

USCIS Publishing Revised Form I-539: Change, With a Dose of Chaos, Is In Store (US)

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On March 8, 2019, U.S. Citizenship and Immigration Services (USCIS) will publish its revised version of [Form I-539, Application to Extend/Change Nonimmigrant Status](#) and a new [Form I-539A, Supplemental Information for Application to Extend/Change Nonimmigrant Status](#). Form I-539 is used by a wide variety of nonimmigrant foreign nationals to apply for a change or extension of nonimmigrant status. Such applicants include spouses and children of temporary workers, multinationals managers and executives, artists and entertainers of extraordinary ability and religious workers, undergraduate and graduate college and university students, diplomatic officials and their families, business visitors and tourists, representatives of foreign media and cultural and educational exchange visitors. The I-539A Supplement is now a separate form, containing co-applicant (such as family members) information, that must be submitted with Form I-539 and not as a standalone form.

The Change

- Every co-applicant (*including minor children*) included on the primary applicant's Form I-539 must submit and sign a separate Form I-539A. Parents or guardians may sign on behalf of children under 14 or any co-applicant who is not mentally competent to sign.
- *Every applicant and co-applicant* must pay an \$85 biometric services fee (in addition to the \$370 I-539 application fee), except certain A, G and NATO nonimmigrants as noted in the form instructions.
- Every applicant and co-applicant will receive a biometric services appointment notice, regardless of age, containing their individual receipt number. The biometric services appointments will be scheduled at the [Application Support Center \(ASC\)](#) closest to the primary applicant's address. Co-applicants who wish to be scheduled at a different ASC location are instructed to file a separate Form I-539 applications.

The Chaos

When USCIS initially announced the publication of this revised form, in late February, the agency indicated it would publish the new form on March 11th and, as of that date, only accept the new

version for filings. All filings with the previous versions would be rejected. Obviously, such an abrupt, same-day transition would effectively shut down the filing and adjudication of I-539 applications for a period of time while causing confusion among applicants and stakeholders. Not to mention, this would be happening while employers are in the midst of preparing hundreds of thousands of H-1B cap-subject petitions for the [FY2020 H-1B cap season](#) opening on April 1, 2019. Many of these H-1B petitions will be accompanied by Form I-539 applications for family members.

So after a rising chorus of objection and concern voiced by stakeholders, the immigration bar and the [Office of the Citizenship and Immigration Services Ombudsman](#), USCIS took note and established a transition period to implement the new form. The transition will proceed as follows:

- On March 8th USCIS is removing the 12/23/16 version of Form I-539 from its [website](#) but will accept filings using this older version for **a two-week grace period**, until close of business on **March 21st**.
- Starting on **March 22nd**, USCIS will only accept the revised Form I-539 with an edition date of 02/04/19. The agency will reject any Form I-539 with an edition date of 12/23/16, or earlier.

When it comes to US immigration, the “logos” of Heraclitus still ring true: “the only thing that is constant is change.”

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