Mother's I-131
Father's I-765 supporting documentation	Mother's I-131 supporting documentation
Remittance for child #1's I-485	Remittance for child #2's I-485
Child #1's G-28	Child #2's G-28
Child #1's I-485	Child #2's I-485
Child #1's I-485 supporting documentation	Child #2's I-485 supporting documentation
Remittance for child #1's I-765*	Remittance for child #2's I-131*
Child #1's I-765	Child #2's I-131
Child #1's I-765 supporting documentation	Child #2's I-131 supporting documentation

* No fee is required for I-765 or I-131 applications if they are filed concurrently with the I-485 application under the new fee schedule (7/30/07). If the I-765 or I-131 applications are filed separately, applicants must include a copy of the I-485 Receipt Notice with the stand-alone applications. The names on stand-alone applications MUST match the I-797 receipt notices exactly to be accepted without fees.

7. Read the I-797 Receipt Notice carefully. Wait the amount of time listed before inquiring on the status of your case. The processing time is different for each form type.

8. All foreign language documents must be submitted with a corresponding English translation. This English translation must be certified by a translator who is competent to translate and who must verify in writing that "the translation is true and accurate to the best of the translator's abilities."

Check on your visa availability status by calling the National Visa Center at (603) 334-0700, or review the "Related Links" section in the upper right corner of this page for the U.S. Department of State website.

Find out about your case status and application processing time by calling the National Customer Service Center (NCSC) at 1-800-375-5283, or review the "Related Links" section in the upper right corner of this page for the Case Status Online link.

G-28

Notice of Entry of Appearance as Attorney or Representative

1. Be sure that the G-28 is signed by BOTH the petitioner or applicant, depending on the form submitted, as well as the attorney or accredited representative.
2. If multiple applications or petitions are submitted for other family members, or for different applicant or petitioners, make sure that a separate G-28 is signed and submitted by each petitioner or applicant.

I-485

Family-Based Adjustment of Status (AOS)

1. Provide the beneficiary's information and complete the form with the signature of beneficiary of the I-130. Do NOT provide information or signature of the petitioner.
2. On Part 2, Application Type, be sure to check only one (1) box.
3. On Part 2, Application Type, if marking box "h.", be sure to name the program under which the applicant is applying (e.g., "Amerasian," "Lautenberg," and "Western Hemisphere").
4. When submitting evidence of eligibility, a copy of the I-130 Receipt Notice or Approval Notice is sufficient, BUT it is important that each page of evidence is marked as "COPY." Otherwise, the Chicago Lockbox may believe the document to be misfiled and attempt to locate the payment of fees, which could result in rejection of the entire package of forms due to insufficient fees.

5. If filing under Section 245(i), submit evidence (labeled "COPY") of a previously filed Form I-130, Form I-140, or other immigrant visa petition or a previously filed Application for Labor Certification that was received on or before April 30, 2001 (the sunset date for the Section 245(i) provisions of the Immigration and Nationality Act), along with a properly completed Supplement A. Even if you fall under one of the categories of applicants who are exempt from the \$1,000 surcharge, you must still submit a completed Supplement A with your I-485 application packet if filing under Section 245(i).
6. All initial evidence should be submitted at the time of filing. Initial evidence is all evidence listed in the form instructions.
7. Applicants should include the I-693, Medical Examination, and I-864, Affidavit of Support, (if required) with the I-485 filing. These two forms are listed in the I-485 instructions and are considered initial evidence. Ensure that the I-864 is signed by all relevant parties (sponsor, joint sponsor, etc.).
8. All applicants required to submit I-693, Medical Examination, are also required to submit a Supplemental Form I-693, Immunization Record. However, applicants who last entered the United States as a K nonimmigrant (I-94 Arrival/Departure Record and/or the nonimmigrant visa page in passport shows K-1, K-2, K-3, or K-4 as admission code) are usually required to submit only the Supplemental Form I-693 (immunization record) with the Form I-485.
9. The I-693, Medical Examination, and I-864 should include any supporting evidence requested by the instructions. **Do not have the civil surgeon mail the I-693 to the NBC.** If responding to a request for evidence, the I-693 must be submitted with the request for evidence letter so the response is matched to the proper file. **Do not submit chest x-ray film as part of your medical examination.**
10. The I-693, Medical Examination, and/or Supplemental I-693, Immunization Record, must be submitted unopened and in the sealed envelope from the civil surgeon. The civil surgeon should provide a copy of these forms to the applicant before sealing them in the envelope that is submitted with the I-485 application.
11. Ensure that W-2s, past tax returns for the most recent tax year, and/or evidence of current employment are submitted with the I-864, Affidavit of Support, for all relevant parties (sponsor, joint sponsor, etc.).
12. Tax return transcripts are generally available for the most recent tax year, and can be ordered by completing a Form 4506-T or by calling the Internal Revenue Service at (800)829-1040 and following the prompts in the recorded message. There is no charge for the transcript, and you should receive it in 10 business days from the time of your request. **Have the transcripts sent to you; do NOT have the IRS send your transcript directly to the NBC.** If responding to a request for evidence, your transcript must be attached to the request for evidence letter.
13. A copy of W-2s for the prior year can be obtained from your employer. If this is not possible, you can order and pay for copies of your entire return from the IRS. To receive a copy of your return or transcript, complete and mail Form 4506, Request for Copy of Tax Return, or Form 4506-T, Request for Transcript of Tax Return. You should allow 60 calendar days for a response. Have the transcripts sent to you, do NOT have the IRS send your transcript directly to the NBC. If responding to a request for evidence, your transcript must be attached to the request for evidence letter to be matched to the proper file.
14. Ensure the sponsor and/or joint sponsor on Form I-864 provides evidence of their status when the I-864 is submitted. The petitioner sponsor or substitute sponsor must be a U.S. citizen or legal permanent resident (LPR). The joint sponsor can be a U.S. national, U.S. citizen, or LPR.

Request for Evidence

1. All initial evidence should be submitted at the time of filing. If the initial review finds that initial evidence is missing, the NBC will generally issue a request for evidence (RFE) for the missing documentation.
2. Adjudication of ancillary benefit applications (I-765 and I-131 applications) may be delayed if all initial evidence in support of the principal application is not submitted at the time of filing.
3. Applicants should submit the response to the RFE (with the original request) as quickly as possible to the office issuing the request. **Do NOT send the response to the Chicago Lockbox.**
4. Always return the entire original request for evidence (color copy) with the complete response to the request for evidence. **DO NOT** mail portions of the original request for evidence separately. Make a photocopy of the original request for evidence for your files. Returning the original RFE will make the response easier to identify in the incoming mail and get the response filed with the file as quickly as possible so that the processing of the case can continue.
5. The following are the most common reasons for a request for evidence:
 - I-864, Affidavit of Support, related:
 - Submission of an I-864 by petitioner/sponsor
 - Correct version of the form
 - Submission of an I-854 by a joint sponsor
 - I-693, Medical Exam/Supplemental I-693, Vaccinations
 - Marriage/birth certificates and English translations
 - Evidence of Eligibility (I-797, Notice of Pending/Approved I-130/I-129F, Evidence of Nationality, etc.)
 - Legal entry

I-130

Petition for Alien Relative

1. Either Block 13 ("If you are a U.S. citizen...") OR Block 14 ("If you are a lawful permanent resident...") must be completed.
2. Complete Part B ("Information about you") with the petitioner's information and Part C ("Information about your relative") with the

beneficiary's information.

The **petitioner** is the U.S. citizen, U.S. national, or lawful permanent resident.

The **beneficiary** is the alien relative (and applicant on Form I-485.)

3. Items B6 and C6, addressing marital status **MUST** be completed (when the beneficiary is a child, mark "single").

• For your information, USCIS defines a "child" as unmarried and under 21. Any reference to a "child" found in this document means unmarried and under 21. For USCIS purposes, the difference between a "child" and "son" or "daughter" is age or marital status. Unmarried sons or daughters are 21 years of age or over. Married sons or daughters are any age but married so he or she is no longer a "child" for USCIS purposes.

4. Submit completed G-325s and pictures for both the petitioner and beneficiary in spousal cases.

• Beneficiary copy: Must be signed by the beneficiary.

• Petitioner copy: Must be signed by the petitioner.

5. Submit both the petitioner's and beneficiary's birth certificates with English translations (if needed).

6. Submit photocopies of the petitioner's Permanent Resident Card (I-551), U.S. passport, Naturalization Certificate, or other acceptable evidence of status. **Do not send the original documents.**

7. Submit divorce decrees for all prior marriages for the petitioner and beneficiary, not just the most recent one.

I-765

Application for Employment Authorization

1. Check only one box in the section stating, "I am applying for":

- Permission to Accept Employment
- Replacement
- Renewal of my permission to accept employment

IMPORTANT: your application will be rejected if you do not check any of the boxes.

2. Fill in an eligibility category in the parentheses of Section 16, Eligibility under 8 CFR 274.a.12.

3. Make sure that the information you provide on the I-765 application matches the information you provided on relating applications/petitions (e.g., Form I-140/I-485 applications). If you are filing an I-765 application and you paid the new fee (effective 7/30/07) for your I-485 application, make sure the first, middle, and last names on the I-765 application match the I-797C Receipt Notice for the I-485.

4. File your application as directed in the I-765 instructions. The filing location is determined by the employment category that the applicant is applying for.

5. Make sure that the information (name, date of birth, address, etc.) are correct prior to submission of the application.

6. If a Request for Evidence has been sent for the primary I-485 (or the I-130 petition, if concurrently filed), NBC will place a "processing hold" on any associated applications that were filed concurrently with the I-485.

Note: A Request for Evidence stops the regulatory 90-day clock (8 CFR 103.2 (b)(10)(i)).

I-131

Application for Travel Document

1. Submit two passport style photos and evidence of the underlying application or petition with the application at the time of filing.

2. If you are filing an I-131 application and you paid the new fee for your I-485 application, make sure the first, middle, and last names on the I-131 application match the I-797C Receipt Notice for the I-485.

3. If, at the time of adjudication, the previously issued I-512 advance parole authorization had 120 days or less validity time remaining, then the NBC will issue a new I-512 with the validity date beginning with the date the I-131 was adjudicated/approved.

4. If a Request for Evidence has been sent for the primary I-485 (or the I-130 petition, if concurrently filed), NBC will place a "processing hold" on any associated applications that were filed concurrently with the I-485.

Note: A Request for Evidence stops the regulatory 90-day clock (8 CFR 103.2 (b)(10)).

Expedite Requests

1. If an applicant has an urgent need to travel and has already filed an I-131 with the NBC, the applicant or his or her representative should visit the local Field Office by making an InfoPass appointment or call the National Customer Service Center (NCSC) at 1-800-375-5283. The Field Office will consider the merits of the request, and will forward requests that they determine to require expedited handling to designated points of contact at the NBC.

2. If an applicant has not yet filed an I-131 and needs an expedited Advance Parole document, the I-131 may be filed in person at the local Field Office after an InfoPass appointment has been made. **IMPORTANT:** Note that expedited processing is done at the discretion of the Field Office, based upon the evidence provided by the applicant.

3. If an applicant has an urgent need to have a I-765 application processed to receive an employment authorization document, the applicant must make an InfoPass appointment and visit the local Field Office. The Field Office will determine if the applicant's situation warrants expedited processing, and, if so, will forward the request to designated NBC points of contact to process and expedite the case.

4. Please keep in mind that expedite requests for applications and petitions will be considered based upon the following criteria:

- Severe financial loss to company or individual
- Situations of extreme emergency
- Humanitarian situation
- Nonprofit status of requesting organization advocating the cultural and social interest of the United States
- Department of Defense or National Interest Situation (Note: Request must come from an official U.S. Government entity, stating that delay will be detrimental to the U.S. Government.)
- USCIS error
- Of compelling interest to USCIS

E-Filing

1. For e-filed cases, read all instructions before attempting to file. Complete all fields possible. Case status can be checked online.
2. Read and follow instructions on the Confirmation Receipt that is printed at the time of e-filing, including instructions regarding where to send supporting documentation, if required.
3. Applicants will receive ASC Appointment Notices scheduling them to appear at the Application Support Center (ASC) for collection of the biometrics (photo, fingerprint, and signature).

I-290B

Notice of Appeal or Motion

1. Motions to Reopen or Reconsider can be filed with the USCIS office that made the unfavorable decision within 30 calendar days of the decision.
2. Motions to Reopen or Reconsider can be filed with the Chicago Lockbox. The Chicago Lockbox does not accept any motions that are filed without associated fees. Note: This guidance pertains to motions filed relating to applications and petitions that were originally processed through the Chicago Lockbox/NBC (i.e., this does not pertain to Service Center cases).

I-539

Application To Extend/Change Nonimmigrant Status

1. The National Benefits Center only processes Form I-539 for V and K3/K4 nonimmigrant status. Applicants filing under V and K nonimmigrant status should complete Form I-539, and follow the instructions contained in Supplement A to Form I-539, as well as those contained in Form I-539.
2. To determine if you may be eligible for a V visa, please refer to the instructions on the form.
3. An alien applying for V status with USCIS should submit proof of filing of the immigrant petition that qualifies the alien for V status, and if necessary, proof of filing I-485, Application to Register Permanent Residence or Adjust Status. Such proof may be:
 - I-797 , Notice of Action, that serves as the receipt notice or notice of approval
 - Receipt for a filed Form I-130 or Form I-485
 - Notice of Approval issued by a local Field Office
4. If the applicant is filing for an extension of V status, he or she must submit proof of previous V status, such as a copy of the I-94 showing V status or the last I-539 approval notice showing V status.
5. If an applicant is filing for an extension of stay for a V nonimmigrant status and the extension is filed late, the applicant will need to file an I-539 for a "change of status" by marking box "b" under Part 2 of the I-539. This will require that the applicant pay the required fingerprint fee.
6. Applicants will receive ASC Appointment Notices scheduling them to appear at the ASC for fingerprinting.
7. If an extension of V status has been granted under the provisions of the *Akhtar v. Burzynski* decision after the applicant is over the age of 21, then the applicant will need to continue to file for extensions. If the applicant does not file for an extension before the validity period expires, then he or she will no longer be able to file for an extension of status and will not be eligible to file for a change of status.
 - The *Akhtar v. Burzynski*, 383 F. 3d 1193 (9th Cir. 2004) decision of the U.S. Court of Appeals for the Ninth Circuit allows some unmarried sons or daughters of Lawful Permanent Residents to continue to receive extensions of his or her V non-immigrant status.
8. K3 and K4 nonimmigrants can file an I-539 for an extension of status while their permanent residence case is being processed. If the I-130 has been approved, they will need to submit proof that they have filed an I-485 application. If the I-130 is still pending, they will need to submit proof of marriage.
9. An applicant filing for either V or K nonimmigrant status can submit a Form I-765, Application for Employment Authorization, at the same time as the I-539 application to request renewal of his or her employment authorization. If filing the I-765 separately, the applicant must include proof of V or K-3/K-4 status.
10. An alien with V nonimmigrant status who departs the United States must obtain a V visa from a consular office abroad in order to be readmitted to the United States as a V nonimmigrant.

I-102**Application for Replacement/Initial Nonimmigrant Arrival-Departure Document**

1. Make sure that the information you provide in Part 3, Question 3 of the I-102 application matches the information you provided in the original Form I-94.
2. A copy of the biographic page of the applicant's passport must be submitted as well as a copy of the nonimmigrant visa and admission stamp(s).
3. If filed concurrently with other forms, include a separate check for the I-102.

I-824**Application for Action on an Approved Application or Petition**

1. Form I-824 is used to request further action on a previously approved petition or application. Note: I-824 is not for verifying status of a pending petition/application. USCIS will not process Form I-824 if the petition or application was denied. Form I-824, if submitted concurrently with Form I-485, will not be adjudicated until a decision is made on Form I-485.
2. If you are filing this application for a derivative who is living abroad, and you want USCIS to notify a specific U.S. consulate that your status has been adjusted to that of a lawful permanent resident so that your spouse and/or children may apply for an immigrant visa, please file under reason C in Part 2 of the form, "Reason for request."
3. Complete Part 1 ("Information about you") with the petitioner's information if requesting action on a visa petition (I-130, I-140). Make sure the information provided is filled out completely and accurately, with information neatly contained in the proper blanks and applicable boxes checked.
4. Be sure to attach copies, showing the front and back, of the following documents, if available:
 - Original petition or application
 - Form I-797, Notice of Action, for the original petition or application
 - Form N-550, Certificate of Naturalization

I-360**Petition for Amerasian, Widow(er), or Special Immigrant**

1. The National Benefits Center only accepts certain Form I-360, Petitions for Amerasians, Widow(er)s, or Special Immigrants. The Chicago Lockbox will accept Form I-360 under the following conditions:
 - Amerasians: The Chicago Lockbox will accept Form I-360 as a stand-alone application or when it is filed concurrently with Form I-485.
 - Widow or Widowers: The Chicago Lockbox will accept Form I-360 widow/widower filings only if they are filed concurrently with Form I-485.
 - Special Immigrant Juveniles: The Chicago Lockbox will accept Form I-360 as a stand-alone application or when it is filed concurrently with Form I-485.
 - Armed Forces Members: The Chicago Lockbox will accept Form I-360 only if it is filed concurrently with an I-485.
2. The Chicago Lockbox does not accept all I-360 forms. Please read the form instructions carefully to make sure you submit your application to the correct Service Center/National Benefits Center which has jurisdiction over your case.
3. On Part 2, Classification Requested, be sure to mark the correct classification for the application.

I-90**Application to Replace Permanent Resident Card**

1. I-90 applications can either be filed through the Los Angeles Lockbox, or can be filed electronically through the E-Filing system. All I-90 applications are given MSC receipt numbers.
2. The National Benefits Center only processes I-90 application with the reason "b," "My authorized card was never received," and "d," "My card was issued with incorrect information because of a USCIS administrative error." Please follow the I-90 instructions on where to file I-90 applications with these reasons. There is no filing fee for either of these reasons.
3. Do not use Form I-90 if you are a conditional resident and your status is expiring. If you became a conditional resident based on:
 - Marriage to a U.S. citizen or permanent resident, submit Form I-751, Petition to Remove Conditions on Residence; or
 - A financial investment in a U.S. business, submit Form I-829, Petition by Entrepreneur to Remove Conditions.
4. Applicants will receive Appointment Notices scheduling them to appear at the ASC for collection of the biometrics (photo, fingerprint, and signature) and fingerprinting.

AR-11**Change of Address**

1. Applicants are required to inform USCIS of their change of address by filing Form AR-11. Applicants should also report their change of address to the National Benefits Center either online at www.uscis.gov, by calling the National Customer Service Center (NCSC) at 1-800-375-5283, or by writing to:

USCIS-NBC
PO Box 648005
Lee's Summit MO 64002

2. Petitioners should report their change of address to the National Benefits Center online by selecting "NBC Change of Address" in the "Related Links" section in the upper right of this web page, by calling the National Customer Service Center (NCSC) at 1-800-375-5283, or by writing to:

USCIS-NBC
PO Box 648005
Lee's Summit MO 64002

3. Attorneys or Representatives should report their change of address to the National Benefits Center either online by selecting "NBC Change of Address" in the "Related Links" section in the upper right of this web page, by calling the National Customer Service Center (NSCS) at 1-800-375-5283, or by writing to:

USCIS-NBC
PO Box 648005
Lee's Summit, MO 64002

Note: A change of address must be submitted for each client an attorney or representative has. The National Benefits Center is unable to update the system base on attorney/representative name only.

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