



Instructions for Application to Extend/Change Nonimmigrant Status

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

USCIS
Form I-539
OMB No. 1615-0003
Expires 12/31/2015

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 U.S. Citizenship and Immigration Services (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 or extend 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 the **Who May Not File Form I-539** section of these instructions.

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.

NOTE: Extensions granted to members of a family group must be for the same period of time. The shortest period granted to any member of the family shall be granted to all members of the family.

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, Nonimmigrant Arrival/Departure Record, for 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 (DOS) to indicate your accredited status.

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 for 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 stating:

- (1) Your duties;
- (2) That the employer intends to personally employ you for the entirety of your contract; and
- (3) Arrangements you have made to depart from the United States; and

C. An original Form I-566, certified by DOS, indicating your employer's continuing accredited status.

NOTE: There is no fee required for any A-1, A-2, or A-3 applicant with Form I-539.

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 for each person included in your application. In addition, you must submit a written statement explaining in detail:

- A.** The reasons for your request;
- B.** The reasons 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 a change of B-1, visitor for business status, you must designate your desired status using the following classification in **Part 2., Item Number 2.a.** 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 (CW-2) 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;
 - (2) A copy of the I-797 Receipt Notice related to the transitional worker's already pending petition;
 - (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 a Principal E Nonimmigrant

The principal E nonimmigrant classifications include: E-1 Treaty Traders and their E-1 employees, E-2 Treaty Investors and their E-2 employees, E-2 CNMI Investors, and E-3 Australian Specialty Occupation Professionals.

Dependents of E nonimmigrants receive the same classification as the principal.

If you are filing for an extension/change of status as the dependent of a principal E nonimmigrant, you must submit the following with your application:

- A. A copy of the front and back of Form I-94 for each person included on this application;
- B. Evidence of each applicant's relationship to the principal E nonimmigrant, such as a birth certificate or marriage certificate and proof of termination of any prior marriages; and
- C. At least one of the following:
 - (1) Form I-129, Petition for a Nonimmigrant Worker, filed on behalf of the principal E nonimmigrant;
 - (2) A copy of the I-797 Receipt Notice related to the principal E nonimmigrant's already pending Form I-129 petition;
 - (3) A copy of the front and back of the principal E nonimmigrant's most recent Form I-94; or
 - (4) A copy of the I-797 Approval Notice showing the principal E nonimmigrant has already been granted status for the period requested on your application.

NOTE: Dependents of principal E nonimmigrants must apply on this form for extension/change of status to the same E classification as the principal. An employer must file Form I-129 on behalf of a principal E nonimmigrant who is currently in the United States. If the principal E nonimmigrant is not currently in the United States, he or she must contact a U.S. Embassy or U.S. Consulate abroad to apply for E classification.

Dependent spouses of principal E nonimmigrants may not work upon approval of this application. To request work authorization, the dependent spouse must file Form I-765, Application for Employment Authorization. Dependent children of principal E nonimmigrants are not authorized for employment.

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 Form I-94, as well as the Form I-94 for each person included in the application.

Your application must also include a copy of your Form I-20, Certificate of Eligibility for Nonimmigrant Student, issued by the school where you will study and you must submit documentation that demonstrates your ability to pay for your studies and support yourself, and any accompanying dependent family members, while you are in the United States.

NOTE: A change of status may be granted for a period up to 30 days before the report date or start date of the course of study listed on Form I-20. You must maintain your current, or other, nonimmigrant status up to 30 days before the report date or start date of the course of study listed on Form I-20 or your requested change of status may not be granted.

F-1 Reinstatement

In addition to the above documents, you must also submit evidence that your violation of status resulted from circumstances beyond your control or that your violation relates to a reduction in your course load that would have been within a Designated School Official's (DSO's) power to authorize, and that failure to approve reinstatement would result in extreme hardship to you.

If you have been out of status for more than 5 months at the time of filing your request for reinstatement, you must also provide evidence that your failure to file within the 5 month period was the result of exceptional circumstances and that you filed your request for reinstatement as promptly as possible under these exceptional circumstances.

F-1 Extensions

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

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 **Department of State (DOS)** to indicate your accredited status.

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;
- B. An original letter from your employer describing your duties 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 DOS, indicating your employer's continuing accredited status.

NOTE: There is no fee required for any G-1, G-2, G-3, G-4, or G-5 applicant with Form I-539.

9. Dependents (H-4) 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, you must submit the following with this application:

- A. A copy of the front and back of Form I-94 for each person included on this application;
- B. Evidence of each applicant's relationship to the H temporary worker, such as a birth certificate or marriage certificate and proof of termination of any prior marriages; and
- C. At least one of the following:
 - (1) Form I-129, Petition for a Nonimmigrant Worker, filed on behalf of the H temporary worker;
 - (2) A copy of the I-797 Receipt Notice related to the H temporary worker's already pending Form I-129 petition;
 - (3) A copy of the front and back of the H temporary worker's most recent Form I-94; or
 - (4) A copy of the I-797 Approval Notice showing the H temporary worker has already been granted status for the period requested on your application.

NOTE: Dependents of H temporary workers must apply for extension/change of status to H-4 on this form. An employer must file Form I-129 on behalf of the H temporary worker.

10. I, Representatives of Foreign Media and Dependents

Nonimmigrants granted I classification may be admitted for the duration of employment. You do not need to file for an extension of stay as long as you work for the same employer in the same information medium.

However, you must file this form to request a change of employer or a change in the information medium in which you work. To do this, select **Item Number 1. in Part 2.** of Form I-539 and annotate "change of employer" or "change of information medium" next to that selection.

If you are requesting a change of status to I nonimmigrant status, select **Item Number 2.a. in Part 2.** of Form I-539 and indicate "I-Foreign Press" in the space provided.

To change your status to I, or to extend your stay in I nonimmigrant status due to a change of employer or information medium, you must submit the following with your application:

- A. A copy of the front and back of Form I-94 for each person included on this application;
- B. A letter from the employing foreign media organization that verifies the employment, establishes that you are a representative of that media organization, and describes the remuneration and work to be performed; and
- C. *If applicable*, evidence of each dependent's relationship to the principal, such as a birth certificate or marriage certificate and proof of termination of any prior marriages. (**NOTE:** Dependents of I nonimmigrants receive the same classification as the principal.)

11. J-1, Exchange Visitor

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

NOTE: A change of status may be granted for a period up to 30 days before the report date or start date of the approved program listed on Form DS-2019. You must maintain your current, or other, nonimmigrant status up to 30 days before the report date or start date of the approved program listed on Form DS-2019 or your requested change of status may not be granted.

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 dependent 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 dependent 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.

12. Dependents (L-2) 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, you must submit the following with this application:

- A. A copy of the front and back of Form I-94 for each person included on this application;
- B. Evidence of each applicant's relationship to the L intracompany transferee, such as a birth certificate or marriage certificate and proof of termination of any prior marriages; and
- C. At least one of the following:
 - (1) Form I-129, Petition for a Nonimmigrant Worker, filed on behalf of the L intracompany transferee;
 - (2) A copy of the I-797 Receipt Notice related to the L intracompany transferee's already pending Form I-129 petition;
 - (3) A copy of the front and back of the L intracompany transferee's most recent Form I-94; or

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

NOTE: Dependents of L intracompany transferees must apply for extension/change of status to L-2 on this form. An employer must file Form I-129 on behalf of the L intracompany transferee.

Dependent spouses of L intracompany transferees may not work upon approval of this application. To request work authorization, the dependent spouse must file Form I-765, Application for Employment Authorization. Dependent children of L intracompany transferees are not authorized for employment.

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

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

Your application must also include a copy of your Form I-20, Certificate of Eligibility for Nonimmigrant Student, issued by the school where you will study and you must submit documentation that demonstrates your ability to pay for your studies and support yourself, and any accompanying dependent family members, while you are in the United States.

NOTE: A change of status may be granted for a period up to 30 days before the report date or start date of the course of study listed on Form I-20. You must maintain your current, or other, nonimmigrant status up to 30 days before the report date or start date of the course of study listed on Form I-20 or your requested change of status may not be granted.

M-1 Reinstatement

In addition to the above documents you must also submit evidence that your violation of status resulted from circumstances beyond your control or that your violation relates to a reduction in your course load that would have been within a DSO's power to authorize, and that failure to approve reinstatement would result in extreme hardship to you.

If you have been out of status for more than 5 months at the time of filing your request for reinstatement you, must also provide evidence that your failure to file within the 5 month period was the result of exceptional circumstances and that you filed your request for reinstatement as promptly as possible under these exceptional circumstances.

M-1 Extension

In addition to submitting the above evidence, you will need to submit evidence supporting your reason for requesting an extension. You may request an extension of stay for the following reasons:

- A. If compelling educational or medical reasons have resulted in a delay to your course of study. Delays caused by academic probation or suspension are not acceptable reasons for program extension.
- B. You are transferring to a different school.

NOTE: If you are transferring schools 6 months, or more, from the date you were first admitted, you will need to submit evidence showing you are unable to remain at the school you were initially admitted to attend due to circumstances beyond your control.

- C. You are applying for post-completion optional practical training.

NOTE: M-1 students may not change their educational objective and should not request an extension for this reason.

No extension can be granted to an M-1 student if the M-1 student is unable to complete the course of study, to include any requested post-completion OPT, within 3 years of the original program start date.

14. Dependents (O-3) 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 an O nonimmigrant worker, you must submit the following with this application:

- A. A copy of the front and back of Form I-94 for each person included on this application;

-
- B.** Evidence of each applicant's relationship to the O nonimmigrant worker, such as a birth certificate or marriage certificate and proof of termination of any prior marriages; and
- C.** At least one of the following:
- (1) Form I-129, Petition for a Nonimmigrant Worker, filed on behalf of the O nonimmigrant worker;
 - (2) A copy of the I-797 Receipt Notice related to the O nonimmigrant worker's already pending Form I-129 petition;
 - (3) A copy of the front and back of the O nonimmigrant worker's most recent Form I-94; or
 - (4) A copy of the I-797 Approval Notice showing the O nonimmigrant worker has already been granted status for the period requested on your application.

NOTE: Dependents of O nonimmigrant workers must apply for extension/change of status to O-3 on this form. An employer must file Form I-129 on behalf of the O nonimmigrant worker.

15. Dependents (P-4) of a P, Artist, Athlete, or Entertainer

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

- A.** A copy of the front and back of Form I-94 for each person included on this application;
- B.** Evidence of each applicant's relationship to the P nonimmigrant worker, such as birth certificate or marriage certificate and proof of termination of any prior marriages; and
- C.** At least one of the following:
- (1) Form I-129, Petition for a Nonimmigrant Worker, filed on behalf of the P nonimmigrant worker;
 - (2) A copy of the I-797 Receipt Notice related to the P nonimmigrant worker's already pending I-129 petition;
 - (3) A copy of the front and back of the P nonimmigrant worker's most recent Form I-94; or
 - (4) A copy of the I-797 Approval Notice showing the P nonimmigrant worker has already been granted status for the period requested on your application.

NOTE: Dependents of P nonimmigrant workers must apply for extension/change of status to P-4 on this form. An employer must file Form I-129 on behalf of the P nonimmigrant worker.

16. Dependents (R-2) of an R, Religious Worker

If you are filing for an extension/change of status as the dependent of an employee who is an R religious worker, you must submit the following with this application:

- A.** A copy of the front and back of Form I-94 for each person included on this application;
- B.** Evidence of each applicant's relationship to the R religious worker, such as a birth certificate or marriage certificate and proof of termination of any prior marriages; and
- C.** At least one of the following:
- (1) Form I-129, Petition for a Nonimmigrant Worker, filed on behalf of the R religious worker;
 - (2) A copy of the I-797 Receipt Notice related to the R religious worker's already pending Form I-129 petition;
 - (3) A copy of the front and back of the R religious worker's most recent Form I-94; or
 - (4) A copy of the I-797 Approval Notice showing the R religious worker has already been granted status for the period requested on your application.

NOTE: Dependents of R religious workers must apply for extension/change of status to R-2 nonimmigrant status on this form. An employer must file Form I-129 on behalf of the R religious worker.

17. Dependents (TD) of a TN, Canadian or Mexican Professional

If you are filing for an extension/change of status as the dependent of an employee who is a TN professional worker, you must submit the following with this application:

- A. A copy of the front and back of Form I-94 for each person included on this application;
- B. Evidence of each applicant's relationship to the TN professional worker, such as a birth certificate or marriage certificate and proof of termination of any prior marriages; and
- C. At least one of the following:
 - (1) Form I-129, Petition for a Nonimmigrant Worker, filed on behalf of the TN professional worker;
 - (2) A copy of the I-797 Receipt Notice related to the TN professional worker's already pending Form I-129 petition;
 - (3) A copy of the front and back of the TN professional worker's most recent Form I-94; or
 - (4) A copy of the I-797 Approval Notice showing the TN professional worker has already been granted status for the period requested on your application.

NOTE: Dependents of TN professional workers must apply for extension/change of status to TD on this form. An employer must file Form I-129 on behalf of a TN professional worker who is currently in the United States. If the principal TN nonimmigrant is not currently in the United States, Mexican citizen professionals must contact a U.S. Embassy or U.S. Consulate in Mexico and Canadian citizen professionals must contact a designated port-of-entry to apply for TN classification.

18. T Nonimmigrants

If you are filing for an extension of status as a T nonimmigrant based on law enforcement need, this application must be submitted with:

- A. A copy of your Form I-94 or approval notice showing that you have already been granted T status; and
- B. Evidence demonstrating law enforcement need, such as a new Form I-914 Supplement B, Declaration of Law Enforcement Officer for Victims of Trafficking in Persons, or other evidence from law enforcement explaining that your presence is necessary, and any other credible evidence.

If you are filing for an extension of status as a T nonimmigrant based on exceptional circumstances, this application must be submitted with:

- A. A copy of your Form I-94 or approval notice showing that you have already been granted T status; and
- B. Evidence demonstrating exceptional circumstances, such as an affirmative statement or any other credible evidence.

NOTE: Extensions of T nonimmigrant status based on the filing of Form I-485, Application to Register Permanent Residence or Adjust Status, do not require the filing of Form I-539. T nonimmigrant status is automatically extended when the Form I-485 is filed.

19. T Derivative Nonimmigrants

A T derivative nonimmigrant may file for an extension of status independently if the T-1 principal remains in valid T nonimmigrant status, or the T-1 principal nonimmigrant may file for an extension of T-1 status and request that this extension be applied to the derivative family members.

If the T-1 principal nonimmigrant wants the extension of status request described above to be applied to derivative family members with T-2, T-3, T-4, T-5, or T-6 nonimmigrant status that are currently in the United States, indicate that request in writing and list each derivative separately on Supplement A of the Form I-539. Each Supplement A of the Form I-539 must be submitted with a copy of the derivative's Form I-94 or approval notice showing that the derivative was already granted T-2, T-3, T-4, T-5, or T-6 status.

If the T-2, T-3, T-4, T-5, or T-6 nonimmigrant is filing independently for an extension of status, this application must be submitted with:

- A. Justification for your extension request (statement of need and reason(s));
- B. A copy of your Form I-94, approval notice or your passport with your T nonimmigrant visa showing that you have already been granted T nonimmigrant status; and
- C. Evidence of relationship to the T-1 nonimmigrant principal, such as a birth certificate or marriage certificate and proof of termination of any prior marriages.

NOTE: Extensions cannot be granted to derivative family members who are still outside the United States and have never entered the United States in T nonimmigrant status. A statement should be included with the application if there are family members outside the United States who have not consular processed. Therefore, if the T-1 principal's status is extended, an amended approval notice will be issued for derivative family members outside the United States to facilitate the consular processing.

20. U Nonimmigrants

If you are filing for an extension of status as a U nonimmigrant based on law enforcement need, this application must be submitted with:

- A. A copy of your Form I-94 or approval notice showing that you have already been granted U status; and
- B. Evidence demonstrating law enforcement need, such as a new Form I-918 Supplement B, U Nonimmigrant Status Certification, or other evidence from law enforcement explaining that your presence is necessary, and any other credible evidence.

If you are filing for an extension of status as a U nonimmigrant based on exceptional circumstances, this application must be submitted with:

- A. A copy of your Form I-94 or approval notice showing that you have already been granted U status; and
- B. Evidence demonstrating exceptional circumstances, such as an affirmative statement or any other credible evidence.

NOTE: Extensions of U nonimmigrant status based on the filing of Form I-485, Application to Register Permanent Residence or Adjust Status, do not require the filing of Form I-539. U nonimmigrant status is automatically extended when the Form I-485 is filed.

21. U Derivative Nonimmigrants

A U derivative nonimmigrant may file for an extension of status independently, or the U-1 principal nonimmigrant may file for an extension of U-1 status and request that this extension be applied to the derivative family members.

If the U-1 nonimmigrant principal wants the extension of status request based on law enforcement need or exceptional circumstances described above to be applied to derivative family members with U-2, U-3, U-4, or U-5 nonimmigrant status that are currently in the United States, indicate that request in writing and list each derivative separately on Supplement A of the Form I-539. Each Supplement A of the Form I-539 must be submitted with a copy of the derivative's Form I-94 or approval notice showing that the derivative was already granted U-2, U-3, U-4, or U-5 status.

If the U-2, U-3, U-4, or U-5 nonimmigrant is filing independently for an extension of status, for example, based on consular delays or to ensure 3 years of physical presence, this application must be submitted with:

- A. Justification for your extension request (statement of need and reason(s));
- B. A copy of your Form I-94, approval notice or your passport with your U nonimmigrant visa showing that you have already been granted U nonimmigrant status; and
- C. Evidence of relationship to the U-1 nonimmigrant principal, such as a birth certificate or marriage certificate and proof of termination of any prior marriages.

NOTE: Extensions cannot be granted to derivative family members who are still outside the United States and have never entered the United States in U nonimmigrant status. A statement should be included with the application if there are family members outside the United States who have not consular processed. Therefore, if the U-1 principal's status is extended, an amended approval notice will be issued for derivative family members outside the United States to facilitate the consular processing.

NOTE: If you never entered the United States in U-2, U-3, U-4, or U-5 derivative status and the principal U-1 nonimmigrant has an approved Form I-485, Applicant to Register Permanent Residence or Adjust Status, you are not eligible for an extension of status. The U-1 principal nonimmigrant may consider filing Form I-929, Petition for Qualifying Family Member of a U-1 Nonimmigrant.

22. 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 these form instructions and the form instructions for **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 an **\$85** biometrics 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 biometrics 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 a Form 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: V nonimmigrants 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

USCIS provides forms free of charge through the USCIS Web site. In order to view, print, or fill out our forms, you should use the latest version of Adobe Reader, which can be downloaded for free at <http://get.adobe.com/reader/>.

Each application must be accompanied by the appropriate filing fee. (See the **What Is the Filing Fee?** section of these instructions.) Each application must be properly signed and filed. A photocopy of a signed application or a typewritten name in place of a signature is not acceptable.

If you are under 14 years of age, your parent or legal guardian may sign the application on your behalf.

Evidence. You must submit all required initial evidence and supporting documentation with your application at the time of filing. If you are electronically filing this application, you must follow the instructions provided on the USCIS Web site, www.uscis.gov/e-filing. You may be required to submit additional evidence as noted in these instructions.

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

Biometrics Services Appointment. After USCIS receives your application and ensures it is complete, the agency will inform you in writing when to go to your local USCIS Application Support Center (ASC) for your biometrics services appointment. Failure to attend the biometrics services appointment may result in denial of your application.

Copies. You may submit a legible photocopy of documents requested, unless the instructions specifically state that you must submit an original document. Original documents submitted when not required may remain a part of the record, and will not be automatically returned to you.

Translations. Any document you submit to USCIS with information in a foreign language must be accompanied by a full English translation. The translator must certify that the English language translation is complete and accurate, and that he or she is competent to translate from the foreign language into English.

Online Submission. When authorized by USCIS, you may submit this form online. Please check the USCIS Web site for the latest information on whether electronic submission of this form is possible.

How to Fill Out Form I-539

1. Type or print legibly in black ink.
2. If you need extra space to complete any item within this application, attach a sheet of paper, and type or print your name and A-Number (if any) at the top of each sheet of paper; indicate the **Page Number, Part Number, and Item Number** to which your answer refers; and date and sign each sheet.
3. Answer all questions fully and accurately. If an item is not applicable or the answer is "none," type or print "N/A," unless otherwise directed.
4. **USCIS ELIS Account Number (if any).** If you have previously filed an application, petition, or request using USCIS ELIS, provide the USCIS ELIS Account Number you were issued by the system. The USCIS ELIS Account Number is **not** the same as an A-Number. If you were issued a USCIS ELIS Account Number, enter it in the space provided in **Part 1., Item Number 2.** of the form.
5. If you are currently in F or J status and granted Duration of Status (D/S), check the box in **Part 1., Item Number 12.c.** of the form.

-
6. **Part 2., Item Number 2.a.** of the form, select the date you want your change of status to occur on. If approved, your change of status will occur on the date your current nonimmigrant status ends, the date of approval, or the requested date, whichever occurs later.
7. If you were granted D/S as an F or J nonimmigrant and are seeking reinstatement or are requesting a change of status to an F or J nonimmigrant then you should check the box in **Part 3., Item Number 1.b.** of the form to indicate a duration of D/S.
- NOTE:** An F-1 nonimmigrant student who is admitted to attend a public high school is restricted to an aggregate of 12 months of study at any public high school(s) and is not eligible for D/S. Please indicate a specific date for the duration of your requested status.
8. **Part 5. Statement, Certification, Signature, and Contact Information of the Applicant.** Select the box that indicates if you filled out this form or if someone interpreted this form for you. Additionally, if applicable, select the box that indicates if someone filled out this form for you. Every application must contain the original signature of the applicant. A photocopy of a signed application or a typewritten name in place of a signature is **not** acceptable. If you are under 14 years of age, your parent or legal guardian may sign the application on your behalf. Sign and date the form and provide your daytime telephone number, mobile telephone number, and e-mail address.
9. **Part 6. Contact Information, Certification, and Signature of the Interpreter.** If you used an interpreter to read the instructions and complete the questions on this form, the interpreter must fill out this section, provide the name of his or her business/organization, the business/organization's address, his or her daytime telephone number, and his or her e-mail address. The interpreter must also sign and date the form.
10. **Part 7. Contact Information, Declaration, and Signature of the Person Preparing this Application, If Other Than the Applicant.** This section must contain the original signature of the person who completed this form, if other than the person named in **Part 5.** If the person who completed this form is associated with a business or organization, you should complete the business/organization name and address sections. If the person completing this form is an attorney or accredited representative, he or she must submit a completed Form G-28, Notice of Entry of Appearance or Accredited Representative, along with this application.

General Requirements

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

Form I-94 Arrival-Departure Record. If U.S. Customs and Border Protection (CBP) or USCIS issued you a Form I-94, Arrival-Departure Record, provide your I-94 admission number and date that your authorized period of stay expires or expired (as shown on Form I-94). The I-94 admission number also is known as the Departure Number on some versions of Form I-94.

NOTE: If you were admitted to the United States by CBP at an airport or seaport after April 30, 2013, you may have been issued an electronic Form I-94 by CBP, instead of a paper Form I-94. You may visit the CBP Web site at www.cbp.gov/i94 to obtain a paper version of an electronic Form I-94. CBP does not charge a fee for this service. Some travelers admitted to the United States at a land border, airport, or seaport, after April 30, 2013 with a passport or travel document, who were issued a paper Form I-94 by CBP, may also be able to obtain a replacement Form I-94 from the CBP Web site without charge. If the Form I-94 cannot be obtained from the CBP Web site, it may be obtained by filing Form I-102, Application for Replacement/Initial Nonimmigrant Arrival-Departure Record, with USCIS. USCIS does charge a fee for this service.

Passport and Travel Document Numbers. If you used a passport or travel document to travel to the United States, record either the passport or travel document information in the appropriate space on the form, even if the passport or travel document is currently expired. **In Part 1., Item Number 11.b., provide the principal applicant's passport number at the time he or she was granted the Form I-94. In Part 4., indicate the principal applicant's current passport number. These numbers may or may not be the same.**

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.

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 biometrics services 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 biometrics services.

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

Use the following guidelines when you prepare your check or money order for the Form I-539 and the biometrics services 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, USCIS will convert it 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 your bank will show it on your regular account statement.

You will not receive your original check back. We will destroy your original check, but 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 USCIS cannot complete the EFT because of insufficient funds, we may try to make the transfer up to two times.

How to Check If the Fees Are Correct

Form I-539 and biometrics services fees are current as of the edition date in the lower left 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 the USCIS Web site at www.uscis.gov, select "Forms" and check the appropriate fee; or
2. Call the USCIS National Customer Service Center at **1-800-375-5283** and ask for the fee information. For TDD (deaf or hard of hearing) call: **1-800-767-1833**.

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 biometrics services fee.

Where To File?

Please see our Web site at www.uscis.gov/I-539 or call our National Customer Service Center at **1-800-375-5283** for the most current information about where to file this benefit request. For TDD (deaf or hard of hearing) call: **1-800-767-1833**.

E-Filing Form I-539

Certain Form I-539 filings may be electronically filed with USCIS. View our Web site at www.uscis.gov "FORMS," and click on the link "E-Filing and Online Service" for information on who is eligible to e-file this form.

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, in **Part 2.**, the applicant should select **Item Number 2.a.**, and identify the nonimmigrant status he or she is initially requesting in **Item Number 2.b.**

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 USCIS National Customer Service Center at **1-800-375-5283**. For TDD (deaf or hard of hearing) call: **1-800-767-1833**.

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

If authorized by USCIS, you may submit this form online. Please check the USCIS Web site for the latest information on whether electronic submission of this form is possible. If you are filing this form in USCIS ELIS, you must change your address in USCIS ELIS by logging into your online user account and updating your **Account Profile**.

Processing Information

USCIS will reject any Form I-539 that is not signed or accompanied by the correct fee. You may correct the deficiency and resubmit Form I-539. An application is not considered properly filed until accepted by USCIS.

Initial Processing

Once the application has been accepted, USCIS will check it for completeness. If you do not completely fill out the form, you will not establish a basis for eligibility, and we may deny your application.

Requests for More Information or Interview

We may request more information or evidence from you 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 copies you submit. 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. USCIS will notify you of the decision in writing.

USCIS Forms and Information

To ensure you are using the latest version of this form, visit the USCIS Web site at www.uscis.gov where you can obtain the latest USCIS forms and immigration-related information. If you do not have Internet access, you may order USCIS forms by calling our toll-free number at **1-800-870-3676**. You may also obtain forms and information by calling the USCIS National Customer Service Center at **1-800-375-5283**. For TDD (deaf or hard of hearing) call: **1-800-767-1833**.

Instead of waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our online system, **InfoPass**, at infopass.uscis.gov. 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 willfully falsify or conceal a material fact or submit a false document with your Form I-539, we will deny your 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.

USCIS Privacy Act Statement

AUTHORITIES: The information requested on this benefit petition, and the associated evidence, is collected pursuant to the Immigration and Nationality Act, 8 U.S.C. sections 1103 and 1184, and Title 8 of the Code of Federal Regulations (CFR) parts 103, 214 and 248.

PURPOSE: The primary purpose for providing the requested information on this benefit application is to apply for an extension of stay or a change from one nonimmigrant category to another nonimmigrant category. USCIS will use the information you provide to grant or deny the benefit sought.

DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information, and any requested evidence, may delay a final decision or result in denial of your form.

ROUTINE USES: The information you provide on this benefit petition may be shared with other Federal, State, local, and foreign government agencies and authorized organizations in accordance with approved routine uses, as described in the associated published system of records notices [DHS-USCIS-007 - Benefits Information System and DHS/USCIS/ICE/CBP-001 - Alien File, Index, and National File Tracking System, which can be found at www.dhs.gov/privacy.] The information may also be made available, as appropriate for law enforcement purposes or in the interest of national security.

USCIS Compliance Review and Monitoring

By signing this form, you have stated under penalty of perjury (28 U.S.C. section 1746) that all information and documentation submitted with this form is true and correct. You have also 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 authority to verify any information you submit to establish eligibility for the immigration benefit you are seeking at any time. USCIS' legal authority to verify this information is in 8 U.S.C. sections 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 locations 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 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 1 hour and 53 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 Coordination Division, Office of Policy and Strategy, 20 Massachusetts Ave NW, Washington, DC 20529-2140; OMB No. 1615-0003. **Do not mail your completed Form I-539 to this address.**

DRAFT
Not for
Production
02/23/2015