OMB No. 1115-0093

Application to Extend/Change Nonimmigrant Status

Purpose Of This Form.
This form is for a nonimmigrant to apply for an extension of stay or change to another nonimmigrant status. However, an employer should file Form I-129 to request an extension/change to E, H, L, O, P, Q or R status for an employee or prospective employee. Dependents of such employees should file for an extension/change of status on this form, not on Form I-129. This form is also for a nonimmigrant F-1 or M-1 student to apply for reinstatement.

This form consists of a basic application and a supplement to list co-applicants.

Who May File.
For extension of stay or change of status.
If you are a nonimmigrant in the U.S., you may apply for an extension of stay or a change of status on this form except as noted above. However, you may not be granted an extension or change of status if you were admitted under the Visa Waiver Program or if your current or proposed status is as:

- an alien in transit (C) or in transit without a visa (TWOV);
- a crewman (D); or
- a fiance(e) or dependent of a fiance(e) (K).

There are additional limits on change of status.

- A J-1 exchange visitor whose status was for the purpose of receiving graduate medical training is ineligible for change of status.
- A J-1 exchange visitor subject to the foreign residence requirement who has not received a waiver of that requirement, is only eligible for a change of status to A or G.
- An M-1 student is not eligible for a change to F-1 status, and is not eligible for a change to any H status if training received as an M-1 student helped him/her qualify for the H status.
- You may not be granted a change to M-1 status for training to qualify for H status.

For F-1 or M-1 student reinstatement. You will only be considered for reinstatement if you establish when filing this application:

- that the violation of status was solely due to circumstances beyond your control or that failure to reinstate you would result in extreme hardship;
- you are pursuing, or will pursue, a full course of study;
- you have not been employed off campus without authorization or, if an F-1 student, that your only unauthorized off-campus employment was pursuant to a scholarship, fellowship, or assistantship, or did not displace a U.S. resident; and
- you are not in deportation proceedings.

Multiple Applicants.
You may include your spouse and your unmarried children under age 21 as co-applicants in your application for the same extension or change of status if you are all in the same status now or they are all in derivative status.

General Filing Instructions.
Please answer all questions by typing or clearly printing in black ink. Indicate that an item is not applicable with "N/A". If the answer is "none," please so state. If you need extra space to answer any item, attach a sheet of paper with your name and your alien registration number (A#), if any, and indicate the number of the item to which the answer refers. Your application must be filed with the required Initial Evidence. Your application must be properly signed and filed with the correct fee. If you are under 14 years of age, your parent or guardian may sign your application.

Copies. If these instructions state that a copy of a document may be filed with this application and you choose to send us the original, we may keep that original for our records.

Translations. Any foreign language document must be accompanied by a full English translation which the translator has certified as complete and correct, and by the translator's certification that he or she is competent to translate from the foreign language into English.

Initial Evidence.
Form I-94, Nonimmigrant Arrival-Departure Record. You must file your application with the original Form I-94, Nonimmigrant Arrival/Departure Record, of each person included in the application, if you are filing for:

- an extension as a B-1 or B-2, or change to such status;
- reinstatement as an F-1 or M-1 or filing for change to F or M status; or
- an extension as a J, or change to such status.

In all other instances, file this application with a copy of the Form I-94 of each person included in the application.

If the required Form I-94 or required copy cannot be submitted, you must file Form I-102, Application for Replacement/Initial Nonimmigrant Arrival/Departure Document, with this application.

Valid Passport. A nonimmigrant who is required to have a passport to be admitted must keep that passport valid during his/her entire nonimmigrant stay. If a required passport is not valid when you file this application, submit an explanation with your application.

Additional Initial Evidence. An application must also be filed with the following evidence.

- If you are filing for an extension/change of status as the dependent of an employee who is an E, H, L, O, P, Q or R nonimmigrant, this application must be filed with:
  - the petition filed for that employee or evidence it is pending with the Service; or
  - a copy of the employee's Form I-94 or approval notice showing that he/she has already been granted status to the period requested in your application.
- If you are requesting an extension/change to A-3 or G-5 status, this application must be filed with:
  - a copy of your employer's Form I-94 or approval notice demonstrating A or G status;
  - an original letter from your employer describing your duties and stating that he/she intends to personally employ you; and
  - an original Form I-566, certified by the Department of State, indicating your employer's continuing accredited diplomatic status.
- If you are filing for an extension/change to other A or G status, you must submit Form I-566, certified by the Department of State to indicate your accredited diplomatic status.
- If you are filing for an extension/change to B-1 or B-2 status, this application must be filed with a statement explaining, in detail,:
  - the reasons for your request;
  - why your extended stay would be temporary including what arrangement you have made to depart the U.S.; and
  - any effect of the extended stay on your foreign employment and residency.
- If you are requesting an extension/change to F-1 or M-1 student status, this application must be filed with an original Form I-20 issued by the school which has accepted you. If you are requesting reinstatement to F-1 or M-1 status, you must also submit evidence establishing that you are eligible for reinstatement.
- If you are filing for an extension/change to I status, this application must be filed with a letter describing the employment and establishing that it is as the representative of qualifying foreign media.
- If you are filing for an extension/change to J-1 exchange visitor status, this application must be filed with an original Form IAP-66 issued by your program sponsor.
- If you are filing for an extension/change to N-1 or N-2 status as the parent or child of an alien admitted as a special immigrant under section 101(a)(27)(I), this application must be filed with a copy of that person's alien registration card.

When To File.
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 you need to change status. Failure to file before the expiration date may be excused if you demonstrate when you file the application:

- the delay was due to extraordinary circumstances beyond your control;
- the length of the delay was reasonable;
- that you have not otherwise violated your status;
- that you are still a bona fide nonimmigrant; and
- that you are not in deportation proceedings

Where To File.
File this application at your local INS office if you are filing:

- for an extension as a B-1 or B-2, or change to such status;
- for reinstatement as an F-1 or M-1 or filing for change to F or M status; or
- for an extension as a J, or change to such status.

In all other instances, file your application at an INS Service Center, as follows:

If you live in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virgin Islands, Virginia, or West Virginia, mail your application to: USINS Eastern Service Center, 75 Lower Welden Street, St. Albans, VT 05479-0001.

If you live in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, or Texas, mail your application to: USINS Southern Service Center, P.O. Box 152122, Dept. A, Irving, TX 75015-2122.

If you live in Arizona, California, Guam, Hawaii, or Nevada, mail your application to: USINS Western Service Center, P.O. Box 30040, Laguna Niguel, CA 92607-0040.

If you live elsewhere in the United States, mail your application to: USINS Northern Service Center, 100 Centennial Mall North, Room, B-26, Lincoln, NE 68508.

Fee.
The fee for this application is $120.00. The fee must be submitted in the exact amount. It cannot be refunded. DO NOT MAIL CASH.

All checks and money orders must be drawn on a bank or other institution located in the United States and must be payable in United States currency. The check or money order should be made payable to the Immigration and Naturalization Service, except that:

- If you live in Guam, and are filing this application in Guam, make your check or money order payable to the "Treasurer, Guam."
- If you live in the Virgin Islands, and are filing this application in the Virgin Islands, make your check or money order payable tothe "Commissioner of Finance of the Virgin Islands."

Checks are accepted subject to collection. An uncollected check will render the application and any document issued invalid. A charge of $30.00 will be imposed if a check in payment of a fee is not honored by the bank on which it is drawn.

Processing Information.
Acceptance. Any application that is not signed or is not accompanied by the correct fee will be rejected with a notice that the application is deficient. You may correct the deficiency and resubmit the application. An application is not considered properly filed until accepted by the Service.

Initial processing. Once the application has been accepted, it will be checked for completeness. If you do not completely fill out the form, or file it without required initial evidence, 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 or we may request that you appear at an INS office for an interview. We may also request that you submit the originals of any copy. We will return these originals when they are no longer required.

Decision. An application for extension of stay, change of status, or reinstatement may be approved in the discretion of the Service. You will be notified in writing of the decision on your application.

Penalties.
If you knowingly and willfully falsify or conceal a material fact or submit a false document with this request, we will deny the benefit you are filing for, and may deny any other immigration benefit. In addition, you will face severe penalties provided by law, and may be subject to criminal prosecution.

Privacy Act Notice.
We ask for the information on this form, and associated evidence, to determine if you have established eligibility for the immigration benefit you are filing for. Our legal right to ask for this information is in 8 USC 1184, and 1258. We may provide this information to other government agencies. Failure to provide this information, and any requested evidence, may delay a final decision or result in denial of your request.

Paperwork Reduction Act Notice.
A person is not required to respond to a collection of information unless it displays a currently valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex. The estimated average time to complete and file this application is as follows: (1) 10 minutes to learn about the law and form; (2) 10 minutes to complete the form; and (3) 25 minutes to assemble and file the application; for a total estimated average of 45 per application. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to both the Immigration and Naturalization Service, 425 I Street, N.W., Room 5307, Washington, D.C. 20536; OMB No. 1115-0093. **DO NOT MAIL YOUR COMPLETED APPLICATION TO THIS ADDRESS.**

Mailing Label--Complete the following mailing label and submit this page with your application if you are required to submit your original Form I-94.

Name and address of applicant

Name

Street

City, State, & Zip Code

Your I-94 Arrival-Departure Record is attached. It has been amended to show the extension of stay/change of status granted.

Additional Instructions for Form I-539

The North American Free Trade Agreement (NAFTA), which entered into force on January 1, 1994, created a new nonimmigrant classification, TN. TN nonimmigrants are Canadian citizen or Mexican citizen business persons who are coming to the United States to engage in business activities at a professional level.

Dependents of TN Nonimmigrants:
The dependents (spouse or unmarried minor children) of a TN nonimmigrant professional are designated as TD nonimmigrants. A TD nonimmigrant may accompany or follow to join the TN professional. TD nonimmigrants may not work in the United States.

Form I-539 shall be used by a TD nonimmigrant to request an extension of stay or by an alien to request a change of nonimmigrant status to TD classification.

Requirements:

(1) If applying for an extension of stay at the same time as the TN professional, the TD dependent shall file Form I-539 along with the Form I-129 for the TN professional. The same is true if the alien is applying for a change of nonimmigrant status to TD at the same time that the professional is applying for a change of nonimmigrant status to TN.

(2) If the alien is not applying for an extension of stay as a TD at the same time that the TN professional is applying for an extension, or is applying for a change of nonimmigrant status to TD after the TN nonimmigrant obtains status, the alien must present a copy of the TN's Form I-94, Nonimmigrant Arrival/Departure Record, to establish that the TN is maintaining valid nonimmigrant status.

(3) Dependents of TN nonimmigrants must be physically present in the United States at the time the application to extend or change nonimmigrant status is filed.

Where to File:
When filing for an extension of TD status or for a change of nonimmigrant status to TD, Form I-539 should be filed with the Director of the Northern Service Center.

Fee:
An application for extension of TD status or for a change of nonimmigrant status to TD must be submitted with the fee required by Form I-539.

U.S. Department of Justice
Immigration and Naturalization Service

OMB No.1115-0093

Application to Extend/ChangeNonimmigrant Status

START HERE - Please Type or Print

Part 1. Information about you.

Family Name	Given Name	Middle Initial

Address - In Care of:

Street # and Name	Apt. #

City	State

Zip Code

Date of Birth (month/day/year)	Country of Birth
Social Security # (if any)	A# (if any)
Date of Last Arrival Into the U.S.	I-94#
Current Nonimmigrant Status	Expires on (month/day/year)

Part 2. Application Type. (See instructions for fee.)

1. **I am applying for:** (check one)
   a. ☐ an extension of stay in my current status
   b. ☐ a change of status. The new status I am requesting is: _____
2. **Number of people included in this application:** (check one)
   a. ☐ I am the only applicant
   b. ☐ Members of my family are filing this application with me. The Total number of people included in this application is _____ (complete the supplement for each co-applicant)

Part 3. Processing information.

1. I/We request that my/our current or requested status be extended until (month/day/year) _____
2. Is this application based on an extension or change of status already granted to your spouse, child or parent?
   ☐ No ☐ Yes (receipt #_____)
3. Is this application being filed based on a separate petition or application to give your spouse, child or parent an extension or change of status?
   ☐ No ☐ Yes, filed with this application ☐ Yes, filed previously and pending with INS
4. If you answered yes to question 3, give the petitioner or applicant name:

If the application is pending with INS, also give the following information.

Office filed at_____Filed on_____(date)

Part 4. Additional information.

1. For applicant #1, provide passport information:

Country of issuance	Valid to: (month/day/year)

2. Foreign address:

Street # and Name	Apt#
City or Town	State or Province
Country	Zip or Postal Code

Continued on back.

FOR INS USE ONLY

Returned	Receipt
Date	
Resubmitted	
Date	
Reloc Sent	
Date	
Reloc Rec'd	
Date	
Date	
☐ Applicant Interviewed	

☐ *Extension Granted* to (date):_____

☐ *Change of Status/Extension Granted*
New Class:_____ To (date):_____

If denied:
☐ Still within period of stay
☐ V/D to: _____
☐ S/D to:_____
☐ Place under docket control

Remarks

Action Block

To Be Completed by *Attorney or Representative*, if any

☐ Fill in box if G-28 is attached to represent the applicant

VOLAG#

ATTY State License #

Part 4. Additional Information. *(continued)*

3. **Answer the following questions. If you answer yes to any question, explain on separate paper.**	**Yes**	**No**
a. Are you, or any other person included in this application, an applicant for an immigrant visa or adjustment of status to permanent residence?		
b. Has an immigrant petition ever been filed for you, or for any other person included in this application?		
c. Have you, or any other person included in this application ever been arrested or convicted of any criminal offense since last entering the U.S.?		
d. Have you, or any other person included in this application done anything which violated the terms of the nonimmigrant status you now hold?		
e. Are you, or any other person included in this application, now in exclusion or deportation proceedings?		
f. Have you, or any other person included in this application, been employed in the U.S. since last admitted or granted an extension or change of status?		

If you answered YES to question 3f, give the following information on a separate paper: Name of person, name of employer, address of employer, weekly income, and whether specifically authorized by INS.

If you answered NO to question 3f, fully describe how you are supporting yourself on a separate paper. Include the source and the amount and basis for any income.

Part 5. Signature. *Read the information on penalties in the instructions before completing this section. You must file this application while in the United States.*

I certify under penalty of perjury under the laws of the United States of America that this application, and the evidence submitted with it, is all true and correct. I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit I am seeking.

Signature	Print your name	Date

Please Note: *If you do not completely fill out this form, or fail to submit required documents listed in the instructions, you cannot be found eligible for the requested document and this application will have to be denied.*

Part 6. Signature of person preparing form if other than above. *(Sign below)*

I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

Signature	Print Your Name	Date

Firm Name
and Address

(Please remember to enclose the mailing label with your application)

Supplement-1

Attach to Form I-539 when more than one person is included in the petition or application. *(List each person separately. Do not include the person you named on the form).*

Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of Birth	Social Security No.		A#
IF IN THE U.S. Date of Arrival *(month/day/year)*		I-94#	
Current Nonimmigrant Status:		Expires on *(month/day/year)*	
Country where passport issued	Expiration Date (month/day/year)		

Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of Birth	Social Security No.		A#
IF IN THE U.S. Date of Arrival *(month/day/year)*		I-94#	
Current Nonimmigrant Status:		Expires on *(month/day/year)*	
Country where passport issued	Expiration Date (month/day/year)		

Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of Birth	Social Security No.		A#
IF IN THE U.S. Date of Arrival *(month/day/year)*		I-94#	
Current Nonimmigrant Status:		Expires on *(month/day/year)*	
Country where passport issued	Expiration Date (month/day/year)		

Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of Birth	Social Security No.		A#
IF IN THE U.S. Date of Arrival *(month/day/year)*		I-94#	
Current Nonimmigrant Status:		Expires on *(month/day/year)*	
Country where passport issued	Expiration Date (month/day/year)		

Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of Birth	Social Security No.		A#
IF IN THE U.S. Date of Arrival *(month/day/year)*		I-94#	
Current Nonimmigrant Status:		Expires on *(month/day/year)*	
Country where passport issued	Expiration Date (month/day/year)		