



GMS Flash Alert

Immigration Edition

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United States - Revised Form to Apply for Extension/Change of Nonimmigrant Status

The U.S. Citizenship and Immigration Services (USCIS) has revised form I-539, *Application to Extend/Change Nonimmigrant Status*.¹ USCIS will publish the new form on March 11, 2019. Further, USCIS has indicated that effective from the date of publication, **only** the revised Form I-539 will be accepted.

WHY THIS MATTERS

Foreign nationals seeking to live in the United States need to be aware of the changes coming up for Form I-539, so they can properly complete and submit their applications using the up-to-date forms along with the correct filing fee(s). They must further be prepared for changes in filing procedures with respect to any co-applicants, which will see them completing and signing their own forms (Form I-539A).

The new procedures and requirements around Forms I-539 and I-539A will make extending or changing one's nonimmigrant status more burdensome and costly. Further, the administrative burden of implementing USCIS's new biometrics policy will likely result in lengthier case adjudication timelines for Form I-539 and any employment authorization applications dependent on approval of this form.

USCIS will reject any Form I-539 that is missing any of the required signatures or biometric fees.

Context

Form I-539 is used for a variety of applications including the following:

- Certain nonimmigrant applications for an extension of stay;

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- Certain nonimmigrant applications for a change to another status; and
- Reinstatement for F-1 and M-1 students.

USCIS has changed the filing and adjudication requirements significantly. Below we offer a summary of the changes.

New Form I-539A Created for Co-Applicants

Currently, Form I-539 is completed by the primary applicant and each co-applicant is listed on the Form's Supplement A. The form only requires the signature of the primary applicant and a single filing fee (\$370).

Effective March 11, 2019, a new form, Form I-539A, must be completed for each individual co-applicant. Each co-applicant will be required to sign his or her respective Form I-539A (parents can continue to sign the forms for children under 14 years of age and any co-applicant who is not mentally competent to sign).

Fee Increase

An additional \$85 biometrics fee will be charged per I-539 applicant and I-539A co-applicant. This fee is in addition to the \$370 Form I-539 application filing fee.

Biometrics Requirement

Effective March 11, 2019, all new I-539 applicants and co-applicants will receive a biometric services appointment notice containing their individual receipt number. Regardless of age, each applicant and co-applicant will be required to attend a biometric services appointment so that fingerprints, photographs, and signatures may be collected. Biometric services appointments will be scheduled at the Application Support Center (ASC) closest to the primary applicant's address.

KPMG LAW LLP NOTE

This is a significant change as currently, biometrics are typically only collected for immigrant visa and parallel applications, and not for nonimmigrant status applications.

FOOTNOTE:

- 1 See the recent USCIS announcement, "[USCIS to Publish Revised Form I-539 and New Form I-539A.](#)"

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Contact us

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