



### **Practice Update: New I-539 and I-539A Forms Released Today**

On March 1, 2019, the CIS Ombudsman’s Office hosted a teleconference where they shared the following updates on the new Forms I-539 and I-539A implementation. USCIS will be posting official notes to the [USCIS Reading Room](#) and the CIS Ombudsman posted a brief update [here](#). The notes below are unofficial and have not been vetted by USCIS. Please also see updates on the I-539 provided in the AILA Practice Alert [here](#).

#### **A. Publication date of Form I-539**

1. USCIS initially considered the 30-day period from the February 11th announcement to be sufficient time to advise stakeholders about the publication of the new Forms I-539/I-539A. However, after stakeholder feedback, USCIS revised the schedule and **will continue to accept the old I-539 form (with the edition date of 12/23/16) until close of business on March 21st.**

#### **USCIS states the following [on its website](#):**

“We have revised [Form I-539, Application to Extend/Change Nonimmigrant Status](#) and will publish the revised form on our website on March 8, 2019. We will be removing the 12/23/16 version of Form I-539 from [uscis.gov](#) on March 8 but will be allowing for a two-week grace period, until close of business on March 21, for that version to be received by USCIS. Starting on March 22, we will only accept the revised Form I-539 with an edition date of 02/04/19. We will reject any Form I-539 with an edition date of 12/23/16, or earlier, that is received by USCIS after March 21.”

We will also be publishing a new Form I-539A, Supplemental Information for Application to Extend/Change Nonimmigrant Status, on the Form I-539 webpage on March 8. Form I-539A replaces the Supplement A provided in previous versions of Form I-539. Form I-539A can only be submitted with Form I-539; it cannot be filed as a standalone form.

**Important Note:** This does not mean mailed or postmarked by March 21st. The grace period given by USCIS indicates that I-539 applications **must be \*received\*** by USCIS (the lockbox or appropriate place of filing) by COB March 21, 2019. As of March 22nd, USCIS will reject any Form I-539 with an edition date of 12/23/16 and only accept the new I-539 and I-539A with edition date 2/4/2019.

2. On March 22nd, USCIS will begin processing the new forms filed between March 8th through the 21st. Receipt notices will reflect the date USCIS *actually* received the form. The following are examples provided on the call.
  - a. Example 1: On March 11, applicant mails new Form I-539. On March 15th, USCIS receives it. On or after March 21, 2019, USCIS will issue receipt notice to applicant indicating that it was received on March 15th.
  - b. Example 2: If applicant prints out old Form I-539 on March 7th and mails it to USCIS on March 15th, but USCIS does not receive the form until after March 21st, the form will be rejected. USCIS must receive the old Form I-539 (edition date 12/23/16) by close of business on March 21st.
3. The new forms are available **today Friday, March 8th**. You can view the new forms here: <https://www.uscis.gov/i-539>

**B. Biometrics requirement**

According to USCIS, **biometrics will now be collected even for those under 14 years of age** to verify applicants' identity and to ensure they are the rightful owners to the benefit. Biometrics will be taken on all applicants who submit the updated Forms I-539 and I-539A.

**C. Filing Tips:**

1. Check the [USCIS website](#) and form instructions to ensure you are sending the I-539 to the correct filing address.
2. Signatures are required on the I-539 and I-539A. Children may sign for themselves, but parents or legal guardians may also sign for children under 14.
3. Form edition date can be found on lower-left hand corner of forms and instructions.
4. If you have a question about a pending I-539 or rejected filing, [lockboxsupport@uscis.dhs.gov](mailto:lockboxsupport@uscis.dhs.gov) can provide individual support to filers via email.
  - a. **NOTE:** Contact the VSC Hotline for questions regarding I-539s sent in relation to U and T visa cases. The VSC Hotline Email address for U and T visa- related inquiries is [HotlineFollowUpI918I914.VSC@uscis.dhs.gov](mailto:HotlineFollowUpI918I914.VSC@uscis.dhs.gov) and phone number is 802-527-4888.
5. Ensure that fees are correct, please note that fee waivers are available for U and T visa I-539 filings (See [I-539 instructions](#)).

- a. **Note:** On February 28th, ASISTA [wrote to USCIS Director Cissna](#) requesting that USCIS must immediately make it clear to stakeholders that fee waivers are available for any and all fees associated with the Form I-539 and I-539A for U visa and T visa cases. If you are experiencing any fee waiver issues related to Form I-539 or I-539A applications, please fill out ASISTA's story collector [here](#).

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