

TABLE OF CHANGES – INSTRUCTIONS
Instructions for Supplement A to Form I-539A
OMB Number: 1615-0003
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-539A.

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 Form I-539 online at www.uscis.gov/I-539 and save \$10.</p>
Page 1-5, Who Is Eligible for V Nonimmigrant Status?	<p>[Page 1]</p> <p>Who Is Eligible for V Nonimmigrant Status?</p> <p>...</p> <p>[Page 2]</p> <p>...</p> <p>Part 3. 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</p>	<p>[Page 1]</p> <p>Who Is Eligible for V Nonimmigrant Status?</p> <p>...</p> <p>[Page 2]</p> <p>...</p> <p>Part 3. 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</p>

	<p>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, 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-539A who physical reside in New York, Connecticut, or Vermont, should not provide information requested in Part 3. 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 4]</p> <p>...</p> <ul style="list-style-type: none"> • A statement with information regarding the "emergency medical condition" determination (if applicable); <p>...</p> <p>[Page 5]</p> <p>...</p>	<p>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, 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-539A who physical reside in New York, Connecticut, or Vermont, should not provide information requested in Part 3. 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 4]</p> <p>...</p> <ul style="list-style-type: none"> • A statement with information regarding the "emergency medical condition" determination; <p>...</p> <p>[Page 5]</p> <p>...</p>
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	<p>5. Date benefit or coverage ended or expires (mm/dd/yyyy) (if applicable).</p> <p>...</p>	<p>5. Date benefit or coverage ended or expires (mm/dd/yyyy).</p> <p>...</p>
<p>Pages 5, What Is the Filing Fee?</p>	<p>[Page 5]</p> <p>...</p> <p>[new]</p> <p>In addition to the required application fee of \$370 for Form I-539, you must remit the biometrics services fee of \$85 as required by 8 CFR 103.17. If necessary, USCIS may also take your photograph and signature as part of the biometrics services requirements.</p> <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.</p> <p>Use the following guidelines when you prepare your checks or money orders for the Form I-539 filing fee and biometric services fee:</p> <p>...</p> <p>2. Make the checks or money orders payable to U.S. Department of Homeland Security.</p> <p>...</p> <p>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 a second time, we will reject your application and charge you a returned check fee.</p> <p>...</p> <p>Fee Waiver</p>	<p>[Page 5]</p> <p>...</p> <p>There is no filing fee for Form I-539A.</p> <p>The filing fee for Form I-539 is \$400.</p> <p>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.</p> <p>Use the following guidelines when you prepare your check or money order for the Form I-539 filing fee:</p> <p>...</p> <p>2. Make the check or money order payable to U.S. Department of Homeland Security.</p> <p>...</p> <p>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 your check is returned as unpayable, we may reject your petition.</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>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 6, DHS Privacy Notice</p>	<p>[Page 6]</p> <p>...</p> <p>DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information, including your Social Security number (if applicable), and any requested evidence, may delay a final decision or result in denial of your form.</p> <p>...</p>	<p>[Page 6]</p> <p>...</p> <p>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 form.</p> <p>...</p>