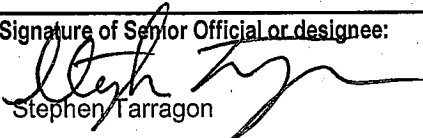


## PAPERWORK REDUCTION ACT CHANGE WORKSHEET

|  |                    |                                       |
|--|--------------------|---------------------------------------|
| Agency/subagency<br><br>Department of Homeland Security, U.S. Citizenship and Immigration Services   |                    | OMB Control Number<br><br>1615 - 0003 |
| <i>Enter only items that change</i>  |                    |                                       |
|  | Current record     | New record                            |
| Agency form number (s)<br>I-539  |                    |                                       |
| Annual reporting and recordkeeping hour burden   |                    |                                       |
| Number of respondents  | 260,967            | 263,067                               |
| Total annual responses   |                    |                                       |
| Percent of these responses collected electronically  | 0 %                | 0 %                                   |
| Total annual hours   | 195,725            | 197,300                               |
| Difference   |                    | 1,575                                 |
| Explanation of difference  |                    | 1,575                                 |
| Program change Adjustment  |                    |                                       |
| Annual reporting and recordkeeping cost burden (in thousands of dollars)   |                    |                                       |
| Total annualized Capital/Startup costs   |                    |                                       |
| Total annual costs (O&M)   |                    |                                       |
| Total annualized cost requested  | \$99,167,460       | \$99,965,460                          |
| Difference   |                    | \$798,000                             |
| Explanation of difference  |                    | \$798,000                             |
| Program change Adjustment  |                    |                                       |
| Other changes**<br>See Attached  |                    |                                       |
| Signature of Senior Official or designee:<br><br>Stephen Tarragon | Date:<br>11/4/2009 | For OIRA Use<br><br>_____<br>_____    |

\*\* This form cannot be used to extend an expiration date.

**OMB Control No. 1615-0003**

The increase in burden hours and annual costs can be attributed to the Interim Rule titled: Commonwealth of the Northern Mariana Islands Transitional Worker Classification; RIN 1615-AB76.

USCIS requests a non-substantive change to the instructions to Form I-539, Application to Extend/Change Nonimmigrant Status by adding CW-2 CNMI only dependents to the list of eligible classifications allowed to file the Form I-539. Public Law 110-229 sets forth eligible family members that may apply for CW-2 status.. See 8 CFR 214.2(w)(3) below:

(3) Derivative beneficiaries--CW-2 nonimmigrant classification. The spouse or minor child of a CW-1 nonimmigrant may accompany or follow the alien as a CW-2 nonimmigrant if the alien:

- (i) Is not present in the United States, other than the CNMI;
- (ii) If present in the CNMI, is lawfully present in the CNMI; and

(iii) Is not inadmissible to the United States as a nonimmigrant, except for an alien present in the CNMI who is described in section 212(a)(7)(B) of the Act (not in possession of nonimmigrant visa).

**TABLE OF CHANGES – INSTRUCTIONS**  
**FORM I-539 –**  
**APPLICATION TO CHANGE/EXTEND NONIMMIGRANT STATUS**  
**1615-0003**

| <b>Location</b>                                | <b>Current Language</b>   | <b>Proposed Language</b>  |
|--|---|---|
| <p><b>Page 2: Who May File Form I-539?</b></p> | <p><b>Who May File Form I-539?</b></p> <p><b><u>Extension of Stay or Change of Status</u></b></p> <p>*****</p> <p><b><u>Multiple Applicants</u></b></p> <p>*****</p> <p><b><u>Nonimmigrant Categories</u></b></p> <p>*****</p> <p><b>3. B-1, Visitor for Business, or B-2, Visitor for Pleasure</b></p> <p>If you are filing for an extension/change, you must file your application with the original Form I-94 of each person included in your application. In addition, you must submit a written statement explaining in detail:</p> <ul style="list-style-type: none"> <li>A. The reasons for your request;</li> <li>B. Why your extended stay would be temporary, including what arrangements you have made to depart from the United States; and</li> <li>C. Any effect the extended stay may have on your foreign employment or residency.</li> </ul> <p>If you are applying for an extension/change of B-1, visitor for business, you must designate your desired status using the following classification in Part 2.1.b of Form I-539:</p> | <p><b>Insert new #3 and re-designate existing #3 to #4</b></p> <p><b><u>3. Dependents of a CW-1 Transitional Worker</u></b></p> <p>If you are filing for an extension/change of status as the dependent of an employee who is a CW-1 transitional worker, this application must be submitted with:</p> <ul style="list-style-type: none"> <li>A. Form I-129CW filed for that employee or a copy of the filing receipt noting that the petition is pending with USCIS;</li> <li>B. A copy of the employee's Form I-94 or approval notice showing that he or she has already been granted status to the period requested on your application; and</li> <li>C. Evidence of relationship (example: birth or marriage certificate)</li> <li>D. Evidence of lawful Commonwealth of Northern Mariana Islands (CNMI) status (example: CNMI Immediate Relative card or spouse of Freely Associated States (FAS) card)</li> </ul> <p><b>NOTE:</b> An employer should file Form I-129 CW to request/extend/change to CW-1 status for an employee or prospective employee. Dependents of such employees must file for request/extension/change of status on this form, not on the Form I-129 CW.</p> <p>*****</p> |

**Page 6: Where To File?**

- A. B-1A, nonimmigrant who is the personal or domestic servant of a nonimmigrant employer;
- B. B-1B, nonimmigrant domestic servant of a U.S. citizen;
- C. B-1C, nonimmigrant who is employed by a foreign airline;
- D. B-1D, nonimmigrant who is a missionary; and
- E. B-1, all other visa classifications not designated above.

1. With some exceptions, Form I-539 is generally filed with the California Service Center or the Vermont Service Center

California Service Center filings cover the following states: Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, or Wyoming.

\*\*\*\*\*

2. Applicants for change of status to E-1, E-2, E-3, H-4, L-2, O-3, or P-4 as the dependent spouse or child or for an E-1, E-2, E-3, H-4, L-2, O-3, P-4, or TD extension, as the dependent spouse or child.

**A. Filing Form I-539 at the same time as the principal:** If your Form I-539 for change of status or extension of stay is filed at the same time as the principal's Form I-129, Petition for Nonimmigrant Worker (which includes a request for change of status or extension of

1. With some exceptions, Form I-539 is generally filed with the California Service Center or the Vermont Service Center

California Service Center filings cover the following states: Alaska, Arizona, California, Colorado, Commonwealth of Northern Mariana Islands, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, or Wyoming.

\*\*\*\*\*

2. Applicants for change of status to CW-2, E-1, E-2, E-3, H-4, L-2, O-3, or P-4 as the dependent spouse or child or for an CW-2, E-1, E-2, E-3, H-4, L-2, O-3, P-4, or TD extension, as the dependent spouse or child.

**A. Filing Form I-539 at the same time**

stay), send the entire Form I-129/I-539 package to the Vermont Service Center or the California Service Center, depending on the State where the principal is or will be employed temporarily.

**B. Filing Form I-539 separately from the principal and the principal's case is pending:** If the principal's Form I-129 (which includes a request for change of status or extension of stay) is pending, file Form I-539 with the same Service Center where the principal's Form I-129 is pending. Include a copy of Form I-129 filing receipt (or transfer notice) to show the pending Form I-129 location.

**C. Filing Form I-539 separately from the principal and the principal's case is approved:** If the principal's Form I-129 (which includes a request for change of status or extension of stay) has already been approved, file Form I-539 with the same Service Center that approved the principal's Form I-129. Include a copy of Form I-129 approval notice to show the approved Form I-129 location.

\*\*\*\*\*

The filing fee for Form I-539 is \$300 except for certain A and G nonimmigrants who are not required to pay a fee, as noted in these instructions.

An additional biometric fee of \$80 is required when filing this Form I-539 for V nonimmigrant status. After you submit Form I-539, USCIS will notify you about when and where to go for

**as the principal:** If your Form I-539 for change of status or extension of stay is filed at the same time as the principal's Form I-129, Petition for Nonimmigrant Worker or Form I-129CW, Petition for a Nonimmigrant Worker in the CNMI (which includes a request for change of status or extension of stay), send the entire Form I-129/I-539 or Form I-129CW/I-539 package to the Vermont Service Center or the California Service Center, depending on the State where the principal is or will be employed temporarily.

**B. Filing Form I-539 separately from the principal and the principal's case is pending:** If the principal's Form I-129 or Form I-129CW, Petition for a Nonimmigrant Worker in the CNMI (which includes a request for change of status or extension of stay) is pending, file Form I-539 with the same Service Center where the principal's Form I-129 or Form I-129CW is pending. Include a copy of Form I-129 or Form I-129CW filing receipt (or transfer notice) to show the pending Form I-129 or Form I-129CW location.

**C. Filing Form I-539 separately from the principal and the principal's case is approved:** If the principal's Form I-129 or Form I-129CW, Petition for a Nonimmigrant Worker in the CNMI (which includes a request for change of status or extension of stay) has already been approved, file Form I-539 with the same Service Center that approved the principal's Form I-129 or Form I-129CW. Include a copy of Form I-129 or Form I-129CW approval notice to show the approved Form I-129 or Form I-129CW location.

\*\*\*\*\*

The filing fee for Form I-539 is \$300 except for certain A and G nonimmigrants who are not required to pay a fee, as noted

## Page 8: What is the Filing Fee?

|  |   |   |
|--|---|---|
|  | <p>biometric services.</p> <p>*****</p> | <p>in these instructions.</p> <p>An additional biometric fee of \$80 is required when filing this Form I-539 for V nonimmigrant or CW-2 nonimmigrant status. After you submit Form I-539, USCIS will notify you about when and where to go for biometric services.</p> <p>*****</p> |
|--|---|---|