



January 24, 2024

PA-2024-02

Policy Alert

SUBJECT: Untimely Filed Extensions of Stay and Change of Status Requests

Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the [USCIS Policy Manual](#) to address when USCIS may, in its discretion, excuse untimely filed extensions of stay and change of status requests.

Background

Generally, certain nonimmigrants present in the United States admitted for a specified period of time, or their petitioners, may request an extension of their admission period in order to continue to engage in those activities permitted under the nonimmigrant classification in which they were admitted.¹ Also, certain nonimmigrants present in the United States, or their petitioners, may seek to change their status to another nonimmigrant classification if they meet certain requirements.²

In general, USCIS does not approve an extension of stay or change of status for a person who failed to maintain the previously accorded status or where such status expired before the filing date of the application or petition.³ If certain conditions are met, however, USCIS, in its discretion, may excuse the failure to file before the period of authorized status expired.

This guidance, contained in Volume 2 of the Policy Manual, is effective immediately and applies prospectively to applications or petitions filed on or after that date. The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance on the topic.

Policy Highlights

- Provides that USCIS, in its discretion and under certain conditions, may excuse the failure to timely file extensions of stay and change of status requests if the delay was due to extraordinary circumstances beyond the control of the person.
- Clarifies that extraordinary circumstances may include but are not limited to: where the delay was due to a slowdown or stoppage of work involving a strike, lockout, or other labor dispute;

¹ See [8 CFR 214.1\(a\)](#). See [8 CFR 214.1\(c\)](#) for general requirements, such as those relating to passport validity and waivers of inadmissibility for an extension of stay.

² See [INA 248](#). See [8 CFR 248](#).

³ See [8 CFR 214.1\(c\)\(4\)](#) and [8 CFR 248.1\(b\)](#).

or where the primary reason for the late filing is due to a lapse in government funding supporting those adjudications.

Summary of Changes

Affected Section: Volume 2 > Part A > Chapter 4 > Section A, Extension of Stay or Change of Status

- Adds a new italicized subsection “Requirements to Timely File a Request to Extend Stay or Change Status.”

USCIS may also make other minor technical, stylistic, and conforming changes consistent with this update.

Citation

Volume 2: Nonimmigrants, Part A, Nonimmigrant Policies and Procedures, Chapter 4, Extension of Stay, Change of Status, and Extension of Petition Validity [[2 USCIS-PM A.4](#)].