

**TABLE OF CHANGES – INSTRUCTIONS**  
**Form I-539, Instructions for Application to Extend/Change Nonimmigrant Status**  
**OMB Number: 1615-0003**  
**07/08/2022**

**Reason for Revision: FeeRule NPRM**  
**Project Phase: OMBReview**

Legend for Proposed Text:

- Black font = Current text
- **Red font** = Changes

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Current Page Number and Section	Current Text	Proposed Text
<b>Pages 1-11,</b> <b>Who May File Form I-539?</b>	<p>[Page 1]</p> <p><b>Who May File Form I-539?</b></p> <p>...</p> <p><b>2. A-3, Attendant or Servant of an A Nonimmigrant and the A-3's Immediate Family Members</b></p> <p>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:</p> <p><b>A.</b> A copy of your employer's Form I-94 or approval notice demonstrating A status;  <b>B.</b> An original letter from your employer stating:  <b>(1)</b> Your duties;  <b>(2)</b> That the employer intends to personally employ you for the entirety of your contract; and  <b>(3)</b> Arrangements you have made to depart from the United States; and  <b>C.</b> An original Form I-566, certified by DOS, indicating your employer's continuing accredited status.</p> <p><b>NOTE:</b> There is no fee required for any A-1, A-2, or A-3 applicant with Form I-539.</p> <p><b>3. B-1, Visitor for Business, or B-2, Visitor for Pleasure</b></p>	<p>[Page 1]</p> <p><b>Who May File Form I-539?</b></p> <p>...</p> <p><b>2. A-3, Attendant or Servant of an A Nonimmigrant and the A-3's Immediate Family Members</b></p> <p>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:</p> <p><b>A.</b> A copy of your employer's Form I-94 or approval notice demonstrating A status;  <b>B.</b> An original letter from your employer stating:  <b>(1)</b> Your duties;  <b>(2)</b> That the employer intends to personally employ you for the entirety of your contract; and  <b>(3)</b> Arrangements you have made to depart from the United States; and  <b>C.</b> An original Form I-566, certified by DOS, indicating your employer's continuing accredited <b>status.</b></p> <p>[deleted]</p> <p><b>3. B-1, Visitor for Business, or B-2, Visitor for Pleasure</b></p>

	<p>If you are filing for an extension/change, you must file your application with the original Form I-94 for each person included in your application. In addition, you must submit a typed or written statement explaining in detail:</p> <p>...</p> <p><b>8. G-5, Attendant or Servant of a G Nonimmigrant and the G-5's Immediate Family Members</b></p> <p>The application must also be filed with:</p> <p><b>A.</b> A copy of your employer's Form I-94 or approval notice demonstrating G status;  <b>B.</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  <b>C.</b> An original Form I-566, certified by the DOS, indicating your employer's continuing accredited status.</p> <p><b>NOTE:</b> There is no fee required for any G-1, G-2, G-3, G-4, or G-5 applicant with Form I-539.</p> <p><b>9. Dependents (H-4) of an H, Temporary Worker</b></p> <p>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:</p> <p>...</p>	<p>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 typed or written statement explaining in detail:</p> <p>...</p> <p><b>8. G-5, Attendant or Servant of a G Nonimmigrant and the G-5's Immediate Family Members</b></p> <p>The application must also be filed with:</p> <p><b>A.</b> A copy of your employer's Form I-94 or approval notice demonstrating G status;  <b>B.</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  <b>C.</b> An original Form I-566, certified by the DOS, indicating your employer's continuing accredited <b>status</b>.</p> <p>[deleted]</p> <p><b>9. Dependents (H-4) of an H, Temporary Worker</b></p> <p>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:</p> <p>...</p>
<p><b>Pages 11-14, General Instructions</b></p>	<p>[Page 11]</p> <p><b>General Instructions</b></p> <p>...</p> <p><b>Filing Fee.</b> Each application must be accompanied by the appropriate filing fee and biometric services fee (if applicable). (See the <b>What Is the Filing Fee</b> section of these Instructions.)</p> <p>...</p>	<p>[Page 11]</p> <p><b>General Instructions</b></p> <p>...</p> <p><b>Filing Fee.</b> See USCIS Form G-1055, Fee Schedule, available at <a href="http://www.uscis.gov/g-1055">www.uscis.gov/g-1055</a>, for all information on filing fees.</p> <p>...</p>

	<p><b>4. Form I-94, Arrival-Departure Record.</b> If U.S. Customs and Border Protection (CBP) or USCIS issued you a Form I-94, Arrival-Departure Record, provide your most recent I-94 number and date that your authorized period of stay expires or expired (as shown on your Form I-94). The Form I-94 number also is known as the Departure Number on some versions of Form I-94.</p> <p><b>NOTE:</b> If you were admitted to the United States by CBP at an airport or seaport after April 30, 2013, CBP may have issued you an electronic Form I-94 instead of a paper Form I-94. You may visit the CBP website at <a href="http://www.cbp.gov/i94">www.cbp.gov/i94</a> to obtain a paper version of an electronic Form I-94. CBP <b>does not</b> 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 website without charge. If you cannot obtain your Form I-94 from the CBP website, you may obtain it by filing Form I-102, Application for Replacement/Initial Nonimmigrant Arrival-Departure Record, with USCIS. USCIS does charge a fee for this service. See the USCIS website at <a href="http://www.uscis.gov/I-102">www.uscis.gov/I-102</a> for more information.</p> <p>...</p>	<p><b>4. Form I-94, Arrival-Departure Record.</b> If U.S. Customs and Border Protection (CBP) or USCIS issued you a Form I-94, Arrival-Departure Record, provide your most recent I-94 number and date that your authorized period of stay expires or expired (as shown on your Form I-94). The Form I-94 number also is known as the Departure Number on some versions of Form I-94.</p> <p><b>NOTE:</b> If you were admitted to the United States by CBP at an airport or seaport after April 30, 2013, CBP may have issued you an electronic Form I-94 instead of a paper Form I-94. You may visit the CBP website at <a href="http://www.cbp.gov/i94">www.cbp.gov/i94</a> to obtain a paper version of an electronic Form I-94. CBP <b>does not</b> 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 website without charge. If you cannot obtain your Form I-94 from the CBP website, you may obtain it by filing Form I-102, Application for Replacement/Initial Nonimmigrant Arrival-Departure Record, with USCIS. USCIS does charge a fee for <b>Form I-102. See Form G-1055, available at <a href="http://www.uscis.gov/forms">www.uscis.gov/forms</a>, for specific information about the fees applicable to this form.</b></p> <p>...</p>
<p><b>Page 14, What Evidence Must You Submit?</b></p>	<p><b>[Page 14]</b></p> <p><b>What Evidence Must You Submit?</b></p> <p>You must submit all evidence requested in these Instructions with your application. If you fail to submit required evidence, USCIS may reject or deny your application for failure to submit requested evidence or supporting documents in accordance with 8 CFR 103.2(b)(1) and these Instructions.</p> <p><b>Valid Passport.</b> 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</p>	<p><b>[Page 14]</b></p> <p><b>What Evidence Must You Submit?</b></p> <p>You must submit all evidence requested in these Instructions with your application. If you fail to submit required evidence, USCIS may reject or deny your application for failure to submit requested evidence or supporting documents in accordance with 8 CFR 103.2(b)(1) and these Instructions.</p> <p><b>Valid Passport.</b> 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</p>

	an explanation with your application.	an explanation with your <b>application</b> .
<b>Pages 14-15, What Is the Filing Fee?</b>	<p><b>[Page 14]</b></p> <p><b>What Is the Filing Fee?</b></p> <p>The filing fee for Form I-539 is <b>\$370</b>, with certain exceptions as noted.</p> <p>An additional biometrics services fee of <b>\$85</b> is required for you and for each person included on a Form I-539A, with certain exceptions as noted. After you submit Form I-539, USCIS will notify you about when and where to go for biometrics services.</p> <p><b>Fee Exceptions</b></p> <p>The following nonimmigrants are not required to submit the biometric services fee for either themselves or any dependents included on Form I-539A:</p> <ol style="list-style-type: none"> <li>1. Individuals changing to H-4, L-2, or E nonimmigrant status; and</li> <li>2. Individuals extending H-4, L-2, or E nonimmigrant status.</li> </ol> <p>This exception will apply to applications filed through May 17, 2023, subject to extensions as announced on the USCIS website.</p> <p>The following nonimmigrants are not required to submit either the filing fee or the biometric services fee:</p> <ol style="list-style-type: none"> <li>1. Individuals changing into or out of A-1, A-2, A-3 status;</li> <li>2. Individuals changing into or out of G-1, G-2, G-3, G-4, G-5 status; and</li> <li>3. Individuals changing into or out of NATO-1, NATO-2, NATO-3, NATO-4, NATO-5, NATO-6 status.</li> </ol> <p><b>NOTE:</b> The filing fee and biometric services fee are not refundable, regardless of any action USCIS takes on this application. <b>DO NOT MAIL CASH.</b> You must submit all fees in the exact amounts.</p> <p><b>NOTE:</b> A fee waiver request will be accepted in accordance to 8 CFR 103.7(c)(3)(xviii) for T and U nonimmigrants.</p>	<b>[deleted]</b>

### **Payments by Checks or Money Orders**

**Use the following guidelines when you prepare your checks or money orders for the Form I-539 filing fee and biometric services fee:**

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- 4.** The checks or money orders must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency; and
- 5.** Make the checks or money orders 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 Paying by Check.** If you send USCIS a check, we 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 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 and biometric services fee using a credit card. Please see Form G-1450, Authorization for Credit Card Transactions, at [www.uscis.gov/G-1450](http://www.uscis.gov/G-1450) for more information.

### **How To Check If the Fees Are Correct**

	<p>Form I-539’s filing fee and biometric services fee 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> <ol style="list-style-type: none"> <li>1. Visit the USCIS website at <a href="http://www.uscis.gov">www.uscis.gov</a>, select “FORMS,” and check the appropriate fee; or</li> <li>2. Call the USCIS Contact Center at <b>1-800-375-5283</b> and ask for the for fee information. For TTY (deaf or hard of hearing) call: <b>1-800-767-1833</b>.</li> </ol>	
<p><b>Page 15, Where To File?</b></p>	<p><b>[Page 15]</b></p> <p><b>Where To File?</b></p> <p>Please see our website at <a href="http://www.uscis.gov/I-539">www.uscis.gov/I-539</a> or call our USCIS Contact Center at <b>1-800-375-5283</b> for the most current information about where to file this application. For TTY (deaf or hard of hearing) call: <b>1-800-767-1833</b>.</p> <p><b>Premium Processing</b></p> <p>To determine if your requested classification or category is available for Premium Processing, please visit the USCIS website at <a href="http://www.uscis.gov/forms/how-do-i-use-premium-processing-service">www.uscis.gov/forms/how-do-i-use-premium-processing-service</a>. If you are requesting Premium Processing Services, you <b>must</b> also file Form I-907, Request for Premium Processing Service, with the filing fee.</p> <p><b>Special Information for Applicants Residing in the Commonwealth of the Northern Mariana Islands (CNMI)</b></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 an additional biometric services 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</p>	<p><b>[Page 15]</b></p> <p><b>Where To File?</b></p> <p>Please see our website at <a href="http://www.uscis.gov/I-539">www.uscis.gov/I-539</a> or call our USCIS Contact Center at <b>1-800-375-5283</b> for the most current information about where to file this application. For TTY (deaf or hard of hearing) call: <b>1-800-767-1833</b>.</p> <p>[no change]</p> <p><b>Special Information for Applicants Residing in the Commonwealth of the Northern Mariana Islands (CNMI)</b></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 <b>by evidence</b> 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</p>

	<p>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 <b>Part 2.</b>, the applicant should select <b>Item Number 3.a.</b>, and identify the nonimmigrant status he or she is initially requesting in <b>Item Number 3.c.</b></p>	<p>grant of status rather than a change of nonimmigrant status, in <b>Part 2.</b>, the applicant should select <b>Item Number 3.a.</b>, and identify the nonimmigrant status he or she is initially requesting in <b>Item Number 3.c.</b></p>
<p><b>Page 17, Paperwork Reduction Act</b></p>	<p><b>[Page 17]</b></p> <p><b>Paperwork Reduction Act</b></p> <p>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 Office of Management and Budget (OMB) control number. The public reporting burden for this collection of information is estimated at 2 hours per response, including the time for reviewing instructions, gathering the required documentation and information, completing the application, preparing statements, attaching necessary documentation, and submitting the application. The collection of biometrics is estimated to require 1 hour and 10 minutes. 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, Office of Policy and Strategy, Regulatory Coordination Division, 5900 Capital Gateway Drive, Mail Stop #2140, Camp Springs, MD 20588-0009; OMB No. 1615-0003. <b>Do not mail your completed Form I-539 to this address.</b></p>	<p><b>[Page 17]</b></p> <p><b>Paperwork Reduction Act</b></p> <p>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 Office of Management and Budget (OMB) control number. The public reporting burden for this collection of information is estimated at 1.817 hours per response, including the time for reviewing instructions, gathering the required documentation and information, completing the application, preparing statements, attaching necessary documentation, and submitting the application. The collection of biometrics is estimated to require 1 hour and 10 minutes. 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, Office of Policy and Strategy, Regulatory Coordination Division, 5900 Capital Gateway Drive, Mail Stop #2140, Camp Springs, MD 20588-0009; OMB No. 1615-0003. <b>Do not mail your completed Form I-539 to this address.</b></p>