

TABLE OF CHANGES – INSTRUCTIONS
Form I-539, Instructions for Application to Extend/Change Nonimmigrant Status
OMB Number: 1615-0003
Date 09/02/2020

Reason for Revision: Fee Rule
Project Phase: Post G-1056

- Please note - all instances of “if any” and “if applicable” have been removed from Instructions for Form I-539.

Legend for Proposed Text:

- Black font = Current text
- Red font = Changes

Expires 10/31/2021
Edition Date 06/09/2020

Current Page Number and Section	Current Text	Proposed Text
Page 1		<p>[Page 1]</p> <p>NOTE: You can complete and file this form online at www.uscis.gov/I-539 and save \$10.</p>
Page 1-14, Who May File Form I-539?	<p>[Page 1]</p> <p>Who May File Form I-539?</p> <p>...</p> <p>[Page 2]</p> <p>Part 5. Public Benefits</p> <p>On July 29, 2020, the U.S. District Court for the Southern District of New York (SDNY) in State of New York, et al. v. DHS, et al. and Make the Road NY et al. v. Cuccinelli, et al. enjoined the Department of Homeland Security (DHS) from enforcing, applying, implementing, or treating as effective the Inadmissibility on Public Charge Grounds Final Rule (“Public Charge Final Rule”) for any period during which there is a declared national health emergency in response to the COVID-19 outbreak. (84 FR 41292, Aug. 14, 2019, final rule; as amended by 84 FR 52357,</p>	<p>[Page 1]</p> <p>Who May File Form I-539?</p> <p>...</p> <p>[Page 2]</p> <p>Part 5. Public Benefits</p> <p>On July 29, 2020, the U.S. District Court for the Southern District of New York (SDNY) in State of New York, et al. v. DHS, et al. and Make the Road NY et al. v. Cuccinelli, et al. enjoined the Department of Homeland Security (DHS) from enforcing, applying, implementing, or treating as effective the Inadmissibility on Public Charge Grounds Final Rule (“Public Charge Final Rule”) for any period during which there is a declared national health emergency in response to the COVID-19 outbreak. (84 FR 41292, Aug. 14, 2019, final rule; as amended by 84 FR 52357,</p>

	<p>Oct. 2, 2019, final rule correction). Subsequently, on August 12, 2020, the U.S. Court of Appeals for the Second Circuit, in <i>State of New York, et al. v. DHS, et al.</i> and <i>Make the Road NY et al. v. Cuccinelli</i>, granted an administrative stay of the July 29, 2020 nationwide injunction in all states outside of the Second Circuit, i.e. all states except New York, Connecticut, and Vermont. This stay allows DHS to continue implementing the Public Charge Final Rule everywhere except in New York, Connecticut, and Vermont.</p> <p>During the injunction, applicants requesting an extension of stay or change of status using Form I-539 who physically reside in New York, Connecticut, or Vermont, should not provide information requested in Part 5. Public Benefits</p> <p>In general, as a condition on the approval of this application, you must demonstrate that you have not received since obtaining the nonimmigrant status you seek to extend or from which you seek to change, one or more public benefits set forth in 8 CFR 212.21(b) (and listed below) for more than 12 months within any 36 month period (such that, for instance, receipt of two benefits in one month counts as two months).</p> <p>...</p> <p>[Page 6]</p> <p>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;</p> <p>NOTE: Dependents of principal E nonimmigrants must use this application 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</p>	<p>Oct. 2, 2019, final rule correction). Subsequently, on August 12, 2020, the U.S. Court of Appeals for the Second Circuit, in <i>State of New York, et al. v. DHS, et al.</i> and <i>Make the Road NY et al. v. Cuccinelli</i>, granted an administrative stay of the July 29, 2020 nationwide injunction in all states outside of the Second Circuit, i.e. all states except New York, Connecticut, and Vermont. This stay allows DHS to continue implementing the Public Charge Final Rule everywhere except in New York, Connecticut, and Vermont.</p> <p>During the injunction, applicants requesting an extension of stay or change of status using Form I-539 who physically reside in New York, Connecticut, or Vermont, should not provide information requested in Part 5. Public Benefits.</p> <p>In general, as a condition on the approval of this application, you must demonstrate that you have not received since obtaining the nonimmigrant status you seek to extend or from which you seek to change, one or more public benefits set forth in 8 CFR 212.21(b) (and listed below) for more than 12 months within any 36 month period (such that, for instance, receipt of two benefits in one month counts as two months).</p> <p>...</p> <p>[Page 6]</p> <p>C. At least one of the following: (1) Form I-129E&TN, Application 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-129E&TN application;</p> <p>NOTE: Dependents of principal E nonimmigrants must use this application for extension/change of status to the same E classification as the principal. An employer must file Form I-129E&TN 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</p>
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	<p>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.</p> <p>...</p> <p>[Page 7]</p> <p>...</p> <p>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 Form I-797 Receipt Notice related to the H temporary worker's already pending Form I-129 petition;</p> <p>NOTE: Dependents of H temporary workers must apply for extension/change of status to H-4 on this application. An employer must file Form I-129 on behalf of the H temporary worker.</p> <p>...</p> <p>[Page 9]</p> <p>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;</p> <p>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.</p> <p>...</p> <p>[Page 10]</p>	<p>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.</p> <p>...</p> <p>[Page 7]</p> <p>...</p> <p>C. At least one of the following: (1) Form I-129H1, H2A, H2B or MISC, Petition for a Nonimmigrant Worker, filed on behalf of the H temporary worker; (2) A copy of the Form I-797 Receipt Notice related to the H temporary worker's already pending Form I-129H1,H2A, H2B, or MISC petition;</p> <p>NOTE: Dependents of H temporary workers must apply for extension/change of status to H-4 on this application. An employer must file Form I-129H1, H2A, H2B, or MISC on behalf of the H temporary worker.</p> <p>...</p> <p>[Page 9]</p> <p>C. At least one of the following: (1) Form I-129L, 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-129L petition;</p> <p>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-129L on behalf of the L intracompany transferee.</p> <p>...</p> <p>[Page 10]</p>
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	<p>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 Form I-797 Receipt Notice related to the O nonimmigrant worker’s already pending Form I-129 petition;</p> <p>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.</p> <p>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 Form I-797 Receipt Notice related to the P nonimmigrant worker’s already pending I-129 petition;</p> <p>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.</p> <p>[Page 11]</p> <p>(1) Form I-129, Petition for a Nonimmigrant Worker, filed on behalf of the R religious worker; (2) A copy of the Form I-797 Receipt Notice related to the R religious worker’s already pending Form I-129 petition;</p> <p>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.</p> <p>...</p> <p>C. At least one of the following: (1) Form I-129, Petition for a Nonimmigrant Worker, filed on behalf of</p>	<p>C. At least one of the following: (1) Form I-129O, Petition for a Nonimmigrant Worker, filed on behalf of the O nonimmigrant worker; (2) A copy of the Form I-797 Receipt Notice related to the O nonimmigrant worker’s already pending Form I-129O petition;</p> <p>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-129O on behalf of the O nonimmigrant worker.</p> <p>C. At least one of the following: (1) Form I-129MISC, Petition for a Nonimmigrant Worker, filed on behalf of the P nonimmigrant worker; (2) A copy of the Form I-797 Receipt Notice related to the P nonimmigrant worker’s already pending I-129MISC petition;</p> <p>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-129MISC on behalf of the P nonimmigrant worker.</p> <p>[Page 11]</p> <p>(1) Form I-129MISC, Petition for a Nonimmigrant Worker, filed on behalf of the R religious worker; (2) A copy of the Form I-797 Receipt Notice related to the R religious worker’s already pending Form I-129MISC petition;</p> <p>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-129MISC on behalf of the R religious worker.</p> <p>...</p> <p>C. At least one of the following: (1) Form I-129E&TN, Application for a Nonimmigrant Worker, filed on behalf of</p>
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	<p>the TN professional worker; (2) A copy of the Form I-797 Receipt Notice related to the TN professional worker’s already pending Form I-129 petition;</p> <p>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.</p> <p>...</p> <p>[Page 13]</p> <p>...</p> <p>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.</p> <p>NOTE: In addition to the \$370 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.</p> <p>If necessary, USCIS may also take the V applicant’s photograph and signature as part of the biometrics services.</p> <p>...</p>	<p>the TN professional worker; (2) A copy of the Form I-797 Receipt Notice related to the TN professional worker’s already pending Form I-129E&TN application;</p> <p>NOTE: Dependents of TN professional workers must apply for extension/change of status to TD on this form. An employer must file Form I-129E&TN 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.</p> <p>...</p> <p>[Page 13]</p> <p>...</p> <p>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.</p> <p>[Delete]</p> <p>...</p>
<p>Page 14-16, General Instructions</p>	<p>[Page 15]</p> <p>...</p> <p>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</p>	<p>[Page 15]</p> <p>...</p> <p>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 at the top of each sheet of paper;</p>

	<p>of paper; indicate the Page Number, Part Number, and Item Number to which your answer refers; and sign and date each sheet.</p> <p>...</p> <p>4. USCIS Online Account Number (if any). If you have previously filed an application or petition using the USCIS online filing system (previously called USCIS Electronic Immigration System (USCIS ELIS)), provide the USCIS Online Account Number you were issued by the system. You can find your USCIS Online Account Number by logging in to your account and going to the profile page. If you previously filed certain applications or petitions on a paper form through a USCIS Lockbox facility, you may have received a USCIS Online Account Access Notice issuing you a USCIS Online Account Number. You may find your USCIS Online Account Number at the top of the notice. The USCIS Online Account Number is not the same as an A-Number. If you were issued a USCIS Online Account Number, enter it in the space provided</p> <p>...</p>	<p>indicate the Page Number, Part Number, and Item Number to which your answer refers; and sign and date each sheet.</p> <p>...</p> <p>4. USCIS Online Account Number. If you have previously filed an application or petition using the USCIS online filing system (previously called USCIS Electronic Immigration System (USCIS ELIS)), provide the USCIS Online Account Number you were issued by the system. You can find your USCIS Online Account Number by logging in to your account and going to the profile page. If you previously filed certain applications or petitions on a paper form through a USCIS Lockbox facility, you may have received a USCIS Online Account Access Notice issuing you a USCIS Online Account Number. You may find your USCIS Online Account Number at the top of the notice. The USCIS Online Account Number is not the same as an A-Number. If you were issued a USCIS Online Account Number, enter it in the space provided</p> <p>...</p>
<p>Page 17, What Is the Filing Fee?</p>	<p>[Page 17]</p> <p>...</p> <p>The filing fee for Form I-539 is \$370, except for certain A and G nonimmigrants who are not required to pay a fee, as noted in these Instructions.</p> <p>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.</p>	<p>[Page 16]</p> <p>...</p> <p>The filing fee for Form I-539 is \$400. There is no filing fee for:</p> <ul style="list-style-type: none"> • A, G, and NATO nonimmigrants for any application type; • B-1 United Nations (UN) Observer Mission nonimmigrants requesting an extension of stay; or • B-2 immediate family members supporting the UN Observer Mission requesting an extension of stay <p>[delete]</p>

NOTE: The filing fee and biometric services fee are not refundable, regardless of any action USCIS takes on this application. **DO NOT MAIL CASH.** You must submit all fees in the exact amounts.

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 checks or money orders for the Form I-539 filing fee and biometric services fee:

...

1. Make the checks or money orders payable to **U.S. Department of Homeland Security.**

...

You will not receive your original check back. We will destroy your original check, but will keep a copy of it. If USCIS cannot process the EFT for technical reasons, you authorize us to process the copy in place of your original check. If your check is returned as unpayable, we will re-submit the payment to the financial institution one time. If the check is returned as unpayable a second time, we will reject your application and charge you a returned check fee.

Payments by Credit Card

If you are filing your application at a USCIS Lockbox facility, you can pay your filing fee using a credit card. Please see Form G-1450, Authorization for Credit Card Transactions, at www.uscis.gov/G-1450 for more information.

[New]

NOTE: The filing fee **is** not refundable, regardless of any action USCIS takes on this application. **DO NOT MAIL CASH.** You must submit all fees in the exact amounts.

[delete]

Payments by Check or Money Order

Use the following guidelines when you prepare your **check or money **order** for the Form I-539 filing fee:**

...

2. Make the **check** or money **order** payable to **U.S. Department of Homeland Security.**

...

[Page 17]

You will not receive your original check back. We will destroy your original check, but will keep a copy of it. If USCIS cannot process the EFT for technical reasons, you authorize us to process the copy in place of your original check. If your check is returned as unpayable, USCIS will re-submit the payment to the financial institution one time. If the check is returned as unpayable, **we may reject your application.**

[No change]

When Filing at a Field Office

Cash, a cashier's check or money order cannot be used to pay for the filing fee at a field office. The only payment options

	<p>How To Check If the Fees Are Correct</p> <p>Form I-539's filing fee and biometric 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 that the fees are correct by following one of the steps below.</p> <p>...</p> <p>Fee Waiver</p> <p>You may be eligible for a fee waiver under 8 CFR 103.7(c). If you believe you are eligible for a fee waiver, complete Form I-912, Request for Fee Waiver (or a written request), and submit it and any required evidence of your inability to pay the filing fee with this application. You can review the fee waiver guidance at www.uscis.gov/feewaiver.</p>	<p>accepted at a field office are payment through pay.gov via a credit card, debit card or with a personal check.</p> <p>How To Check If the Fees Are Correct</p> <p>Form I-539's filing fee is current as of the edition date in the lower left corner of this page. However, because USCIS fees change periodically, you can verify that the fees are correct by following one of the steps below.</p> <p>...</p> <p>Fee Waiver</p> <p>Some forms may be eligible for fee waivers as provided in 8 CFR 106.3. For information on fee waivers, see Form I-912, Request for Fee Waiver at www.uscis.gov/i-912.</p>
<p>Page 18, Where To File?</p>	<p>[page 18]</p> <p>...</p> <p>Special Information for Applicants Residing in the Commonwealth of the Northern Mariana Islands (CNMI)</p> <p>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 3.a., and identify the nonimmigrant status he or she is initially requesting in Item Number 3.c.</p>	<p>[page 17]</p> <p>...</p> <p>Special Information for Applicants Residing in the Commonwealth of the Northern Mariana Islands (CNMI)</p> <p>If the applicant is lawfully present in the CNMI, the applicant may be eligible to apply for a grant of status with this application without having to seek consular processing. The request for the initial grant of status must be accompanied by 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 3.a., and identify the nonimmigrant status he or she is initially requesting in Item Number 3.c.</p>
<p>Page 19-20,</p>	<p>[page 19]</p>	<p>[page 19]</p>

DHS Privacy Notice

...

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

...

...

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

...