



## **USCIS Teleconference on Revised Form I-539 and New Form I-539A**

On March 1, 2019, the U.S. Citizenship and Immigration Services (USCIS) Public Engagement Division (PED) held a stakeholder teleconference to discuss the revised Form I-539, Application to Extend/Change Nonimmigrant Status, and new Form I-539A, Supplemental Information for Application to Extend/Change Nonimmigrant Status.

USCIS representatives discussed the forms and biometrics procedures, and answered questions from participants.

Below is a summary of the teleconference and the questions and answers from the teleconference.

**Please note that some information about Form I-539 and Form I-539A has changed since the teleconference. Visit the [Form I-539](#) page on [uscis.gov](#) for the most up-to-date information.**

### **Policy and Form Changes**

This section includes an overview, background information, policy changes, concerns regarding the transition period, and important notes about dates.

#### Overview

USCIS revised Form I-539 and issued a new Form I-539A following [Executive Order 13780, Protecting the Nation From Foreign Terrorist Entry Into the United States](#). On Feb. 11, 2019, we [announced](#) that the revised Form I-539 and the new Form I-539A would be published on March 11, 2019. We allowed this one-month transition period as a courtesy to stakeholders.

We later announced that starting March 11, 2019, we would also reject any previous versions of the form, and forms that are missing required signatures or biometrics fees. Stakeholders raised concerns about the one-month transition period. As a result, at the engagement and then on our website on March 5, we [announced](#) that we would publish the revised form on our website on March 8 to allow for a two-week grace period, until close of business on March 21, 2019, for the 12/23/16 version of the form to be received by USCIS. We cannot extend the transition period any longer for operational and logistical reasons.

## Background Information

President Donald J. Trump issued Executive Order 13780, *Protecting the Nation From Foreign Terrorist Entry Into the United States*, on March 6, 2017. This executive order requires that we develop a uniform baseline of screening and vetting standards and procedures, including “a mechanism to ensure that applicants are who they claim to be” and “any other appropriate means for ensuring the proper collection of all information necessary for a rigorous evaluation of all grounds of inadmissibility or grounds for the denial of other immigration benefits.”

Biometrics allows us to tackle one of our agency’s major concerns – verifying an applicant’s identity. Doing so using biometrics helps us with our mission to detect fraud and identify threats to public safety, national security, and the integrity of the immigration system. In addition, a biometrics collection also supports the larger humanitarian mission of the Department of Homeland Security (DHS) to combat human trafficking, child sex trafficking, forced labor exploitation, and alien smuggling.

The Department of State fingerprints nonimmigrants when issuing a visa, and U.S. Customs and Border Protection (CBP) fingerprints nonimmigrants when entering the United States. In both cases, USCIS may not have access to all of the results of those fingerprint-based background checks.

Furthermore, we cannot use either of these earlier fingerprint collections, even if available, without first conducting a biometric-based identity verification prior to submission of fingerprints to the Federal Bureau of Investigation (FBI).

Adding new biometrics requirements:

- Strengthens adjudicative scrutiny;
- Enhances our comprehensive strategy to detect and prevent fraud and/or risks of harm to the United States; and
- Ensures the integrity of the immigration system.

## Policy Changes

We will begin to collect biometrics for all Form I-539 applicants, and any co-applicants filing on Form I-539A—for identity enrollment and management. That being said, we have not made major changes to the information required.

The changes to the I-539 process are as follows:

- Co-applicants, who previously could have been included on a family member’s Form I-539, must sign and file their own Form I-539A;
- All applicants and co-applicants will be required to appear for biometrics collection after being notified; and
- Each applicant on Form I-539 and Form I-539A must pay the biometrics services fee.

The additional information that we will collect from the revised forms will allow us to:

- Screen and vet Form I-539 and I-539A applicants;
- Ensure all applicants are who they claim to be (identity verification); and
- Evaluate applicants and co-applicants for grounds of inadmissibility or denial (criminal history and national security background checks).

#### Concerns Regarding the Transition Period

Stakeholders raised concerns that we were not providing applicants with a longer grace period and that the lack of a transition period may cause some applicants to fall out of status if they file the previous Form I-539 after March 8, 2019, since we originally announced that we would start to reject the previous versions of the form on March 11, 2019.

We notified stakeholders of the change one month before the March 11 transition. While we typically offer a longer transition period when introducing a new or revised form, we cannot do that for these forms for several operational and logistical reasons:

- Previous versions of forms become obsolete once the Office of Management and Budget (OMB) approves a revised version.
- OMB dictates that we cannot post more than one version of the same form on our website at the same time.
- We cannot accept and process multiple versions of the form because of our fee receipt and IT systems.

If we extended the suggested grace period to 60 or 90 days, as some stakeholders have requested, we would only be able to process the outdated version and would not be able to begin processing the newer version yet.

Taking all of this into consideration, we revised the rollout schedule and will continue to accept the previous version of the Form I-539 until close of business on March 21, 2019. Nonimmigrants whose status may be expiring immediately before the system switches over will be able to file their applications in a timely manner using the previous version of the form, or the new form, before their status expires.

#### Important Notes About Dates

We must **receive** any previous versions of the form at the Lockbox by close of business on March 21. We will not accept a previous Form I-539 that we receive after close of business on March 21, even if it is mailed or postmarked on or before March 21.

If we receive any **new** Forms I-539/539A between March 8 and 21, we will accept them, but we will not process them until Monday, March 25.

Beginning March 25, we will issue receipt notices for **new** Forms I-539/I-539A received at the Lockbox between March 8 and March 21.

- Receipt dates will reflect the actual date of receipt. For example: An applicant mails a revised Form I-539/539A on March 11. We receive the form at the Lockbox on March 15. We will hold the application until March 25, and then process the revised form and issue a receipt notice to the applicant stating “Form I-539/539A was received March 15.”

## **Identity Verification and Biometrics**

The Immigration Records and Identity Services Directorate (IRIS) is responsible for establishing the identities of applicants, petitioners, and beneficiaries, as well as maintaining, storing, and sharing the official immigration records related to those individuals. Put simply, we collect biometrics, manage A-Numbers and immigration files, and obtain many of the background checks used by our adjudications officers.

Historically, our need for biometrics was limited to two main uses. The first use is for background checks, and the only biometric that could fulfill that purpose was fingerprints. Over time, the concepts of fingerprinting and criminal background checks became synonymous. When laws and regulations were written to govern who was subjected to background checks, the language codifying those requirements outlined several sections, including fingerprinting authorities and age ranges. This is why some benefit types only allow for fingerprinting to begin at age 14.

Our second historic biometric use is document production. As the producers of various documents that prove immigration status, we require facial photos and other unique biometric identifiers, such as index fingerprints and signatures, to better ensure that the documents produced can only be used by their rightful owners. This need is not specific to our agency. Facial photos appear on many types of identity documents, from credit cards to school IDs, and drivers licenses to passports.

Many questions related to biometric collection on the Form I-539 come from the idea that “fingerprints are for criminal background checks” and “photos are for documents.” “Why does USCIS need to collect fingerprints of children who will not have background checks conducted?” “Why does USCIS need photos or other biometrics if no documents will be produced?”

The answer rests in our third use for biometrics: verifying and managing identity. The concept of identity management is not new for USCIS. The Alien Registration Act of 1940 is the origin of the Alien Registration Number, known simply as the A-Number. The Act sought to create an inventory of the immigrant population in the United States, as it previously had no other way of knowing the scale and the origins of the immigrant community. The A-Number was to be unique to an individual, much like a Social Security number, and was based on immigrant

registrants providing their biographic information, such as name, date of birth, and country of birth. These biographic values alone were considered unique enough, and the practice of using biographic information to determine uniqueness of identity in our operations continues today.

The problem we now face is that populations, immigration volumes, and databases have grown exponentially since 1940. What are the chances of a commonly named person – let’s use the proverbial “John Smith” – sharing the same birthday in the same country? It’s not uncommon in countries with hundreds of millions, or even over a billion, people. Relying on the basic biographic information increasingly raises the risk of mixing up identities and individuals’ very personal immigration records.

There are two options. The first option – gather increasingly more personal biographical information to differentiate John Smith #1 from John Smith #77. With that option also means verifying the authenticity and accuracy of such personal data, which would be quite invasive and very time consuming. The second option is much more efficient and just as unique: biometrics. Biometrics are proving to be the solution to verifying an identity and the rightful owner to information or benefit. Biometrics are key to stopping identity theft and preventing unnecessary storage of personal details that have no operational value.

For these reasons, USCIS is expanding its use of biometrics for the purposes of identity verification and records management. Fingerprints no longer mean background checks; they establish uniqueness. Photos are no longer images printed on a document; they provide proof of the rightful owner of immigration records.

Most biometrics do not change quickly, and some do not change at all. Biometrics are much tougher to steal or imitate. By establishing and locking in official records with biometric identifiers as early as possible, the better the ability to facilitate secure, accurate, and efficient identity verification and records updates in the future. As digital filing and processing technologies are introduced, biometrics will be key in trusting digital content and accurately storing it with the correct individual. Just as mobile phones and ATMs are using biometrics to create a seamless and secure interaction with users, USCIS is advancing the ways it will interface with its stakeholders.

While some benefit types are still constrained by antiquated regulations, the extension/change of nonimmigrant status is not. Therefore, Form I-539 is one of the first forms to experience the growth in USCIS’ biometric identity management practices. To be clear: the types of biometric data collected, and the systems used to collect and store it, are the same as those published in the USCIS Systems of Record Notices and Privacy Impact Assessments. The difference is we are expanding populations from whom we collect where permissible by law and regulation.

The application support centers, or ASCs, where biometric collection takes place are familiar with lower age biometric collections. USCIS has service agreements with Canada and the United Kingdom to collect biometrics on their behalf for their visa applicants, and those countries require fingerprints from children. Additionally, the ASCs collect photos from very young children that require identity documents. We would like to assure you that the ASCs are very experienced and well-prepared for the new Form I-539 applicants.

Additionally, we handle the same scheduling and rescheduling needs of the other 3.5 million ASC visitors each year. We allow rescheduling where appropriate, and the instructions on how to do so are on the appointment notice. We understand that some last-minute emergency scenarios may arise, and in these limited circumstances, the USCIS Contact Center can assist the applicant with rescheduling options.

## **Filing Tips and Fees**

The correct filing location for a Form I-539 submission depends upon the filing type. As such, we ask that you please confirm the appropriate filing address on the [Form I-539](#) page of the USCIS website before mailing your package.

Historically, some of the most common reasons we reject applications when filed at the lockbox are:

- Missing signatures;
- Incorrect or missing fees; and
- Expired form edition.

We would like to take this opportunity to touch on each of these common rejection reasons, specific to the revised Forms I-539 and new I-539A, to provide additional insight and information.

Note that we require a signature on each Form I-539 and Form I-539A that is submitted.

Be sure to include the \$370 filing fee plus an additional \$85 biometric services fee for you and each person included on a Form I-539A.

- There are a few exceptions to the filing and biometric services fees, so we encourage you to review the form instructions to confirm the correct fee.
- You can pay the filing fees, including biometric services fees, with a check, money order, or credit card.
- If you would like to pay by credit card, you may download and complete Form G-1450, Authorization for Credit Card Transaction, and submit it with your package.
- All biometric services fees are required at the time of filing.

With the transition to the new form edition, our intake system will be updated with new system logic.

- Since our intake system can only use one system logic at a time, we will only be able to accept the revised edition dated 02/04/19 since the new system logic is not compatible with the previous form version for identifying the number of applicants and fees due.
- The edition date is found in the lower left corner on the form and instructions.

If you fill out the form by hand, we recommend that you use black ink to complete and sign the forms.

If you wish to receive an e-notification when your form has been accepted at a USCIS Lockbox facility, complete Form G-1145, E-Notification of Application/Petition Acceptance, and clip it to the first page of your application.

You can find additional Lockbox Filing tips posted in the Related Links section of the [Form I-539 webpage](#) on the USCIS website.

If you have questions regarding a filing this is pending at or has been rejected by a USCIS Lockbox facility, you may email us at [lockboxsupport@uscis.dhs.gov](mailto:lockboxsupport@uscis.dhs.gov).

## Questions and Answers

We received several questions during the engagement. Participants had questions regarding the biometrics requirement. We clarified that filers of the previous form will not have biometrics collected, and that we do not send the currently collected fingerprints for applicants under 14 years of age to the FBI or other partners for background checks. We also noted that biometrics scheduling generally takes around 17 days. Several callers asked how biometrics collection will affect the processing times of Forms I-539 that are filed along with the premium processing requests for Forms I-129. We responded that premium processing is not available on the Form I-539. However, historically we provided premium processing of concurrently filed Forms I-539 as a courtesy. We will strive to adjudicate I-539 applications as quickly as possible going forward, though adjudication within 15 calendar days is not possible. Applicants can assist by only requesting to reschedule biometrics appointments if absolutely necessary.

We received a question about disability accommodations for biometrics appointments. Applicants can request a disability accommodation to attend a USCIS appointment, including biometrics appointments, on the [USCIS website](#). Asylum and NACARA 203 applicants must make their accommodation request by calling the [USCIS Contact Center](#). Applicants should make their request as soon as they receive their appointment noticed. Additional information on [requesting disability accommodations](#) is available on the USCIS website.

We also received questions after the engagement. A selection of those, along with our responses, are below.

Please note that the responses below pertain to the revised Form I-539/I-539A (edition date of 02/04/19). We posted these forms on our [website](#) on March 8, 2019. We have removed the previous edition of Form I-539 (edition date of 12/23/16).

We will reject any Form I-539 with an edition date of 12/23/16 or earlier that is received by USCIS after close of business on March 21, 2019. Starting on March 22, 2019, we will only accept the revised Form I-539 with an edition date of 02/04/19.

**Q. Will applicants sending two different I-539s (extension and change of status) be required to send two biometrics fees?**

**A.** Yes, we require a biometric services fee with each Form I-539.

**Q. If someone is here on a B visa and wants to change to F status, they must submit B visa extension applications every six months until the change to F is adjudicated. Is there a biometrics fee for every extension? Do they have to submit two fees with the original application that includes both an extension and a change of status application?**

**A.** Yes, there is a biometric services fee for every extension application. Also, a single Form I-539 cannot be used to request both extension and a change of status. You must make a single selection in Part 2 for application type.

**Q. Can an applicant who is making several applications at the same time use one set of fingerprints for all the applications? Currently, for the Vermont Service Center, a person changing to F-1 student status must file three or four applications (at already \$370 each) because it is taking Vermont 12.5-15 months to adjudicate and many must “bridge the gap” with B-2 applications for six months each. These are all sent at the same time, usually in the same envelope, and are all adjudicated at the same time (12.5-15 months after they are sent).**

**A.** We require a biometric services fee with each Form I-539.

**Q. For applications that are currently pending, when they are due to send in their next extension application, do they also need to include the biometrics fee?**

**A.** Yes, we require a biometric services fee with each Form I-539.

**Q. How does the 17-day window for biometrics actually work? Could you please provide an example?**

**A.** Once we receive filings and prepare for biometric services scheduling, we send the applicant’s information to the ASC scheduling system. The scheduling system runs every Friday evening and schedules appointments across a two-week period beginning on the third Monday from the date of the scheduling process. For example, when the scheduler ran on Friday, Feb. 1, the first appointment date scheduled was Monday, Feb. 18. However, appointments could have been scheduled as late as Friday, March 1, depending on USCIS

applicant volume. The 17-day window provides sufficient time for the printing and delivery of the appointment notices, for applicants to make schedule arrangements, and for the ASC staffing contractor to schedule the appropriate amount of technicians to work each day.

**Q. Can the biometrics fee for all co-applicants be submitted together in one check or money order?**

**A.** Yes

**Q. Can the additional \$85 biometrics fee/s be submitted in one check together with the I-539 filing fee of \$370?**

**A.** Yes

**Q. Is a separate \$370 Form I-539 fee being charged for the primary status holder (Form I-539 filer) and all dependents included (Form I-539A filers)? For example: For an individual submitting a Form I-539 and 2 Form I-539As for one spouse and one child, would they pay \$370 total or would they pay \$1110 (\$370 x 3)?**

**A.** They would pay \$625 (\$370 for Form I-539 and 3x\$85 for biometrics).

**Q. For applicants who have older children, if one Form I-539 is presented for all dependents then all the dependents statuses will be cut short to match the end date for the child turning 21. To avoid this, we have filed two Form I-539s with a second Form I-539 for the child who is turning 21. For example, an H1B is requested through 3/1/2022 but older child will turn 21 on 2/25/2021. To avoid the H-4s for the spouse and other children being cut short to 2/25/2021, a separate Form I-539 is filed for the older child. With the new Forms I-539/I-539A, will a second Form I-539/I-539A be required? If so, how do you file the second Form I-539?**

**A.** We have not changed the filing requirements with respect to applicants who are turning 21. To avoid the validity period being matched to that of the eldest child, you may file a separate Form I-539 for that applicant.

**Q. The current InfoPass system (at least for Baltimore) usually shows no availability for any appointments and generally takes up to a month for a person to be able to schedule. Is this the same system expected to be used for fingerprinting? Are the backlogs and system issues with these offices being taken into account?**

**A.** The scheduling operation and capacity management for ASC appointments is different than that of field offices. We automatically generate ASC appointments and mail the notices with the appointment details to applicants.

**Q. In the past, the local ASC has allowed our clients to take biometrics early if they have the original receipt notice. This is usually because the client is not able to appear for the appointment time and/or date. Will this still be allowed or will it be a policy that will just depend on the ASC?**

**A.** ASC appointment scheduling is based on physical space and staff capacity calculations. In some cases, ASCs may be able to handle “walk-in” applicants (those appearing at a different day/time before their scheduled appointment), and the ASC contractor – in the interest of providing excellent service – has the discretion to accommodate such walk-ins. However, the ASC is contractually required to process any scheduled applicant, and therefore has the discretion to deny processing of any applicant appearing on a day before their scheduled appointment day/time if it would impede its ability to process the scheduled applicants. Applicants appearing before their scheduled day/time run the risk of being turned away and asked to return for the scheduled appointment.

**Q. The panel indicated that an original signature is not required on the I-539 and then stated that this was not a change in the instructions on the current I-539. However, the current I-539 clearly states, “Each application must be properly signed and filed. A photocopy of a signed application or a typewritten name in place of a signature is not acceptable” [emphasis added]. Can you please clarify which is the correct information?**

**A.** The 2/4/19 edition instructions say:

- Validity of Signatures. USCIS will consider a photocopied, faxed, or scanned copy of the original, handwritten signature valid for filing purposes. The photocopy, fax, or scan must be of the original document containing the handwritten, ink signature.

**Q. If we are filing Form I-129 with Form I-539 with premium processing, I understand that the I-539 will not be adjudicated within 15 calendar days, but will the I-129 still be adjudicated within 15 days – and we just hear a decision on the I-539 once adjudicated?**

**A.** We have not made changes to the processing expectations for Form I-129 with premium processing. Officers will issue separate decision notices for the Form I-129 and Form I-539.

**Q. Part 3 of the draft form does not include information regarding people seeking reinstatement to status who would be requesting duration of status, such as F-1 students and their dependents. In the previous version, it was Part 3, item 1.b “Check this box if you were granted, or are seeking, Duration of Status (D/S).” How should applicants seeking duration of status now complete that section of the form?**

**A.** If the applicant is eligible for a status that provides for the validity period of Duration of Status (D/S), the officer will grant the D/S without the applicant needing to request it.