

Instructions for Form I-539, Application to Extend/Change Nonimmigrant Status

Department of Homeland Security
U.S. Citizenship and Immigration Services

Instructions

Read these instructions carefully to properly complete this form. If you need more space to complete an answer, use a separate sheet of paper. Write your name and Alien Registration Number (A-Number), if any, at the top of each sheet of paper and indicate the part and number of the item to which the answer refers.

NOTE: You have the option of submitting this paper version of Form I-539 according to the form's instructions or you may file the application electronically. To file electronically, visit our Internet Web site at www.uscis.gov and follow the instructions on e-filing. Whether you submit this paper form or e-file, U.S. Citizenship and Immigration Services (USCIS) recommends that you retain a copy of your application and supporting documents for your records.

What Is the Purpose of This Form?

You should use this form if you are one of the nonimmigrants listed below and wish to apply to USCIS for an extension of stay or a change to another nonimmigrant status.

In certain situations, you may use this form to apply for an initial nonimmigrant status.

You may also use this form if you are a nonimmigrant F-1 or M-1 student applying for reinstatement.

When Should I Use Form I-539?

You must submit an application for extension of stay or change of status before your current authorized stay expires. We suggest you file at least 45 days before your stay expires, or as soon as you determine your need to change status. Failure to file before the expiration date may be excused if you demonstrate when you file the application that:

1. The delay was due to extraordinary circumstances beyond your control;
2. The length of the delay was reasonable;
3. You have not otherwise violated your status;
4. You are still a bona fide nonimmigrant; and
5. You are not in removal proceedings.

Who May File Form I-539?

Extension of Stay or Change of Status

Nonimmigrants in the United States may apply for an extension of stay or a change of status on this form, except as noted in these instructions under the heading, "**Who May Not File Form I-539.**"

Multiple Applicants

You may include your spouse and your unmarried children under 21 years of age as co-applicants in your application for the same extension or change of status, but only if you are all now in the same status or they are all in derivative status.

Nonimmigrant Categories

This form may be used by the following nonimmigrants listed in alphabetical order:

1. A, Ambassador, Public Minister, or Career Diplomatic or Consular Officer and Their Immediate Family Members

You must submit a copy, front and back, of Form I-94 of each person included in the application and Form I-566, Interagency Record of Request-A, G, or NATO Dependent Employment Authorization or Change/Adjustment to/from A,G, or NATO Status, certified by the U.S. Department of State to indicate your accredited status.

NOTE: An A-1 or A-2 nonimmigrant is not required to pay a fee with Form I-539.

2. A-3, Attendant or Servant of an A Nonimmigrant and the A-3's Immediate Family Members

You must submit a copy, front and back, of Form I-94 of each person included in the application.

The application must be filed with:

- A. A copy of your employer's Form I-94 or approval notice demonstrating A status;
- B. An original letter from your employer describing your duties and stating that he or she intends to personally employ you, and arrangements you have made to depart from the United States; and
- C. An original Form I-566, certified by the U.S. Department of State, indicating your employer's continuing accredited status.

3. B-1, Visitor for Business, or B-2, Visitor for Pleasure

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:

- A. The reasons for your request;
- B. Why your extended stay would be temporary, including what arrangements you have made to depart from the United States; and
- C. Any effect the extended stay may have on your foreign employment or residency.

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. 1b** of Form I-539:

- 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.

4. Dependents of a CW-1 Transitional Worker

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:

- A. Evidence of lawful presence in the Commonwealth of the Northern Mariana Islands (CNMI) as defined in 8 CFR 214.2(w)(1)(v); and
- B. Evidence of each applicant's relationship to the CW-1 transitional worker, such as a birth certificate or marriage certificate and proof of termination of any prior marriages; and
- C. One of the following:
 - (1) Form I-129CW, Petition for a Nonimmigrant Worker in the CNMI, filed on behalf of the CW-1 transitional worker; or
 - (2) A copy of the I-797 Receipt Notice related to the transitional worker's already pending petition; or
 - (3) A copy of the front and back of the transitional worker's most recent Form I-94; or

- (4) A copy of the I-797 Approval Notice showing the transitional worker has already been granted status for the period requested on your application.

NOTE: Dependents of CW-1 transitional workers must apply for extension/change of status to CW-2 on this form. An employer must file Form I-129CW to obtain CW-1 status on behalf of an employee or prospective employee.

5. Dependents of an E Treaty Trader or Investor, Australian Specialty Occupation Worker, or E-2 CNMI Investor

If you are filing for an extension/change of status as the dependent of an E worker, this application must be submitted with:

- A. Form I-129, Petition for Alien Worker, filed for that E worker or a copy of the filing receipt noting that the petition is pending with USCIS; or
- B. A copy of the E worker'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
- C. Evidence of relationship (example: birth or marriage certificate).

NOTE: An employer or investor must file Form I-129 to request an extension/change to E status for an employee, prospective employee, or the investor. Dependents of E employees must file for an extension/change of status on this form, not Form I-129.

6. F-1, Academic Student

To request a change to F-1 status or to apply for reinstatement as an F-1 student, you must submit your original Form I-94, as well as the original Form I-94 of each person included in the application.

Your application must include your original Form I-20, Certificate of Eligibility for Nonimmigrant Student, issued by the school where you will study. To request either a change or reinstatement, you must submit documentation that demonstrates your ability to pay for your studies, and support yourself while you are in the United States.

F-1 Extensions

Only use this form to request an extension if you were admitted for a limited duration of stay as a student entering to study at a public secondary school. All other students seeking information concerning extensions should contact their designated school official.

7. G, Designated Principal Resident Representative of a Foreign Government and His or Her Immediate Family Members

You must submit a copy, front and back, of Form I-94 for each person included in the application, and Form I-566, certified by the U.S. Department of State to indicate your accredited status.

NOTE: A G-1 through G-4 nonimmigrant is not required to pay a fee with Form I-539.

8. G-5, Attendant or Servant of a G Nonimmigrant and the G-5's immediate family members

The application must also be filed with:

- A. A copy of your employer's Form I-94 or approval notice demonstrating G status; and
- B. An original letter from your employer describing your duties and stating that he or she intends to personally employ you and arrangements you have made to depart from the United States.
- C. An original Form I-566, certified by the Department of State, indicating your employer's continuing accredited status.

9. Dependents of an H, Temporary Worker

If you are filing for an extension/change of status as the dependent of an employee who is an H temporary worker, this application must be submitted with:

- A. Form I-129 filed for that employee or a copy of the filing receipt noting that the petition is pending with USCIS; or
- 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
- C. Evidence of relationship (example: birth or marriage certificate).

NOTE: An employer must file Form I-129 to request an extension/change to H status for an employee or prospective employee. Dependents of such employees must file for an extension/change of status on this form, not on Form I-129.

10. J-1, Exchange Visitor

If you are requesting a change of status to J-1 nonimmigrant classification, your application must be filed with an original DS-2019, Certificate of Eligibility for Exchange Visitor Status. You must also submit your original Form I-94, as well as the original Form I-94 for each person included in the application.

J-1 Extensions

If you are a J-1 exchange visitor seeking an extension of nonimmigrant status, contact the responsible officer of your program for information about this procedure.

J-1 Reinstatement

If you are a J-1 exchange visitor seeking reinstatement, contact the responsible officer at your sponsoring program for information about the reinstatement procedure.

Notice to J Nonimmigrants

A J-1 exchange visitor whose status is to receive graduate medical education or training, and who has not received the appropriate waiver, is ineligible for change of status except to a nonimmigrant T or U visa. In addition, a J-1 exchange visitor who is subject to the foreign residence requirement, and who has not received a waiver of that requirement, is only eligible for a change of status to a nonimmigrant A, G, T, or U visa.

If a J-1 exchange visitor is subject to the foreign residence requirement, the J-2 dependant is also subject as a derivative to this requirement. If the J-1 exchange visitor obtains a waiver of the foreign residence requirement, the J-2 dependent is also exempt from the requirement. Under certain limited circumstances, a J-2 dependant may be independently eligible for a waiver of the foreign residence requirement.

A former J nonimmigrant (either a J-1 principal or a J-2 dependent) subject to the foreign residence requirement, who is currently maintaining another nonimmigrant visa status, continues to be subject to the foreign residence requirement. As noted above, the former J nonimmigrant is ineligible for a change of status until he or she fulfills the foreign residence requirement or obtains the appropriate waiver.

If you are a current or former J nonimmigrant, you must provide information about this status, including the dates you maintained status as a J-1 exchange visitor or a J-2 dependent. Willful failure to disclose this information (or other relevant information) can result in your application being denied. Provide proof of this status along with your application, such as a copy of Form DS-2019, Certificate of Eligibility for Exchange Visitor Status, or a copy of your passport that includes the J visa stamp.

11. Dependents of an L, Intracompany Transferee

If you are filing for an extension/change of status as the dependent of an employee who is an L intracompany transferee, this application must be submitted with:

- A. Form I-129 filed for that employee, or a copy of the filing receipt noting that the petition is pending with USCIS; or

- 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
- C. Evidence of relationship (example: birth or marriage certificate).

NOTE: An employer should file Form I-129 to request an extension/change to L status for an employee or prospective employee. Dependents of such employees must file for an extension/change of status on this form, not on Form I-129.

12. M-1, Vocational or Non-Academic Student

To request a change to or extension of M-1 status, or apply for reinstatement as an M-1 student, you must submit your original Form I-94, as well as the original Form I-94 of each person included in the application.

M-1 Reinstatement

- A. The violation of status was due solely to circumstances beyond your control or that failure to reinstate you would result in extreme hardship;
- B. You are pursuing or will pursue a full course of study;
- C. You have not been employed without authorization; and
- D. You are not in removal proceedings.

NOTE: If you are an M-1 student, you are not eligible for a change to F-1 status, and you are not eligible for a change to any H status if the training you received as an M-1 helps you qualify for the H status. Also, you may not be granted a change to M-1 status for training to qualify for H status.

13. Dependents of an O, Alien of Extraordinary Ability or Achievement

If you are filing for an extension/change of status as the dependent of an employee who is classified as an O nonimmigrant, this application must be submitted with:

- A. Form I-129 filed for that employee or a copy of the filing receipt noting that the petition is pending with USCIS; or
- 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
- C. Evidence of relationship (example: birth or marriage certificate).

NOTE: An employer must file Form I-129 to request an extension/change to an O status for an employee or prospective employee. Dependents of such employees must file for an extension/change of status on this form, not on Form I-129.

14. Dependents of a P, Artists, Athletes, and Entertainers

If you are filing for an extension/change of status as the dependent of an employee who is classified as a P nonimmigrant, this application must be submitted with:

- A. Form I-129 filed for that employee or a copy of the filing receipt noting that the petition is pending with USCIS; or
- 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
- C. Evidence of relationship (example: birth or marriage certificate).

NOTE: An employer must file Form I-129 to request an extension/change to P status for an employee or prospective employee. Dependents of such employees must file for an extension/change of status on this form, not on Form I-129.

15. Dependents of an R, Religious Worker

If you are filing for an extension/change of status as the dependent of an employee who is classified as an R nonimmigrant, this application must be submitted with:

- A. Form I-129 filed for that employee or a copy of the filing receipt noting that the petition is pending with USCIS; or
- 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
- C. Evidence of relationship (example: birth or marriage certificate).

16. TD Dependents of TN Nonimmigrants

TN nonimmigrants are citizens of Canada or Mexico who are coming to the United States to engage in business activities at a professional level under the North American Free Trade Agreement (NAFTA). The dependents (spouse or unmarried minor children) of a TN nonimmigrant are designated as TD nonimmigrants. A TD nonimmigrant may accompany or follow to join the TN professional. TD nonimmigrants may not work in the United States.

Form I-539 shall be used by a TD nonimmigrant to request an extension of stay or by an applicant to request a change of nonimmigrant status to TD classification.

If you are filing for an extension/change of status as the dependent of an employee who is classified as a TN nonimmigrant, this application must be submitted with:

- A. Form I-129 filed for that employee or a copy of the filing receipt noting that the petition is pending with USCIS; or
- 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
- C. Evidence of relationship (example: birth or marriage certificate).

17. V, Spouse or Child of a Lawful Permanent Resident

Use Form I-539 if you are physically present in the United States and wish to request initial status or change status to a V nonimmigrant, or to request an extension of your current V nonimmigrant status.

Applicants must follow the instructions on this form and the attached instructions to Supplement A to Form I-539, Filing Instructions for V Nonimmigrants. The supplement contains additional information and the location where V applicants must file their applications.

NOTE: In addition to the \$290 application fee required to file Form I-539, V applicants are required to pay a \$85 biometric services fee for USCIS to take their fingerprints.

If necessary, USCIS may also take the V applicant's photograph and signature as part of the biometric services.

Notice to V Nonimmigrants

The Legal Immigration Family Equity Act (LIFE), signed into law on December 21, 2000, created a new V visa. This nonimmigrant status allows certain persons to reside legally in the United States and to travel to and from the United States while they wait to obtain lawful permanent residence.

In order to be eligible for a V visa, all of the following conditions must be met:

- A. You must be the spouse or the unmarried child of a lawful permanent resident;
- B. Form I-130, Petition for Alien Relative, must have been filed for you by your permanent resident spouse on or before December 21, 2000; and

- C. You must have been waiting for at least 3 years after Form I-130 was filed for you; or

- D. You must be the unmarried child (under 21 years of age) of a person who meets the three requirements listed above. If you are 21 years of age or older, to qualify for an extension of V status you (1) previously must have been granted V status, (2) be the unmarried son or daughter of a person who meets the requirements listed above and (3) be the beneficiary of an I-130 filed on your behalf.

V visa holders will be eligible to adjust to lawful permanent resident status once an immigrant visa becomes available to them. While they are waiting, V visa holders may be authorized to work following their submission and USCIS approval of their Form I-765, Application for Employment Authorization.

WARNING: Persons in V status who have been in the United States illegally for more than 180 days may trigger the grounds of inadmissibility regarding unlawful presence (for the applicable 3-year or 10-year bar to admission) if they leave the United States. Their departure may prevent them from adjusting status as a permanent resident.

Who May Not File Form I-539?

You may not be granted an extension or change of status if you were admitted under the Visa Waiver Program or if your current status is:

- 1. An alien in transit (C) or in transit without a visa (TWOV);
- 2. A crewman (D); or
- 3. A fiancé(e) or dependent of a fiancé(e) (K)(1) or (K)(2).

A spouse (K-3) of a U.S. citizen and his or her children (K-4), accorded such status pursuant to the LIFE Act, may not change to another nonimmigrant status.

EXCEPTION: A K-3 and K-4 are eligible to apply for an extension of status. They should file for an extension during the processing of Form I-130 filed on their behalf and up to completion of their adjustment-of-status application.

NOTE: Any nonimmigrant (A to V) may not change his or her status to K-3 or K-4.

General Instructions

Step 1. Fill Out Form I-539

- 1. Type or print legibly in black ink.

2. If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.
3. Answer all questions fully and accurately. State that an item is not applicable with "N/A." If the answer is none, write "None."

Step 2. General Requirements

Required Documentation - Form I-94, Nonimmigrant Arrival-Departure Record. You are required to submit with your Form I-539 the original or copy, front and back, of Form I-94 of each person included in your application. If the original Form I-94 or required copy cannot be submitted with this application, include Form I-102, Application for Replacement/Initial Nonimmigrant Arrival/Departure Document, with the required fee.

Valid Passport

If you were required to have a passport to be admitted into the United States, you must maintain the validity of your passport during your nonimmigrant stay. If a required passport is not valid when you file Form I-539, submit an explanation with your form.

Additional Evidence

You may be required to submit additional evidence noted in these instructions.

Translations

Any document containing a foreign language submitted to USCIS shall be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English.

Copies

Unless specifically required that an original document be filed with an application or petition, an ordinary legible photocopy may be submitted. Original documents submitted when not required will remain a part of the record, even if the submission was not required.

Where To File?

Updated Filing Address Information

Edition date on form

The filing addresses provided on this form reflect the most current information as of the date this form was last revised.

If you are filing Form I-539 more than 30 days after the latest edition date shown in the lower right corner of this form, visit us online at www.uscis.gov before you file, and check the "FORMS" page to confirm the correct filing address and version currently in use. Check the edition date located in the lower right corner of the form. If the edition date on your Form I-539 matches the edition date listed for Form I-539 on the USCIS "FORMS" page, your version is current. If the Web site edition date is later, download a copy and use it.

If you do not have Internet access, call the USCIS National Customer Service Center at **1-800-375-5283** to verify the current filing address and edition date.

Improperly filed forms will be rejected and the fee returned with instructions to resubmit the entire filing using the current form instructions.

Read the filing instructions carefully and thoroughly, as they have recently changed.

E-Filing Form I-539

If you are e-filing this application, it will automatically be routed to the appropriate Service Center, and you will receive a receipt indicating the location to which it was routed. This location may not necessarily be the same Service Center shown in the filing addresses listed for paper applications. For e-filed applications, it is very important to review your filing receipt and make specific note of the receiving location.

All further communication, including submission of supporting documents, should be directed to the receiving location indicated on your e-filing receipt.

1. Filing Form I-539 with a Form I-129

All Form I-539s filed with a principal's Form I-129, Petition for Nonimmigrant Worker, (which includes a request for change of status or extension of stay), **MUST** be sent to either the **USCIS California Service Center** or the **USCIS Vermont Service Center**. See Form I-129 **Filing Instructions. This includes dependents filing with the principal.**

NOTE: Dependents filing Form I-539 for a change of status or extension of stay **separately** from the principal's application, and whose principal's application is pending or approved, should file at the USCIS Dallas Lockbox facility. See **number 7** on **Page 8** of the instructions for additional guidance.

The USCIS California Service Center takes in filings from the following states and territories:

Alaska	Minnesota
Arizona	Missouri
California	Montana
Colorado	Nebraska
Commonwealth of Northern Mariana Islands	Nevada
Guam	North Dakota
Hawaii	Ohio
Idaho	Oregon
Illinois	South Dakota
Indiana	Utah
Iowa	Washington
Kansas	Wisconsin
Michigan	Wyoming

The mailing address is:

USCIS California Service Center
P.O. Box 10539
Laguna Niguel, CA 92607-1053

The USCIS Vermont Service Center takes in filings from the following states and territories:

Alabama	New Mexico
Arkansas	New York
Connecticut	North Carolina
Delaware	Oklahoma
District of Columbia	Pennsylvania
Florida	Puerto Rico
Georgia	Rhode Island
Kentucky	South Carolina
Louisiana	Tennessee
Maine	Texas
Maryland	Vermont
Massachusetts	Virginia
Mississippi	U.S. Virgin Islands
New Hampshire	West Virginia
New Jersey	

The mailing address is:

USCIS Vermont Service Center
ATTN: I-539
75 Lower Welden Street
St. Albans, VT 05479

2. Applicants filing under the category P-4, Dependents of Major League Sports, Athletes, or Support Personnel:

File Form I-539 with the **USCIS Vermont Service Center**. See address above.

This covers major league athletes, minor league sports, and any affiliates associated with the major leagues in baseball, hockey, soccer, basketball, and football. Support personnel include: coaches, trainers, broadcasters, referees, linesmen, umpires, and interpreters.

3. Applicants filing under the category "V Nonimmigrant:"

Applicants who are filing Form I-539 under the nonimmigrant status of V1, V2, V3, or who are requesting nonimmigrant status of V1, V2, or V3, must file their Form I-539 with the **USCIS Chicago Lockbox** facility.

NOTE: See Supplement A to Form I-539 for additional instructions.

For U.S. Postal Service:

USCIS
P.O. Box 7216
Chicago, IL 60680-7216

For Express mail and courier deliveries:

USCIS
Attn: VKL
131 South Dearborn- 3rd Floor
Chicago, IL 60603-5517

4. Applicants filing under the categories "A," "G," and "NATO:"

A. For change of status requests to A, G, or NATO classification for employment with an embassy, international organization, or NATO, mail Form I-539 through your embassy, international organization, or NATO to:

U.S. Department of State,
Office of Protocol,
3507 International Place, N.W.,
Suite 242
Washington, DC 20008

B. For change of status requests to G classification for employment with a foreign government's mission to the United Nations or with the United Nations Secretariat, mail Form I-539 **through the foreign government's mission or the UN Secretariat** to:

U.S. Mission to the United Nations
799 United Nations Plaza
New York, NY 10017

C. For a dependent spouse or child requesting a change of status to a NATO classification based on the principal's classification as a NATO nonimmigrant, mail Form I-539 to:

NATO/HQ SACT Legal Affairs
7857 Blandy Road
Suite 100
Norfolk, VA 23551

If you or the principal or the principal NATO nonimmigrant through whom you derive your status are posted at a national component, or as an exchange officer, submit Form I-539 to your embassy for proper filing through official diplomatic channels.

D. For a change of status from A, G, or NATO classifications to another nonimmigrant classification, file Form I-539 with the USCIS Dallas Lockbox facility. See address below. You must submit an endorsement by the U.S. Department of State Visa Office, or a USUN official at **Part 7** on the Form I-566, Interagency Record of Request-A, G, or NATO Dependent Employment Authorization or Change/ Adjustment to/from A, G, or NATO Status, with Form I-539.

E. For extensions of stay for A-3, G-5, or NATO-7 nonimmigrants, submit your application through your embassy, international organization, or NATO command for proper filing through official diplomatic channels.

5. Applicants filing as a dependent under the category "E-2 CNMI Investor nonimmigrant:"

Applicants who are filing Form I-539 under the nonimmigrant status of E-2 CNMI Investor, must file their Form I-539 with **USCIS California Service Center** regardless of whether filing with the principal's Form I-129.

For U.S. Postal Service:

USCIS
California Service Center
ATTN: E-2 CNMI
P.O. Box 10698
Laguna Niguel, CA 92607-1098

For Express mail and courier deliveries:

USCIS
California Service Center
ATTN: E-2 CNMI
24000 Avila Road
2nd Floor Room 2312
Laguna Niguel, CA 92677

6. Applicants filing under the category "CW-2 nonimmigrant;"

Applicants who are filing Form I-539 under the nonimmigrant status of CW-2 must file their Form I-539 with the **USCIS California Service Center** regardless of whether filing with the principal's Form I-129CW.

For U.S. Postal Service:

USCIS
California Service Center
ATTN: CW-2
P.O. Box 10698
Laguna Niguel, CA 92607-1098

For Express mail and courier deliveries:

USCIS
California Service Center
ATTN: CW
24000 Avila Road
2nd Floor, Room 2312
Laguna Niguel, CA 92677

7. All other Form I-539 filings should be sent to the USCIS Dallas Lockbox facility. See address below.

For U.S. Postal Service:

USCIS
P.O. Box 660166
Dallas, TX 75266

For Express mail and courier deliveries:

USCIS
ATTN: I-539
2501 S. State Highway 121 Business
Suite 400
Lewisville, TX 75067

E-Notification

If you are filing your Form I-539 at one of the USCIS Lockbox facilities, you may elect to receive an email and/or text message notifying you that your application has been accepted. You must complete Form G-1145, E-Notification of Application/Petition Acceptance, and clip it to the first page of your application. To download a copy of Form G-1145, including the instructions, click on the link www.uscis.gov **"FORMS."**

Special Information for Applicants Residing in the Commonwealth of the Northern Mariana Islands (CNMI)

If the applicant is lawfully present in the CNMI, the applicant may be eligible to apply for a grant of status with this form without having to seek consular processing. The request for the initial grant of status must be accompanied by an additional biometrics service fee as described in section 8 CFR 103.7(b)(1) and evidence of the applicant's lawful presence. The applicant will be required to submit biometric information **before** the application for a grant of status is approved. Although this is a request for an initial grant of status rather than a change of nonimmigrant status, the applicant should check box **1.b** in **Part 2**, and identify the nonimmigrant status he or she is initially requesting.

What Is the Filing Fee?

The filing fee for Form I-539 is **\$290** 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 **\$85** is required when filing this Form I-539 for V nonimmigrant or for certain applicants in the CNMI applying for a grant of nonimmigrant status. After you submit Form I-539, USCIS will notify you about when and where to go for biometric services.

If biometric services are required, you may submit one check or money order for both the application and biometric fees, for a total of **\$375**.

Use the following guidelines when you prepare your check or money order for the Form I-539 and the biometric service fee, if applicable:

1. The check or money order must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency; and
2. Make the check or money order payable to **U.S. Department of Homeland Security**.

NOTE: Spell out U.S. Department of Homeland Security; do not use the initials "USDHS" or "DHS."

Notice to Those Making Payment by Check

If you send us a check, it will be converted into an electronic funds transfer (EFT). This means we 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 take 24 hours and will be shown on your regular account statement.

You will not receive your original check back. We will destroy your original check, but we will keep a copy of it. If the EFT cannot be processed for technical reasons, you authorize us to process the copy in place of your original check. If the EFT cannot be completed because of insufficient funds, we may try to make the transfer up to two times.

How to Check If the Fees Are Correct

The form and biometric fees on this form are current as of the edition date appearing in the lower right corner of this page. However, because USCIS fees change periodically, you can verify if the fees are correct by following one of the steps below:

1. Visit our Web site at www.uscis.gov, select "FORMS" and check the appropriate fee; or
2. Telephone our National Customer Service Center at **1-800-375-5283** and ask for the fee information.

NOTE: If your Form I-539 requires payment of a biometric service fee for USCIS to take your fingerprints, photograph, or signature, you can use the same procedure to obtain the correct biometric fee.

NOTE: A fee waiver request will be accepted in accordance to 8 CFR 103.7(c)(3)(xviii) for T and U nonimmigrants.

Address Changes

If you have changed your address, you must inform USCIS of your new address. For information on filing a change of address go to the USCIS Web site at www.uscis.gov/addresschange or contact the National Customer Service Center at **1-800-375-5283**.

NOTE: Do not submit a change of address request to the USCIS Lockbox facilities because the USCIS Lockbox facilities do not process change of address requests.

Processing Information

Any Form I-539 that is not signed or accompanied by the correct fee will be rejected with a notice that Form I-539 is deficient. You may correct the deficiency and resubmit Form I-539. An application or petition is not considered properly filed until accepted by USCIS.

Initial processing

Once Form I-539 has been accepted, it will be checked for completeness, including submission of the required initial evidence. If you do not completely fill out the form, or file it

without required initial evidence, you will not establish a basis for eligibility, and we may deny your Form I-539.

Requests for more information or interview

We may request more information or evidence, or we may request that you appear at a USCIS office for an interview. We may also request that you submit the originals of any copy. We will return these originals when they are no longer required.

Decision

The decision on Form I-539 involves a determination of whether you have established eligibility for the requested benefit. You will be notified of the decision in writing.

USCIS Forms and Information

You can get USCIS forms and immigration-related information on the USCIS Internet Web site at www.uscis.gov. You may order USCIS forms by calling our toll-free number at **1-800-870-3676**. You may also obtain forms and information by telephoning our National Customer Service Center at **1-800-375-5283**.

As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our Internet-based system, **InfoPass**. To access the system, visit our Web site. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen.

Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with Form I-539, we will deny Form I-539 and may deny any other immigration benefit.

In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

Privacy Act Notice

We ask for the information on this form, and associated evidence, to determine if you have established eligibility for the immigration benefit for which you are filing. Our legal right to ask for this information can be found in the Immigration and Nationality Act, as amended. We may provide this information to other government agencies. Failure

to provide this information, and any requested evidence, may delay a final decision or result in denial of your Form I-539.

USCIS Compliance Review and Monitoring

By signing this form, you have stated under penalty of perjury (28 U.S.C.1746) that all information and documentation submitted with this form is true and correct. You also have authorized the release of any information from your records that USCIS may need to determine eligibility for the benefit you are seeking and consented to USCIS verification of such information.

The Department of Homeland Security has the right to verify any information you submit to establish eligibility for the immigration benefit you are seeking at any time. Our legal right to verify this information is in 8 U.S.C. 1103, 1155, 1184, and 8 CFR parts 103, 204, 205, and 214. To ensure compliance with applicable laws and authorities, USCIS may verify information before or after your case has been decided. Agency verification methods may include but are not limited to: review of public records and information; contact via written correspondence, the Internet, facsimile or other electronic transmission, or telephone; unannounced physical site inspections of residences and places of employment; and interviews. Information obtained through verification will be used to assess your compliance with the laws and to determine your eligibility for the benefit sought.

Subject to the restrictions under 8 CFR part 103.2(b)(16), you will be provided an opportunity to address any adverse or derogatory information that may result from a USCIS compliance review, verification, or site visit after a formal decision is made on your case or after the agency has initiated an adverse action which may result in revocation or termination of an approval.

Paperwork Reduction Act

An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 45 minutes per response, including the time for reviewing instructions and completing and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Products Division, Office of the Executive Secretariat, 20 Massachusetts Avenue, N.W., Washington, DC 20529-2020, OMB No. 1615-0003. This form expires February 29, 2012. **Do not mail your application to this address.**