



TRUMP ADMINISTRATION IMPOSES ANOTHER UNNECESSARY OBSTACLE: USCIS TO ISSUE NEW VERSION OF FORM I-539 AND NEW I-539A ON MARCH 8

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U.S. Citizenship and Immigration Services (USCIS) has [announced](#) that the revised Form I-539, Application to Extend/Change Nonimmigrant Status, and new Form I-539A, will be published on March 8, 2019, not March 11 as previously reported. USCIS will accept the old form through March 21.

Form I-539 is used for a variety of application types, including:

- Certain nonimmigrant applications for an extension of stay
- Certain nonimmigrant applications for a change of status
- Reinstatement for F-1 and M-1 students

USCIS has expanded the scope of information to be gathered and will change the filing and adjudication requirements. The revised Form I-539 includes the following significant changes:

- Every co-applicant 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, except certain A, G, and NATO nonimmigrants as noted in the new Form I-539 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 should file a separate Form I-539.

USCIS said it will reject any Form I-539 that is missing any of the required signatures or biometrics fees, including those required for Form I-539A.

The biometric requirement is bound to slow down the process especially when the dependents are accompanying the principal through a premium processing request. The USCIS has always taken the position that premium processing only applies to the principal filing the Form I-129, and processing the I-539 and I-765 is only a courtesy. The new biometric requirement will most likely deprive the dependent of any premium processing. It also seems odd to subject dependents to biometrics, but not the principal beneficiary. Even dependent infants will be subject to biometrics. Besides being cruel, it also adds another layer of uncertainty in the life of a foreign national worker who may also be subject to a [denial of the renewal](#) of his or her Form I-129 request.

The new biometric requirement poses yet another obstacle to foreign nationals who are legally in the US and wish to play by the rules. It is completely unnecessary to subject dependents to biometrics when the principal is not. Not only will it deprive dependents from taking advantage of premium processing, but it will lead to further delays with respect to spouses who are seeking to obtain or renew work authorization as H-4 or L-2 dependents. The Trump Administration is also on the verge of [promulgating a new regulation](#) that will rescind work authorization for H-4 spouses. The biometric requirement will delay the H-4 spouses ability to obtain another renewal before the H-4 regulation takes effect. It only adds insult to injury and rubs salt in the wound of those waiting in the never ending green card backlogs.