

# **I-539 Application to Extend/Change Nonimmigrant Status**

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Table of Contents: I-539 National SOP	Page
Section 1: Mailroom Module	1-1
Section 2: Data Entry Module	2-1
Section 3: U.S. CIS Review Module	3-1
Section 4: A-files Module	4-1
Section 5: File Room Module	5-1
Section 6: Adjudications Module	6-1
Section 7: Post-Adjudications Module	7-1
Section 8: Glossary	8-1

## **SECTION 1: MAILROOM MODULE**

**I-539 National  
SOP  
Introduction**

This Standard Operating Procedure (SOP) has been created for the purpose of standardizing operational policies and procedures between all service centers in the processing of the I-539, Application to Extend/Change Nonimmigrant Status. This SOP is in response to the processing differences that have developed at the service centers over time. To support the goal of standardizing procedures, this SOP seeks to improve the production efficiencies through the application of best practices from all service centers. While it is acknowledged that the centers may have different demands and physical layouts, a standard process will assist in ensuring that our customers receive consistent processing regardless of jurisdiction.

This SOP has been developed as a modular document. The modules (listed below) are stand-alone documents that can be used individually as training and daily reference documents. Each module describes a stage in the processing of an I-539 application. Below is a brief description of each module:

- **Mailroom-** The process by which the service center receives I-539 applications, reviews them for acceptability and assembles them for data entry.
- **Data Entry-** The process by where fees are receipted and case information is keyed into CLAIMS.
- **U.S. CIS Review-** The process by which U.S. CIS verifies all reasons for rejection cited by the contractor.
- **A-files-** The process by which CIS is searched, multiple A #s or A #s with violations are resolved, and A-files are either created or requested.
- **File Room-** The process by which files are sorted and staged. Workload Distribution is the process of staging, routing and distributing files.
- **Adjudications-** The process by which an application is examined for determination of whether the application is approvable or deniable.
- **Post-Adjudications-** The procedure to be followed after an officer makes a determination on an I-539 case.

Recommendations for changes to this document should be sent to the Headquarters Office of Service Center Operations (HQSCO).

**Important:** This SOP is not intended to be, and should not be taken as, an authoritative statement of the rules of decision for Form I-539 visa application cases. This SOP is a guide for the consistent processing of Form I-539 visa application cases. The Service bases the actual decision in a particular case on the record of that particular case and on the Act, regulations, precedent administrative and judicial decisions, and general statements of Service policy relating to the case. Thus, nothing in this SOP creates any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

**I-539 Table of  
Contents**

The following is a table of contents, which serves as a guide for all of the modules of the I-539 SOP. Each module contains its own table of contents that will help to guide through the individual sections of the SOP.

Table of Contents: I-539 National SOP	Page
Section 1: Mailroom Module	1-1
Section 2: Data Entry Module	2-1
Section 3: U.S. CIS Review Module	3-1
Section 4: A-files Module	4-1
Section 5: File Room Module	5-1
Section 6: Adjudications Module	6-1
Section 7: Post-Adjudications Module	7-1
Section 8: Glossary	8-1

**Note:** This SOP establishes the required minimum standard for the operational procedures that all service centers should follow. However, this does not invalidate all local requirements and procedures. Local procedures that do not conflict with this SOP (i.e., procedures that are above and beyond the SOP) may still be required, as determined by management at each service center. Additionally, recommendations or advice in this SOP may become requirements at the service center at the discretion of each center's management.

**Introduction**      The Service Center mailroom receives most of its mail from the Post Office. Various Express Mail services also bring correspondence directly to the Center throughout each business day. Regardless of the manner in which mail is received, there are several requirements that must be met for mailroom processing of the I-539 prior to Data Entry. Those requirements and the standards and suggested approaches to reach the requirements, are detailed in this section. Besides preparation for data entry, another result of achieving the requirements in this section is that certain cases that do not meet eligibility criteria will be routed to U.S. CIS Review.

**Missouri Service Center Exception**      Due to the unique requirements of LIFE Act cases, which are filed at the Missouri Service Center (MSC), and the procedures of that center, most of the functions in both the Mailroom and Data Entry modules are performed at the Chicago Lockbox. When a case is sent to MSC, it first undergoes file setup, as specified by the ROP order and file assembly sections of the Mailroom module and the section of the Data Entry module referring to affixing labels. The file is then forwarded to the File Room.

Section 1: Table of Contents	Page
Part 1: Slit and Peek	1-4
Part 2: Assembly	1-7
Part 3: Processing Manual Rejects	1-16

## Part 1: Slit and Peek

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- Description** Throughout processing in both the mailroom and data entry sections, submissions are maintained in groups, or batches. These submissions are stored as groups of like applications (i.e., batches), indicating when U.S. CIS received the forms in the mailroom.
- Requirements** All mail must be opened, sorted, and batched according to date of arrival and form type and as deficiencies are noted, the reviewer must annotate the processing worksheet.
- Standards** Complete the standards below for all mail arriving in the mailroom to meet the requirements above.
- Keep in mind the following:** If submitted, Form I-102 and Form I-765 will be concurrently filed, except in the case of an I-765 filed with an I-539 in the V classification, which will be a dependent filing.

### Standards (continued)

No.	Standard						
1.1	Review the Form I-539 version date for acceptability. If the form is unacceptable, annotate line #1 on the processing worksheet. <b>Advice:</b> Any version prior to the 09/04/01 version is unacceptable.						
1.2	<p>Identify any concurrently filed forms. If the envelope contains an I-539 without any concurrently filed forms or an I-539 with a concurrently filed Form I-102, no additional action in this standard is required.</p> <p><b>Keep in mind the following:</b> The following petitions/applications may be filed concurrently with the I-539:</p> <ul style="list-style-type: none"> <li>• Form I-129 (In cases where the I-539 is being filed for a beneficiary of the primary for which the I-129 is being filed. The I-129 and I-539 should be in separate folders kept together.)</li> <li>• Form I-765 (except in the case of an I-765 with an I-539 in the V classification)</li> <li>• Form I-102 (which will be in a separate file but kept together with the I-539 file)</li> </ul> <table border="1" data-bbox="391 1650 1211 1887"> <thead> <tr> <th data-bbox="391 1650 802 1682">IF...</th> <th data-bbox="802 1650 1211 1682">THEN...</th> </tr> </thead> <tbody> <tr> <td data-bbox="391 1682 802 1787">The envelope contains an I-539 and I-129</td> <td data-bbox="802 1682 1211 1787">Forward for I-129 processing, referring to the I-539 SOP as appropriate.</td> </tr> <tr> <td data-bbox="391 1787 802 1887">The envelope contains an I-539 with any other application or petition</td> <td data-bbox="802 1787 1211 1887">Identify and sort the other application.</td> </tr> </tbody> </table>	IF...	THEN...	The envelope contains an I-539 and I-129	Forward for I-129 processing, referring to the I-539 SOP as appropriate.	The envelope contains an I-539 with any other application or petition	Identify and sort the other application.
IF...	THEN...						
The envelope contains an I-539 and I-129	Forward for I-129 processing, referring to the I-539 SOP as appropriate.						
The envelope contains an I-539 with any other application or petition	Identify and sort the other application.						

	<table border="1"> <tr> <td>The envelope does not contain an I-539</td> <td>Identify and sort according to the form type.</td> </tr> </table>	The envelope does not contain an I-539	Identify and sort according to the form type.
The envelope does not contain an I-539	Identify and sort according to the form type.		
1.3	<p>Date- and time-stamp the front page of the application legibly using the received date and date stamp number or employee ID number. Do not date-stamp over areas designated for other purposes.</p> <p><b>Advice:</b> Place the date-stamp vertically in the right-hand margin.</p>		

**Standards** (continued)

1.4	<p>Find the remittance and ensure that it is an acceptable type and that the payee line is correct. If the remittance is cash or the payee is not U.S. CIS or U.S. CIS or was left blank, take it to your supervisor immediately.</p> <p><b>Keep in mind the following:</b> Each remittance should be one of the following: personal/business check, bank/cashier's check, treasury check or money order.</p>						
1.5	<p>If the remittance will not be endorsed after data entry using a computer slip printer, endorse the back of the remittance with the U.S. CIS "For Deposit Only" stamp.</p> <table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>The file will be moved for set up</td> <td>Return materials to the envelope, keeping concurrently filed applications/petitions together, and bundle and sort the files.</td> </tr> <tr> <td>The same person will be setting up the file</td> <td>Leave the remittance out of the envelope and continue processing.</td> </tr> </tbody> </table> <p><b>Advice:</b> Bundle by form type, place a batch sheet on top of each bundle, and write the received date, your employee ID number, and total number of each form type included in the batch. Place batches with the same received date into storage containers by form type and label the outside of these containers with the form type, received date, and number of forms included in the container.</p>	IF...	THEN...	The file will be moved for set up	Return materials to the envelope, keeping concurrently filed applications/petitions together, and bundle and sort the files.	The same person will be setting up the file	Leave the remittance out of the envelope and continue processing.
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The file will be moved for set up	Return materials to the envelope, keeping concurrently filed applications/petitions together, and bundle and sort the files.						
The same person will be setting up the file	Leave the remittance out of the envelope and continue processing.						

**Part 2: Assembly**

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**Description** Assembly is the process of reviewing the application for completeness and assembling it into Record of Proceeding (ROP) order. It is suggested that the envelope be slit open on three sides to ensure that all of the contents are located and removed. According to local policy, a case may receive priority processing based on its classification, a customer-initiated request, or a Congressional request. Follow locally issued guidelines when processing these cases.

**Requirements** Review each filing against all required criteria for completeness and assemble it into ROP order. As deficiencies are noted, the reviewer will annotate the processing worksheet and, subsequent to completing the review, forward the deficiencies for resolution.

If after review, an application would only be rejected for fee and/or signature, the file may be rejected without being sent to U.S. CIS Review. However, prior to rejection, the fee and/or signature deficiency must undergo a secondary review by an individual other than the contract employee originating the rejection. This secondary review may be performed by a supervisor, U.S. CIS employee, contractor personnel, or any individual skilled in checking for fee and signature deficiencies, including the individual preparing the rejection notice (if prepared by a different person).

**Standards** Complete the standards below to review each application and assemble it into ROP order.

No.	Standard
2.1	<p>Remove all contents of the envelope, if necessary, and retain the envelope as a part of the file.</p> <p><b>Advice:</b> If the mailing package is too large, retain the postmark, mailing and return addresses of the mailing package, and the certified or registered mail sticker, if applicable, and hold them for assembly into the packet.</p>

**Standards (continued)**

2.2	<p>Ensure that the remittance meets the requirements specified in the Fee Remittance SOP and check that the remittance guarantee amount is correct.</p> <p><b>Keep in mind the following:</b> For A's and G's, if you cannot determine if a fee is required, forward the file to U.S. CIS Review.</p> <table border="1" style="width: 100%; margin-top: 10px;"> <tr> <td style="text-align: center;"><b>IF...</b></td> <td style="text-align: center;"><b>THEN...</b></td> </tr> </table>	<b>IF...</b>	<b>THEN...</b>
<b>IF...</b>	<b>THEN...</b>		

The fee amount is correct; the case is appropriately Fee Received Elsewhere (FRE) as evidenced by a fee receipt, receipt stamp or register tape; or the fee is not required	Continue processing.
There is no remittance, the case is NOT FRE, and the fee is required	Annotate the processing worksheet.
The fee amount is incorrect or the written and numerical amounts do not match	Annotate the processing worksheet.
Only one payment is submitted for the I-539 and any concurrent files, and the fee payment is incorrect	Reject the entire filing and annotate the processing worksheet.
The fee for the I-539 is incorrect, but the fee for any concurrent filing is correct AND separate checks were submitted	Reject the I-539, keep the concurrent file, and annotate the processing worksheet.
The fee for the I-539 is correct and the fee for any dependent filing is incorrect AND separate checks were submitted	Accept the I-539, reject the dependent filing, and annotate the processing worksheet.
The fee for the I-539 is incorrect and the fee for any dependent filing is correct AND separate checks were submitted	Reject the I-539 and the dependent filing and annotate the processing worksheet.

**Standards** (continued)

2.2 Cont'd	The remittance does not meet other acceptability criteria or a fee waiver request was submitted	
	A remittance was submitted but one is not required	
2.3	Review for the presence of the applicant's name and a complete address in Part 1 of the I-539. If the address is foreign or missing information, or the name and/or address are blank, annotate line #4 on the processing worksheet.	

2.4	<p>In Part 2 of the I-539, ensure that only one box has been checked in each of #1 and #2 and, depending on the selections made, verify that the additional blanks have been filled in with the requested information.</p> <table border="1" data-bbox="386 380 1053 888"> <thead> <tr> <th data-bbox="386 380 683 415">IF...</th> <th data-bbox="691 380 1053 415">THEN...</th> </tr> </thead> <tbody> <tr> <td data-bbox="386 415 683 646">           Annotate line #4 on the processing worksheet to show the discrepancy.  <b>Advice:</b> Circle "N" and add a note in the "Comments" box.         </td> <td data-bbox="691 415 1053 646"></td> </tr> <tr> <td data-bbox="386 646 683 888">           Annotate line #4 on the processing worksheet to show the discrepancy.  <b>Advice:</b> Circle "N" and add a note in the "Comments" box.         </td> <td data-bbox="691 646 1053 888"></td> </tr> </tbody> </table>	IF...	THEN...	Annotate line #4 on the processing worksheet to show the discrepancy. <b>Advice:</b> Circle "N" and add a note in the "Comments" box.		Annotate line #4 on the processing worksheet to show the discrepancy. <b>Advice:</b> Circle "N" and add a note in the "Comments" box.	
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Annotate line #4 on the processing worksheet to show the discrepancy. <b>Advice:</b> Circle "N" and add a note in the "Comments" box.							
2.5	<p>Review the I-539 for your center's jurisdiction. If the filing is not in your center's jurisdiction, annotate line #5 on the processing worksheet.</p> <p><b>Advice:</b> Look for the status information (Parts 1, 2-1a and 2-1b) and the applicant's residence (Part 1), and then consult the Jurisdiction Table that follows to determine whether or not the filing is acceptable.</p>						

**Figure 1.1**  
Jurisdiction Table

IF...	AND the Applicant Resides in...	THEN the Jurisdiction is...
The applicant is filing for reinstatement as an F or M		Unacceptable. Reject with a notice to file at the District.
The applicant is filing for reinstatement as a J		Unacceptable. Reject with a notice to contact the program's responsible officer (the program POC will then contact DOS).
The applicant is a J nonimmigrant seeking an extension of stay		Unacceptable. Reject with a notice to contact the program's responsible officer (if beyond the maximum duration of stay, the program POC will contact DOS).
The applicant seeks to change to TN status or extend as or change to TD		Solely with NSC. Other centers: Reject with a notice to file at NSC.

status		
The applicant seeks to change from Q-2 or Q-3 status		Solely with NSC. Other centers: Reject with a notice to file at NSC.
The applicant seeks to extend K-3/4 or V status, or change to V status		Unacceptable. Reject with instructions to mail to: U.S. Immigration and Naturalization Service, P.O. Box 7216, Chicago, IL 60680-7216.
The applicant is a parolee seeking to extend status		Unacceptable. Reject with a notice to file at the District.
The I-539 is dependent on a previously filed I-129, and the I-129 is still pending		Relocate to the jurisdiction where the I-129 is being processed.
The applicant is an E dependent seeking an extension of status	AL, AK, CT, DE, DC, FL, GA, KY, LA, ME, MD, MA, MS, NH, NJ, NM, NY, NC, OK, PA, Puerto Rico (PR), RI, SC, TN, TX, U.S. Virgin Islands (VI), VT, VA, or WV	Solely with TSC. Other centers: Reject with a notice to file at TSC.
The applicant is an E dependent seeking an extension of status	AZ, AR, CA, CO, Guam (GU), HI, ID, IL, IN, IA, KS, MI, MN, MO, MT, NE, NV, ND, OH, OR, SD, UT, WA, WI, or WY	Solely with CSC. Other centers: Reject with a notice to file at CSC.

Jurisdiction Table, Cont'd.

<b>IF...</b>	<b>AND the Applicant Resides in...</b>	<b>THEN the Jurisdiction is...</b>
None of the above conditions applies	AZ, CA, GU, HI or NV	Solely with CSC. Other centers: Reject with a notice to file at CSC.
None of the above conditions applies	AL, AR, FL, GA, KY, LA, MS, NM, NC, OK, SC, TN, or TX	Solely with TSC. Other centers: Reject with a notice to file at TSC.
None of the above conditions applies	CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, PR, RI, VI, VT, VA or WV	Solely with VSC. Other centers: Reject with a notice to file at VSC.
None of the above conditions applies	AK, CO, ID, IL, IN, IA, KS, MI, MN, MO, MT, NE, ND, OH, OR, SD, UT, WA, WI or WY	Solely with NSC. Other centers: Reject with a notice to file at NSC.
Any of the above conditions exists	A location with a foreign address, and no U.S. address can be found in the file	Unacceptable. Reject to the foreign address, noting that the applicant must be a U.S. resident.

\* If a case filed in the wrong jurisdiction has inadvertently been data entered, it should be relocated to the proper jurisdiction according to local relocation procedure, instead of being rejected. The exception is that a parolee's extension request cannot be relocated; this request needs to be denied and the applicant referred to his/her local district office. Additionally, keep in mind that K-3/4 and V files cannot be sent electronically to Chicago.

**Standards** (continued)

2.6	<p>Review Part 5 of the I-539 for the applicant's signature and verify that the applicant has properly signed the application. If the application is not properly signed, annotate line #4 on the processing worksheet.</p> <p><b>Keep in mind the following:</b></p> <ul style="list-style-type: none"><li>• The application is not properly signed if the signature is not in Part 5.</li><li>• All forms of original signature are acceptable, including an "X" or a thumbprint.</li><li>• A typewritten name is not a signature.</li></ul>
2.7	<p>If a G-28 was submitted, check whether or not it is acceptable. The G-28 is only acceptable if the following sections are complete:</p> <ul style="list-style-type: none"><li>• 2<sup>nd</sup> Block – Applicant's name</li><li>• 3<sup>rd</sup> Block – Type of Appearance must be checked (Box 1, 2, 3 and 1, 3 and 2, OR 4 must be checked)</li><li>• 3<sup>rd</sup> Block – The representative or attorney's original signature (original facsimile stamp is acceptable)</li><li>• 4<sup>th</sup> Block – Name and proper signature of person consenting</li></ul>
2.8	<p>If only one copy of a G-28 has been submitted and you have multiple filings where the applicant is the same in each case (Form I-102) OR an original G-28 was submitted for a parent or legal guardian but not for a child whose application is accompanying with the parent/guardian's application (Form I-765), make a copy of the original G-28, annotate it with your employee ID number to indicate that the original has been seen, and then attach it to the additional file(s).</p>
2.9	<p>Staple the remittance, if present, to the lower, left margin of the acceptable G-28. If an acceptable G-28 was not submitted, staple it to the lower, left margin of the Form I-539.</p>

**Standards** (continued)

2.10	<p>If any photographs were submitted, place them in a glassine bag and staple them to the Form I-539. <i>Do not staple through the photographs.</i></p> <p><b>Advice:</b> Attach them to the reverse side of the second page of the I-539 form on the right.</p>
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2.11	<p>If the filing is acceptable, assemble the file in the ROP order below; securely fasten the submitted documents into a blank, standard receipt file folder; and annotate line #6 (“ROP order”) on the processing worksheet. Ensure that original documents are securely fastened into the file.</p> <p><b>Record/Left-Hand Side of File ROP</b> (Top to Bottom)</p> <ul style="list-style-type: none"> <li>A. Fee Remittance</li> <li>B. Acceptable G-28, if present</li> <li>C. I-539</li> <li>D. I-94, stapled to the lower left corner of a plain piece of paper</li> <li>E. Other supporting documentation</li> <li>F. Envelope or portion of the envelope showing address and postmark, face-up</li> </ul> <p><b>Non-Record/Right-Hand Side of File ROP</b> (Top to Bottom)</p> <ul style="list-style-type: none"> <li>G. I-539 Processing Worksheet</li> <li>H. Unacceptable G-28 (if present)</li> </ul> <p><b>Advice:</b> Refer to Figure 1.2.</p>
2.12	<p>If an application is to be rejected, arrange the submission in ROP order (above) and annotate line #6 (“ROP order”) on the processing worksheet. You do not, however, need to assemble the application into a receipt file folder. Fasten the documents together with a staple or other fastener.</p>
2.13	<p>Review and assemble any concurrently filed petitions/applications in accordance with the appropriate SOP for that form type. Use a <i>separate folder</i> for the I-102 application and securely fasten the additional folder to the I-539 pack. Annotate line #7 on the processing worksheet.</p>

Figure 1.2

Record of Proceeding Order  
*Record-Side ROP Order***New I-539 Application File**  
***Non-Record-Side ROP Order***

I-94  
Supporting Documents  
Envelope w/ postmark

**Note:** For the Record of Proceeding for any concurrently filed petitions or applications, see the SOP for that form type.

Fee

Remittance  
I-539

Acceptable

G-28  
Unacceptable  
G-28  
Processing Worksheet

Part 2: Assembly, **Continued**

**Standards** (continued)

2.14	<p>Group the cases according to the table below and label the batches with a batch sheet.</p> <p><b>Advice:</b> Label with a batch sheet when you have one of the following:</p> <ul style="list-style-type: none"> <li>• A batch size of no more than 25</li> <li>• Completed all of the work for a particular received date</li> <li>• Reached the end of your shift</li> </ul>																
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%; padding: 5px;"><b>IF the case...</b></th> <th style="width: 50%; padding: 5px;"><b>THEN...</b></th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;">Is only deficient for reason of incorrect fee amount, unsigned or missing remittance, or unsigned/improperly signed application</td> <td style="padding: 5px;">Refer it for secondary review, batch it with other such cases and route it for system rejection.</td> </tr> <tr> <td style="padding: 5px;">Is deficient for reason of an unacceptable Form version or incorrect jurisdiction.</td> <td style="padding: 5px;">Refer it for secondary review, batch it with other such cases and reject.</td> </tr> <tr> <td style="padding: 5px;">Is deficient for reason of a foreign residence</td> <td style="padding: 5px;">Reject the case with a notice that the applicant must be a U.S. resident.</td> </tr> <tr> <td style="padding: 5px;">Is deficient for reason of any other fee problem, a missing name or a missing or incomplete address</td> <td style="padding: 5px;">Batch it with other such cases and route it to U.S. CIS Review.</td> </tr> <tr> <td style="padding: 5px;">Includes a fee waiver request</td> <td style="padding: 5px;">Batch it with other such cases and route it to U.S. CIS Review.</td> </tr> <tr> <td style="padding: 5px;">Is for an A or a G and it cannot be determined if the fee is required</td> <td style="padding: 5px;">Batch it with other such cases and route it to U.S. CIS Review.</td> </tr> <tr> <td style="padding: 5px;">No deficiencies were noted and a fee waiver request is NOT included</td> <td style="padding: 5px;">Group cases in the B classification together, group cases in the F and M classifications together, and then group all remaining cases according to the current requirements.</td> </tr> </tbody> </table>		<b>IF the case...</b>	<b>THEN...</b>	Is only deficient for reason of incorrect fee amount, unsigned or missing remittance, or unsigned/improperly signed application	Refer it for secondary review, batch it with other such cases and route it for system rejection.	Is deficient for reason of an unacceptable Form version or incorrect jurisdiction.	Refer it for secondary review, batch it with other such cases and reject.	Is deficient for reason of a foreign residence	Reject the case with a notice that the applicant must be a U.S. resident.	Is deficient for reason of any other fee problem, a missing name or a missing or incomplete address	Batch it with other such cases and route it to U.S. CIS Review.	Includes a fee waiver request	Batch it with other such cases and route it to U.S. CIS Review.	Is for an A or a G and it cannot be determined if the fee is required	Batch it with other such cases and route it to U.S. CIS Review.	No deficiencies were noted and a fee waiver request is NOT included	Group cases in the B classification together, group cases in the F and M classifications together, and then group all remaining cases according to the current requirements.
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Is for an A or a G and it cannot be determined if the fee is required	Batch it with other such cases and route it to U.S. CIS Review.																
No deficiencies were noted and a fee waiver request is NOT included	Group cases in the B classification together, group cases in the F and M classifications together, and then group all remaining cases according to the current requirements.																

**Part 3: Processing Manual Rejects**

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**Description** A **manual reject** is used for applications that will be rejected for reasons other than incorrect fee amount, unsigned or missing remittance, or unsigned application.

**Requirement** A manual reject notice must be processed for reasons other than the above fee and/or signature deficiencies.

**Standards** Complete the standards below to process a manual reject.

No.	Standard
3.1	Using the reason(s) indicated on the I-539 processing worksheet, prepare an appropriate manual reject notice.
3.2	If applicable, cancel the bank endorsement stamp on the remittance.
3.3	Remove and discard the processing worksheet and any other internal U.S. CIS documentation (i.e. NIIS screen prints, etc.).
3.4	Remove the contents of the file from the folder, if necessary, and staple the manual reject letter to the front of the application.
3.5	Place the file contents with the letter in an envelope and follow outgoing mail procedures.

## **SECTION 2: DATA ENTRY MODULE**

**I-539 National  
SOP  
Introduction**

This Standard Operating Procedure (SOP) has been created for the purpose of standardizing operational policies and procedures between all service centers in the processing of the I-539, Application to Extend/Change Nonimmigrant Status. This SOP is in response to the processing differences that have developed at the service centers over time. To support the goal of standardizing procedures, this SOP seeks to improve the production efficiencies through the application of best practices from all service centers. While it is acknowledged that the centers may have different demands and physical layouts, a standard process will assist in ensuring that our customers receive consistent processing regardless of jurisdiction.

This SOP has been developed as a modular document. The modules (listed below) are stand-alone documents that can be used individually as training and daily reference documents. Each module describes a stage in the processing of an I-539 application. Below is a brief description of each module:

- **Mailroom-** The process by which the service center receives I-539 applications, reviews them for acceptability and assembles them for data entry.
- **Data Entry-** The process by where fees are receipted and case information is keyed into CLAIMS.
- **U.S. CIS Review-** The process by which U.S. CIS verifies all reasons for rejection cited by the contractor.
- **A-files-** The process by which CIS is searched, multiple A #s or A #s with violations are resolved, and A-files are either created or requested.
- **File Room-** The process by which files are sorted and staged. Workload Distribution is the process of staging, routing and distributing files.
- **Adjudications-** The process by which an application is examined for determination of whether the application is approvable or deniable.
- **Post-Adjudications-**The procedure to be followed after an officer makes a determination on an I-539 case.

Recommendations for changes to this document should be sent to the Headquarters Office of Service Center Operations (HQSCO).

**Important:** This SOP is not intended to be, and should not be taken as, an authoritative statement of the rules of decision for Form I-539 visa application cases. This SOP is a guide for the consistent processing of Form I-539 visa application cases. The Service bases the actual decision in a particular case on the record of that particular case and on the Act, regulations, precedent administrative and judicial decisions, and general statements of Service policy relating to the case. Thus, nothing in this SOP creates any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

**I-539 Table of  
Contents**

The following is a table of contents, which serves as a guide for all of the modules of the I-539 SOP. Each module contains its own table of contents that will help to guide through the individual sections of the SOP.

Table of Contents: I-539 National SOP	Page
Section 1: Mailroom Module	1-1

Section 2: Data Entry Module	2-1
Section 3: U.S. CIS Review Module	3-1
Section 4: A-files Module	4-1
Section 5: File Room Module	5-1
Section 6: Adjudications Module	6-1
Section 7: Post-Adjudications Module	7-1
Section 8: Glossary	8-1

**Note:** This SOP establishes the required minimum standard for the operational procedures that all service centers should follow. However, this does not invalidate all local requirements and procedures. Local procedures that do not conflict with this SOP (i.e., procedures that are above and beyond the SOP) may still be required, as determined by management at each service center. Additionally, recommendations or advice in this SOP may become requirements at the service center at the discretion of each center's management.

**Introduction** Data Entry is the process by which fees are receipted and case information is keyed into the **Computer Linked Application Information Management System (CLAIMS)**.

**Missouri Service Center Exception** Due to the unique requirements of LIFE Act cases, which are filed at the Missouri Service Center (MSC), and the procedures of that center, all of the functions in the Mailroom module and part of the functions in the Data Entry module are performed at the Chicago Lockbox. When a case is sent to MSC, it must undergo File Setup, as in the Data Entry module, and be forwarded to the File Room.

Section 2: Table of Contents	Page
Part 1: Processing Acceptable Cases 2-4	
Part 2: Processing System Rejects	2-18
Part 3: Processing Manual Rejects	2-19

## **Part 1: Entering Data**

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**Description** Acceptable applications and rejects for fee and/or signature must be processed and case information entered in CLAIMS.

**Requirements** All cases must be reviewed against all required criteria and processed, labels affixed to the file, the fee secured, and the processing worksheet completed, as necessary.

If after review, an application would only be rejected for fee and/or signature, the file may be rejected without being sent to U.S. CIS Review. However, prior to rejection, the fee and/or signature deficiency must undergo a secondary review by another individual other than the contract employee originating the rejection. This secondary review may be performed by a supervisor, U.S. CIS employee, contractor personnel, or any individual skilled in checking for fee and signature deficiencies, including the individual preparing the rejection notice (if prepared by a different person).

**Standards** Complete the standards below to review and process cases.

**Keep in mind the following:**

- Until HQ releases the “Standard Data Entry Guide” for implementation, refer to local data entry procedures.
- Use the “Enter” or arrow keys to move from field to field. When the cursor is positioned in a field, press <Insert> to view all available information for that specific field.
- Unless otherwise specified, “**key what you see.**” Thus, if a field is blank on the application, leave it blank on the screen.
- Do not use punctuation, *except* for the ampersand (&) and forward slash (/).
- Receipting the case means entering the fee information into CLAIMS.

**Standards** (continued)

No.	Standard				
1.1	<p>Access the CLAIMS 3 data entry screen.</p> <p><b>Advice:</b> Double click on the “Receipt New Application” icon. Enter a receipt or form number. Type “I539” for a new case or wand the bar code for a previously rejected case and press &lt;Enter&gt;.</p>				
1.2	<p>Enter the received date (format: mm/dd/yyyy) using the date on the date-stamp on the front of the I-539.</p> <p><b>Advice:</b> Follow the table below for instructions on entering the received date.</p> <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>The case was received by the service center on a date prior to today</td> <td>Type over the default date with the mailroom received date and &lt;F4&gt;.</td> </tr> </tbody> </table>	IF...	THEN...	The case was received by the service center on a date prior to today	Type over the default date with the mailroom received date and <F4>.
IF...	THEN...				
The case was received by the service center on a date prior to today	Type over the default date with the mailroom received date and <F4>.				

The case was received by another U.S. CIS office	Enter the date the application was received at that office and press <F4>. <b>Keep in mind the following:</b> This should not reflect the date-stamp from when it was (currently) received at the service center.
The case was received today	Leave the default date and press <F4>.
The case was previously a system reject	Press <Alt + F9> and change the date to the new received date. Press <F4>.

**Standards** (continued)

1.3	Review for the presence of the applicant's name and a complete address in Part 1 of the I-539. If the address is foreign or missing information, or the name and/or address are blank, annotate line #4 on the processing worksheet and continue the review, but do not receipt the case.		
1.4	In Part 2 of the I-539, ensure that only one box has been checked in each of #1 and #2 and, depending on the selections made, verify that the additional blanks have been filled in with the requested information.		
		<b>IF...</b>	<b>THEN...</b>
		Under #1, multiple boxes are checked, no box is checked and/or the additional blanks were not completed	Use "c" as the default selection. If not done during Mailroom processing, annotate line #4 on the processing worksheet (i.e., circle "N" and add a note in the "Comments" box) to show the discrepancy.
		Under #2, both or neither box is checked	Refer to the Supplement-1. If any co-applicants are listed, count them and enter the total number of applicants, including the principal. If Supplement-1 is blank or missing, assume that there are zero additional co-applicants and enter "1" for the principal. If not done during Mailroom processing, annotate line #4 on the processing worksheet (i.e., circle "N" and add a note in the "Comments" box) to show the discrepancy.

**Standards** (continued)

1.5	<p>In the “Information about you” section of the CLAIMS screen, enter the data below from Part 1 of the I-539 application:</p> <ul style="list-style-type: none"> <li>• Last name, first name, middle name</li> <li>• In care of (C/O)</li> <li>• Address</li> <li>• Date of birth (DOB) (if not provided, do not enter anything)</li> <li>• Country of birth (COB)</li> <li>• Social security number (SSN)</li> <li>• Alien registration number (A#)</li> <li>• Date of arrival (date of the most recent arrival)</li> <li>• I-94 number</li> <li>• Current status</li> <li>• Expiration of status date (date on which the current status expires)</li> </ul> <p><b>Keep in mind the following:</b></p> <ul style="list-style-type: none"> <li>• There must be an entry in first and last name fields. If only one name is provided, enter the name in the Last Name field. In the First Name field, enter “No Name Given”.</li> <li>• In entering the name, do not use hyphens; use a space instead.</li> <li>• Symbols or numerals cannot be used in place of a name expressed in alpha characters. If someone gives such a name, use the meaning of the symbol or the spelled out number.</li> <li>• Only enter the “In care of” information if it is different from the applicant’s name.</li> <li>• If the applicant provides both a residence address and a C/O address, enter the C/O address. Additionally, if both a PO Box and a physical address are listed, enter the PO Box address.</li> <li>• In entering in the address, type in the address and press &lt;Enter&gt; to move the cursor to the “Zip” field. When you type in the zip code and press &lt;Enter&gt;, the system will populate the “City” and “State” fields. If these fields are not correct and you have verified that the zip code was entered correctly, override the city and state by manually entering the information.</li> <li>• If the I-94# is incomplete, missing or illegible, enter it as a string of zeros.</li> <li>• If multiple statuses are listed, key the first one you see.</li> </ul>
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**Standards** (continued)

1.6	<p>In the “Application Type” section of the CLAIMS screen, enter the letter(s) checked off in “Part 2, Application Type” as appropriate:</p> <ul style="list-style-type: none"> <li>• <b>I am applying for:</b> Enter either “A,” “B” or “C” depending on the box checked by the applicant. Enter “C” if no box or multiple boxes are checked. If you entered “B,” complete the following field: <ul style="list-style-type: none"> <li>○ <b>The new status I am requesting is:</b> Enter the new status as noted by the applicant.</li> </ul> </li> <li>• <b>People included in this application:</b> Enter either “A” or “B” depending on the box checked by the applicant (or whether or not you found any co-applicants on the Supplement-1. If you found any co-applicants, enter “B”; otherwise, enter “A”).</li> </ul>
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**Standards** (continued)

1.7	<p>If the application is for more than one person, enter the number of people for whom the application is being filed in the “<b>Total number of people in this application</b>” field. Then press &lt;Enter&gt; twice to access the “Beneficiary Information” screen. Enter the following data from the I-539 Supplement -1 (page 4), and press &lt;F4&gt; to save the data.</p> <ul style="list-style-type: none"> <li>• Last name, first name, middle name</li> <li>• Date of birth</li> <li>• Country of birth</li> <li>• Social security number</li> <li>• A-number</li> <li>• Date of arrival</li> <li>• I-94 number (If the I-94 number is incomplete, missing or illegible, enter it as a string of zeros.)</li> <li>• Current status</li> <li>• Expiration of status date</li> </ul> <p><b>Keep in mind the following:</b></p> <ul style="list-style-type: none"> <li>• If the principal applicant has inadvertently listed him or herself on Supplement -1, do not re-enter his/her information.</li> </ul> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="text-align: center; padding: 5px;">IF...</th> <th style="text-align: center; padding: 5px;">THEN...</th> </tr> </thead> <tbody> <tr> <td style="text-align: center; padding: 5px;">The form lists additional beneficiaries</td> <td style="padding: 5px;">Press &lt;Insert&gt; once, complete the blank screen for the next beneficiary and press &lt;F4&gt;. Repeat as needed for other beneficiaries, and then &lt;Esc&gt;.</td> </tr> <tr> <td style="text-align: center; padding: 5px;">There is only one beneficiary listed on Supplement -1</td> <td style="text-align: center; padding: 5px;">Press &lt;Esc&gt;.</td> </tr> </tbody> </table>	IF...	THEN...	The form lists additional beneficiaries	Press <Insert> once, complete the blank screen for the next beneficiary and press <F4>. Repeat as needed for other beneficiaries, and then <Esc>.	There is only one beneficiary listed on Supplement -1	Press <Esc>.
IF...	THEN...						
The form lists additional beneficiaries	Press <Insert> once, complete the blank screen for the next beneficiary and press <F4>. Repeat as needed for other beneficiaries, and then <Esc>.						
There is only one beneficiary listed on Supplement -1	Press <Esc>.						

**Standards (continued)**

1.8	<p>If a G-28 was submitted, determine the validity of the G-28 by ensuring that the sections below are complete and refer to the table below to complete the “<b>G-28 attached?</b>” field.</p> <ul style="list-style-type: none"> <li>• 2<sup>nd</sup> Block – Applicant’s name</li> <li>• 3<sup>rd</sup> Block – Type of Appearance must be checked (Box 1, 2, 3 and 1, 3 and 2, OR 4 must be checked)</li> <li>• 3<sup>rd</sup> Block – The representative or attorney’s original signature (original facsimile stamp is acceptable)</li> <li>• 4<sup>th</sup> Block – Name and proper signature of person consenting</li> </ul> <table border="1" data-bbox="402 621 1214 831"> <thead> <tr> <th data-bbox="402 621 737 657">IF...</th> <th data-bbox="737 621 1214 657">THEN...</th> </tr> </thead> <tbody> <tr> <td data-bbox="402 657 737 762">No G-28 or an invalid G-28 was submitted</td> <td data-bbox="737 657 1214 762">Enter “N” in the field and continue processing, without entering the G-28 data.</td> </tr> <tr> <td data-bbox="402 762 737 831">A valid G-28 was submitted</td> <td data-bbox="737 762 1214 831">Enter “Y” in the field and continue processing.</td> </tr> </tbody> </table>	IF...	THEN...	No G-28 or an invalid G-28 was submitted	Enter “N” in the field and continue processing, without entering the G-28 data.	A valid G-28 was submitted	Enter “Y” in the field and continue processing.
IF...	THEN...						
No G-28 or an invalid G-28 was submitted	Enter “N” in the field and continue processing, without entering the G-28 data.						
A valid G-28 was submitted	Enter “Y” in the field and continue processing.						
1.9	<p>If a valid G-28 was submitted, complete the following fields in the “Information About the Attorney or Representative” sub-screen, and press &lt;F4&gt; to save the data.</p> <ul style="list-style-type: none"> <li>• <b>Name:</b> Enter the name (Last, First, Middle) from the 4<sup>th</sup> block of the G-28 with any titles (e.g., ESQ, SR, etc.) included in the last name field (after the last name).</li> <li>• <b>Firm’s name/VOLAG, if applicable:</b> Complete this field only if the entry is different from the attorney’s name. This may be found in the “Complete Address” block of the G-28.</li> <li>• <b>Address:</b> The first “Street” field is to be used for the entry, with any overflow entered in the second one. If both a PO Box and a physical address are listed, enter the PO Box address.</li> <li>• <b>Zip Code:</b> Verify the city and state after you enter the zip code.</li> <li>• <b>Type of Appearance:</b> <ul style="list-style-type: none"> <li>o If block 1 on the G-28 is checked, enter “A”</li> <li>o If block 2 is checked, enter “B”</li> <li>o If block 3 AND 1 or 3 AND 2 or 4 is checked, enter “C”</li> </ul> </li> </ul> <p><b>Keep in mind the following:</b> Do not populate the U.S. CIS Attorney #, ATTY State License #, or VOLAG # fields.</p>						

**Standards (continued)**

1.10	<p>Ensure that the remittance meets the requirements specified in the Fee Remittance SOP and check that the remittance guarantee amount is correct.</p> <p><b>Keep in mind the following:</b> For A’s and G’s, if you cannot determine if a fee is required, forward the file to U.S. CIS Review.</p> <table border="1" data-bbox="386 1793 1206 1827"> <thead> <tr> <th data-bbox="386 1793 797 1827">IF...</th> <th data-bbox="797 1793 1206 1827">THEN...</th> </tr> </thead> <tbody> <tr> <td data-bbox="386 1827 797 1827"> </td> <td data-bbox="797 1827 1206 1827"> </td> </tr> </tbody> </table>	IF...	THEN...		
IF...	THEN...				

An acceptable remittance was received OR the case is appropriately fee receipted elsewhere (FRE) OR a remittance is not required OR a fee waiver was submitted and approved by the U.S. CIS	Receipt the case.
An unsigned remittance was received and the remittance requires a signature (e.g., a money order is acceptable unsigned), OR a remittance was received, but the fee amount is incorrect	Annotate the processing worksheet, receipt the case and continue the review. After data entry, process as a system reject.
Only one payment is submitted for the I-539 and any concurrent files, and the fee payment is incorrect	Reject the I-539 and the concurrent filings. Annotate the processing worksheet, receipt the case and continue the review. After data entry, process as a system reject.
The fee for the I-539 is incorrect, but the fee for any concurrent filing is correct AND separate checks were submitted	Reject the I-539 and keep the concurrent filing. Annotate the processing worksheet, and receipt the case. After data entry, process as a system reject.
The fee for the I-539 is correct and the fee for any dependent filing is incorrect AND separate checks were submitted	Accept the I-539 and reject the dependent filing. Receipt the case. After data entry, process the dependent filing as a system reject.

**Standards (continued)**

1.10 Cont'd	The fee for the I-539 is incorrect and the fee for any dependent filing is correct AND separate checks were submitted	Reject the I-539 and the dependent filing. Annotate the processing worksheet, receipt the case and continue the review. After data entry, process as a system reject.
	There is no remittance, the case is not FRE, and there is no fee waiver request	Annotate the processing worksheet and continue the review. After data entry, process as a system reject.
	The remittance does not meet other Fee Remittance SOP acceptability criteria	Annotate the processing worksheet and continue the review. <b>Do not receipt the case.</b>

**Standards** (continued)

1.11	<p>If a remittance was received, type “A” in the “<b>Fee Info</b>” field in CLAIMS and press &lt;Enter&gt; to bring up the “Remittance Information” sub-screen. Complete the following fields:</p> <ul style="list-style-type: none"> <li>• <b>Signed?:</b> Enter “Y” if the remittance is signed or does not require a signature, otherwise, enter “N.”</li> <li>• <b>Type of remittance:</b> Enter one of these appropriate codes:            BC – Bank Check/Cashier’s Check/Draft/Traveler’s Check            CMO – Commercial Money Order            IMO – International Money Order            PC – Personal Check            PMO – Postal Money Order            TC – Treasury Check</li> <li>• <b>Amount received:</b> Enter the amount of the remittance, unless the amount received was incorrect. In that case, enter \$1.00. If multiple remittances were submitted, enter only the information for one remittance – any others will be entered separately.</li> <li>• <b>Remitter:</b> Enter the name from the remittance (Last, First, Middle). If an individual’s name is not on the remittance or is illegible, enter the applicant’s name from the application.</li> </ul> <p>Press &lt;F4&gt; to save the data and then select “Yes.” A summary window will open.</p> <table border="1" data-bbox="386 1003 1208 1213"> <thead> <tr> <th data-bbox="386 1003 799 1045">IF...</th> <th data-bbox="799 1003 1208 1045">THEN...</th> </tr> </thead> <tbody> <tr> <td data-bbox="386 1045 799 1178">There is an additional remittance</td> <td data-bbox="799 1045 1208 1178">Press &lt;Insert&gt; twice, enter the additional remittance, and press &lt;F4&gt;. When finished, press &lt;Esc&gt; at the summary.</td> </tr> <tr> <td data-bbox="386 1178 799 1213">There is only one remittance</td> <td data-bbox="799 1178 1208 1213">Press &lt;Esc&gt;.</td> </tr> </tbody> </table>	IF...	THEN...	There is an additional remittance	Press <Insert> twice, enter the additional remittance, and press <F4>. When finished, press <Esc> at the summary.	There is only one remittance	Press <Esc>.
IF...	THEN...						
There is an additional remittance	Press <Insert> twice, enter the additional remittance, and press <F4>. When finished, press <Esc> at the summary.						
There is only one remittance	Press <Esc>.						

**Standards** (continued)

1.12	<p>If the case is appropriately fee receipted elsewhere (FRE), in the “<b>Fee Info</b>” field in CLAIMS, type “B” (contact your supervisor for the code) and press &lt;Enter&gt;. Complete the following steps in the “Fee Collected Elsewhere” screen:</p> <ul style="list-style-type: none"> <li>• If there is an original fee receipt number from another office, enter that number and press &lt;F4&gt;. Otherwise, press &lt;F4&gt; to create a new receipt #, while saving the data.</li> <li>• Select “Yes” and press &lt;Enter&gt;.</li> <li>• Press &lt;Esc&gt;.</li> </ul>
1.13	<p>If a remittance is not required or a fee waiver was submitted and approved by the U.S. CIS, then in the “<b>Fee Info</b>” field in CLAIMS, type “D.” At the authorization screen that appears, contact your supervisor for the “release” code and press &lt;Enter&gt;. If the fee was submitted anyway, return it to the applicant.</p>

1.14	Review Part 5 of the I-539 to verify that the applicant has properly signed the application and complete the “ <b>Signature?</b> ” field according to the table below. <b>Keep in mind the following:</b> <ul style="list-style-type: none"> <li>• The application is not properly signed if the signature is not in Part 5.</li> <li>• All forms of original signature are acceptable, including an “X” or a thumbprint.</li> <li>• A typewritten name is not a signature.</li> </ul>		
	<b>IF...</b>	<b>THEN...</b>	
	The application is properly signed	Type “Y” over the default “N.”	
	The application is <b>NOT</b> properly signed	Press <Enter> twice or <Tab> once and annotate line #4 on the processing worksheet to show the deficiency.	

**Standards** (continued)

1.15	Make sure that there is an “N” in the “ <b>Concurrent With?</b> ” field and press <F4> to save. <b>Keep in mind the following:</b> CLAIMS will automatically assign the case a receipt number, RAFACS it to Data Entry and print labels. If the labels were not printed properly and you need to reprint them, press <Ctrl> + <F4>.
1.16	Press <Esc>. If you need to make changes, type “N” and enter changes as needed. Otherwise, type “Y.”
1.17	If no deficiencies were noted during review, remove the remittance(s) from the top page of the ROP and endorse the back of the remittance with the computer slip printer or write the information below on the upper-front portion of each. Then secure the fee. <ul style="list-style-type: none"> <li>• Receipt Number</li> <li>• Date of Receipting (not the Received Date)</li> <li>• Your Employee ID#</li> </ul>

1.18	<p>If no deficiencies were noted, affix the labels as follows, and annotate line #8 on the processing worksheet:</p> <ul style="list-style-type: none"> <li>• Affix a barcode label in the Receipt box on the front of the application.</li> <li>• Affix another barcode label to the back of the file jacket tab.</li> <li>• Affix another barcode label to the Receipt box on the front of the processing worksheet.</li> <li>• Affix a human readable label to the front of the file jacket tab.</li> <li>• Staple the remaining CLAIMS-printed labels inside the file.</li> <li>• Affix an I-539 SWIP FEE or W sticker two inches below the barcode on the back of the file tab.</li> </ul> <p><b>Keep in mind the following:</b></p> <ul style="list-style-type: none"> <li>• Be careful not to cover any U.S. CIS stamps or notations that may be in the Receipt box area.</li> <li>• Do not staple through barcode labels.</li> </ul>
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**Standards** (continued)

1.19	<p>Group the cases according to the table below and batch the files.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">IF...</th> <th style="text-align: center;">THEN...</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">The file is only deficient for reason of incorrect fee amount, unsigned or missing remittance, or unsigned/improperly signed application</td> <td style="text-align: center;">Refer it for secondary review, batch the file with other such cases and process as a system reject.</td> </tr> <tr> <td style="text-align: center;">The file is deficient for reason of a foreign residence</td> <td style="text-align: center;">Reject the case with a notice that the applicant must be a U.S. resident.</td> </tr> <tr> <td style="text-align: center;">The file is deficient for reason of any other fee problem, a missing name on the application or a missing or incomplete address on the application</td> <td style="text-align: center;">Batch the file with other deficient files and route them to U.S. CIS Review.</td> </tr> <tr> <td style="text-align: center;">Is for an A or a G and it cannot be determined if the fee is required</td> <td style="text-align: center;">Batch it with other such cases and route it to U.S. CIS Review.</td> </tr> <tr> <td style="text-align: center;">No deficiencies were noted and the application <u>is</u> for a COS to J-1 involving a 212e visa waiver</td> <td style="text-align: center;">Route the file for A-file creation or request.</td> </tr> </tbody> </table>	IF...	THEN...	The file is only deficient for reason of incorrect fee amount, unsigned or missing remittance, or unsigned/improperly signed application	Refer it for secondary review, batch the file with other such cases and process as a system reject.	The file is deficient for reason of a foreign residence	Reject the case with a notice that the applicant must be a U.S. resident.	The file is deficient for reason of any other fee problem, a missing name on the application or a missing or incomplete address on the application	Batch the file with other deficient files and route them to U.S. CIS Review.	Is for an A or a G and it cannot be determined if the fee is required	Batch it with other such cases and route it to U.S. CIS Review.	No deficiencies were noted and the application <u>is</u> for a COS to J-1 involving a 212e visa waiver	Route the file for A-file creation or request.
IF...	THEN...												
The file is only deficient for reason of incorrect fee amount, unsigned or missing remittance, or unsigned/improperly signed application	Refer it for secondary review, batch the file with other such cases and process as a system reject.												
The file is deficient for reason of a foreign residence	Reject the case with a notice that the applicant must be a U.S. resident.												
The file is deficient for reason of any other fee problem, a missing name on the application or a missing or incomplete address on the application	Batch the file with other deficient files and route them to U.S. CIS Review.												
Is for an A or a G and it cannot be determined if the fee is required	Batch it with other such cases and route it to U.S. CIS Review.												
No deficiencies were noted and the application <u>is</u> for a COS to J-1 involving a 212e visa waiver	Route the file for A-file creation or request.												

**Standards** (continued)

1.19 Cont'd	No deficiencies were noted and the application <u>is not</u> for COS to J-1 or does not involve the 212e visa waiver	Route the file appropriately. <b>Advice:</b> Route it to the File Room* for file maintenance and workload distribution.
	No deficiencies were noted	Group cases in the B classification together, group cases in the F and M classifications together, and then group all remaining cases according to the current requirements.
<p>*The <i>File Room</i> function is referred to by different names depending on the service center:</p> <ul style="list-style-type: none"> <li>• CSC- Just in Time 1/ Just in Time 2 (JIT 1/ JIT 2)</li> <li>• MSC and NSC- Work Distribution Unit (WDU)</li> <li>• TSC- Work Distribution Unit (WDU) and File Maintenance Unit (FMU)</li> <li>• VSC- File Coordination Unit (FCU)</li> </ul>		

## Part 2: Processing System Rejects

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**Description** A **system reject** is an application rejected for incorrect fee, unsigned or missing remittance, or unsigned or improperly signed application. These rejections are processed in CLAIMS.

**Requirement** Applications to be processed as system rejects must be processed in CLAIMS. This must take place after the reason(s) for rejection is verified by a secondary review. The processing worksheet must also be annotated to note that the secondary review was completed.

**Standards** Complete the standards below to process a system reject.

No.	Standards
2.1	Annotate line #9 on the processing worksheet that the secondary review has been completed.
2.2	Enter the data into CLAIMS from the I-539 as if it were an I-539 for receipting and press <F4> to save. A prompt stating the deficiency(ies) should appear, as well as a dialog box asking: "Reject this case?" Enter "Y."
2.3	The rejection letter and a barcode label will print, and the following dialog box will appear: "Print an address label?" Enter "Y."
2.4	Affix the barcode label to the application in the Receipt box and write an "R" or "X" on the receipt label, in accordance with local policy. Draw a line through the existing date-stamp on the application and through the fee amount if written on the application.
2.5	If applicable, cancel the bank endorsement stamp on the remittance.

2.6	Remove and discard the processing worksheet and any other internal U.S. CIS documentation (i.e. NIIS screen prints, etc.).
2.7	Retrieve the reject letter generated by CLAIMS and verify that it is correct. Remove the contents of the file from the folder, if necessary, and staple the reject letter to the front of the application.
2.8	If there is a dependent application with the I-539 application, follow manual reject procedures for it, <i>except</i> in the event that the riding application has a fee discrepancy, as this would be a system reject.
2.9	Place the file contents with the letter in an envelope. Affix one of the previously printed address labels to the envelope and follow outgoing mail procedures.

## Part 3: Processing Manual Rejects

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**Description**      A **manual reject** is an application rejected for reasons other than incorrect fee amount, unsigned or missing remittance, or unsigned application.

**Requirement**      A manual reject notice must be processed for reasons other than fee and/or signature deficiencies.

**Standards**      Complete the standards below to process a manual reject.

No.	Standards
3.1	Using the reason(s) indicated on the I-539 processing worksheet, prepare an appropriate manual reject notice.
3.2	If applicable, cancel the bank endorsement stamp on the remittance.
3.3	Remove and discard the processing worksheet and any other internal U.S. CIS documentation (i.e. NIIS screen prints, etc.).
3.4	Remove the contents of the file from the folder, if necessary, and staple the manual reject letter to the front of the application.
3.5	Place the file contents with the letter in an envelope and follow outgoing mail procedures.

## SECTION 3: U.S. CIS REVIEW MODULE

**I-539 National  
SOP  
Introduction**

This Standard Operating Procedure (SOP) has been created for the purpose of standardizing operational policies and procedures between all service centers in the processing of the I-539, Application to Extend/Change Nonimmigrant Status. This SOP is in response to the processing differences that have developed at the service centers over time. To support the goal of standardizing procedures, this SOP seeks to improve the production efficiencies through the application of best practices from all service centers. While it is acknowledged that the centers may have different demands and physical layouts, a standard process will assist in ensuring that our customers receive consistent processing regardless of jurisdiction.

This SOP has been developed as a modular document. The modules (listed below) are stand-alone documents that can be used individually as training and daily reference documents. Each module describes a stage in the processing of an I-539 application. Below is a brief description of each module:

- **Mailroom-** The process by which the service center receives I-539 applications, reviews them for acceptability and assembles them for data entry.
- **Data Entry-** The process by where fees are receipted and case information is keyed into CLAIMS.
- **U.S. CIS Review-** The process by which U.S. CIS verifies all reasons for rejection cited by the contractor.
- **A-files-** The process by which CIS is searched, multiple A #s or A #s with violations are resolved, and A-files are either created or requested.
- **File Room-** The process by which files are sorted and staged. Workload Distribution is the process of staging, routing and distributing files.
- **Adjudications-** The process by which an application is examined for determination of whether the application is approvable or deniable.
- **Post-Adjudications-**The procedure to be followed after an officer makes a determination on an I-539 case.

Recommendations for changes to this document should be sent to the Headquarters Office of Service Center Operations (HQSCO).

**Important:** This SOP is not intended to be, and should not be taken as, an authoritative statement of the rules of decision for Form I-539 visa application cases. This SOP is a guide for the consistent processing of Form I-539 visa application cases. The Service bases the actual decision in a particular case on the record of that particular case and on the Act, regulations, precedent administrative and judicial decisions, and general statements of Service policy relating to the case. Thus, nothing in this SOP creates any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

**I-539 Table of  
Contents**

The following is a table of contents, which serves as a guide for all of the modules of the I-539 SOP. Each module contains its own table of contents that will help to guide through the individual sections of the SOP.

Table of Contents: I-539 National SOP	Page
Section 1: Mailroom Module	1-1

Section 2: Data Entry Module	2-1
Section 3: U.S. CIS Review Module	3-1
Section 4: A-files Module	4-1
Section 5: File Room Module	5-1
Section 6: Adjudications Module	6-1
Section 7: Post-Adjudications Module	7-1
Section 8: Glossary	8-1

**Note:** This SOP establishes the required minimum standard for the operational procedures that all service centers should follow. However, this does not invalidate all local requirements and procedures. Local procedures that do not conflict with this SOP (i.e., procedures that are above and beyond the SOP) may still be required, as determined by management at each service center. Additionally, recommendations or advice in this SOP may become requirements at the service center at the discretion of each center's management.

**Introduction** After the Mailroom or Data Entry personnel have reviewed the I-539 for acceptability, U.S. CIS must verify reasons for rejection cited by the Mailroom or Data Entry personnel for preparation of the reject notice and for review of the fee waiver requests. This stage in the process is referred to as U.S. CIS Review.

**U.S. CIS Personnel** The selection of the U.S. CIS personnel that will be assigned to U.S. CIS Review will be the responsibility of Management at each service center. Keep in mind that U.S. CIS Review does not necessarily have to be completed by an officer.

Section 3: Table of Contents	Page
Part 1: Reviewing the Reject Criteria	3-4
Part 1a: Reviewing for Fee Remittance	3-5
Part 1b: Reviewing for Application Completeness	3-6
Part 1c: U.S. CIS Review Processing	3-7
Part 2: Reviewing the Fee Waiver Request	3-8

## **Part 1: Reviewing the Reject Criteria**

**When to Perform** After the Mailroom or Data Entry personnel have reviewed the I-539 for acceptability, U.S. CIS must verify those reasons for rejection cited by the Mailroom or Data Entry personnel for preparation of the reject notice, with the exception of reasons involving a remittance that is missing, unsigned, or for the wrong amount, or involving an improperly signed application.

**Procedure** To review the application for reject criteria, perform the following steps.

Step	Action: U.S. CIS						
1.1	Annotate the “U.S. CIS Review Time/Date Start” on the bottom of the processing worksheet.						
1.2	Identify the reason(s) for rejection annotated by the Mailroom or Data Entry personnel on the processing worksheet and verify that the reason(s) is valid. <table border="1" data-bbox="386 520 1205 638"> <tr> <td><b>IF a reason is based on...</b></td> <td><b>THEN...</b></td> </tr> <tr> <td>Fee Remittance</td> <td>Go to Part 1a.</td> </tr> <tr> <td>Application Completeness</td> <td>Go to Part 1b.</td> </tr> </table>	<b>IF a reason is based on...</b>	<b>THEN...</b>	Fee Remittance	Go to Part 1a.	Application Completeness	Go to Part 1b.
<b>IF a reason is based on...</b>	<b>THEN...</b>						
Fee Remittance	Go to Part 1a.						
Application Completeness	Go to Part 1b.						

- Reminders**
- Check to see if the case requires priority processing or special handling.
  - Cases riding together should remain together.
  - Multiple filings for the same applicant should remain together.

## **Part 1a: Reviewing for Fee Remittance**

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**Review for Correct Fee** In Reviewing for Fee Remittance, you will be checking any remittance rejected for reasons other than because the remittance was missing, unsigned or for the wrong amount.

**Procedure** If the Mailroom or Data Entry personnel have identified the application as having the incorrect fee for reason other than that it is missing, unsigned, or the amount is incorrect, U.S. CIS must review the application to determine whether it should be rejected. Please refer to your Fee Remittance SOP for guidelines.

Step	Action: U.S. CIS						
1a.1	Ensure that all applicable fees or evidence of the fee payment are present, amount is correct and remittance meets acceptability criteria. <p><b>Note:</b> A-1, A-2, G-1, G-2, G-3, and G-4 nonimmigrants and missionaries of charity cases are not required to pay a fee with the I-539 application.</p> <table border="1" data-bbox="386 1663 1179 1898"> <tr> <td><b>IF...</b></td> <td></td> </tr> <tr> <td>A fee waiver was submitted</td> <td></td> </tr> <tr> <td>The remittance does not otherwise meet acceptability criteria as established by the Fee Remittance SOP</td> <td></td> </tr> </table>	<b>IF...</b>		A fee waiver was submitted		The remittance does not otherwise meet acceptability criteria as established by the Fee Remittance SOP	
<b>IF...</b>							
A fee waiver was submitted							
The remittance does not otherwise meet acceptability criteria as established by the Fee Remittance SOP							

1a.2	Proceed appropriately.						
	<table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>Refer to the appropriate section of this module to continue the U.S. CIS Review.</td> <td></td> </tr> <tr> <td>Go to Part 1c.</td> <td></td> </tr> </tbody> </table>	IF...	THEN...	Refer to the appropriate section of this module to continue the U.S. CIS Review.		Go to Part 1c.	
IF...	THEN...						
Refer to the appropriate section of this module to continue the U.S. CIS Review.							
Go to Part 1c.							

## **Part 1b: Reviewing for Application Completeness**

**Review for Application Completeness**      In order to be granted the requested change, extension or initial status, an applicant must provide certain essential information, such as his or her name and complete address.

**Procedure**      Review the completeness of the I-539 application by completing the following steps.

Step	Action: U.S. CIS						
1b.1	Review Part 1 of the I-539 for the presence of the applicant's name and complete address.						
	<table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>The name and/or address are blank or the address is missing information, but this can be determined from additional evidence submitted</td> <td>Accept the filing and annotate the processing worksheet. Notate the application with the correct information. Go to step 1b.2.</td> </tr> <tr> <td>The name and/or address are blank or the address is missing information, this cannot be determined from supporting documentation, and other available means of finding the information have been exhausted</td> <td>Follow the procedures for receipting and holding applications for persons with unknown identity.</td> </tr> </tbody> </table>	IF...	THEN...	The name and/or address are blank or the address is missing information, but this can be determined from additional evidence submitted	Accept the filing and annotate the processing worksheet. Notate the application with the correct information. Go to step 1b.2.	The name and/or address are blank or the address is missing information, this cannot be determined from supporting documentation, and other available means of finding the information have been exhausted	Follow the procedures for receipting and holding applications for persons with unknown identity.
IF...	THEN...						
The name and/or address are blank or the address is missing information, but this can be determined from additional evidence submitted	Accept the filing and annotate the processing worksheet. Notate the application with the correct information. Go to step 1b.2.						
The name and/or address are blank or the address is missing information, this cannot be determined from supporting documentation, and other available means of finding the information have been exhausted	Follow the procedures for receipting and holding applications for persons with unknown identity.						
1b.2	Proceed appropriately.						
	<table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>Another reject criterion was identified or a fee waiver request was submitted</td> <td></td> </tr> </tbody> </table>	IF...	THEN...	Another reject criterion was identified or a fee waiver request was submitted			
IF...	THEN...						
Another reject criterion was identified or a fee waiver request was submitted							

	You have finished reviewing for reject criteria and a fee waiver request was not submitted
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## Part 1c: U.S. CIS Review Processing

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**When to Perform** After the reasons for rejection have been reviewed and verified, annotate the processing worksheet and route the case appropriately.

**Procedure** To process the U.S. CIS Review determination, follow the steps below.

Step	Action								
1c.1	Annotate the processing worksheet according to the table below. <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>The Mailroom or Data Entry personnel correctly identified a reject criterion</td> <td>Initial and date the notation on the processing worksheet.</td> </tr> <tr> <td>The Mailroom or Data Entry personnel incorrectly identified a reject criterion and the case is acceptable</td> <td>Modify, initial, and date the notation on the processing worksheet.</td> </tr> <tr> <td>The Mailroom or Data Entry personnel incorrectly identified a reject criterion, but other reject criteria are correctly identified</td> <td>Modify, initial, and date the notation for the incorrect criterion on the processing worksheet, and then initial and date the correct criteria.</td> </tr> </tbody> </table>	IF...	THEN...	The Mailroom or Data Entry personnel correctly identified a reject criterion	Initial and date the notation on the processing worksheet.	The Mailroom or Data Entry personnel incorrectly identified a reject criterion and the case is acceptable	Modify, initial, and date the notation on the processing worksheet.	The Mailroom or Data Entry personnel incorrectly identified a reject criterion, but other reject criteria are correctly identified	Modify, initial, and date the notation for the incorrect criterion on the processing worksheet, and then initial and date the correct criteria.
IF...	THEN...								
The Mailroom or Data Entry personnel correctly identified a reject criterion	Initial and date the notation on the processing worksheet.								
The Mailroom or Data Entry personnel incorrectly identified a reject criterion and the case is acceptable	Modify, initial, and date the notation on the processing worksheet.								
The Mailroom or Data Entry personnel incorrectly identified a reject criterion, but other reject criteria are correctly identified	Modify, initial, and date the notation for the incorrect criterion on the processing worksheet, and then initial and date the correct criteria.								
1c.2	Annotate the "U.S. CIS Review Time/Date Finish" on the bottom of the processing worksheet.								
1c.3	Route the file appropriately. <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>The case is acceptable</td> <td>Return the file for continued processing.</td> </tr> <tr> <td>The case is unacceptable for any other reason</td> <td>Route the file for production of a reject notice.</td> </tr> </tbody> </table>	IF...	THEN...	The case is acceptable	Return the file for continued processing.	The case is unacceptable for any other reason	Route the file for production of a reject notice.		
IF...	THEN...								
The case is acceptable	Return the file for continued processing.								
The case is unacceptable for any other reason	Route the file for production of a reject notice.								

## Part 2: Reviewing the Fee Waiver Request

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**When to Perform**

Some applicants, such as missionaries of charity cases, may submit a fee waiver request with their I-539 applications. To request a fee waiver, an applicant must file his or her affidavit, or unsworn declaration made pursuant to 28 U.S.C. 1746, asking for permission to prosecute without payment of fee of the application, and stating his or her belief that he or she is entitled to or deserving of the benefit requested and the reasons for his or her inability to pay [8 CFR 103.7(c)(1)]. When a fee waiver request is received in either the Mailroom or Data Entry, the file will be forwarded to U.S. CIS Review to review the request for acceptability.

**Procedure**

Follow the steps below to review a fee waiver request.

Step	Action						
2.1	Review the applicant's affidavit or unsworn declaration as per Headquarters' directives.						
2.2	Review any additional evidence that the applicant may have submitted for consideration, such as financial evidence.						
2.3	Determine whether or not the fee waiver request is valid. <table border="1"><thead><tr><th>IF the request is...</th><th>THEN...</th></tr></thead><tbody><tr><td>Valid</td><td>Annotate the request at the top to indicate that it was approved. Issue a fee waiver approval notice and place a copy in the file.</td></tr><tr><td>Invalid</td><td>Notate the application at the top to indicate fee waiver denied, send a letter to the applicant to let him or her know that the fee waiver request was denied (to include the reasons for denial and a note to resubmit with the correct fee) and place a copy in the file.</td></tr></tbody></table>	IF the request is...	THEN...	Valid	Annotate the request at the top to indicate that it was approved. Issue a fee waiver approval notice and place a copy in the file.	Invalid	Notate the application at the top to indicate fee waiver denied, send a letter to the applicant to let him or her know that the fee waiver request was denied (to include the reasons for denial and a note to resubmit with the correct fee) and place a copy in the file.
IF the request is...	THEN...						
Valid	Annotate the request at the top to indicate that it was approved. Issue a fee waiver approval notice and place a copy in the file.						
Invalid	Notate the application at the top to indicate fee waiver denied, send a letter to the applicant to let him or her know that the fee waiver request was denied (to include the reasons for denial and a note to resubmit with the correct fee) and place a copy in the file.						
2.4	Annotate the processing worksheet to show whether the fee waiver request was or was not approved. Also, annotate the "U.S. CIS Review Time/Date Finish" on the bottom of the processing worksheet.						
2.5	Collect the fee waiver request data for the monthly "Fee Waiver Report" to Headquarters.						
2.6	If the request is valid, return the file for continued processing. If the request is invalid, return the file to be rejected for fee deficiency reject						

**SECTION 4: A-FILES**

## **I-539 National SOP Introduction**

This Standard Operating Procedure (SOP) has been created for the purpose of standardizing operational policies and procedures between all service centers in the processing of the I-539, Application to Extend/Change Nonimmigrant Status. This SOP is in response to the processing differences that have developed at the service centers over time. To support the goal of standardizing procedures, this SOP seeks to improve the production efficiencies through the application of best practices from all service centers. While it is acknowledged that the centers may have different demands and physical layouts, a standard process will assist in ensuring that our customers receive consistent processing regardless of jurisdiction.

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- **Mailroom-** The process by which the service center receives I-539 applications, reviews them for acceptability and assembles them for data entry.
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- **File Room-** The process by which files are sorted and staged. Workload Distribution is the process of staging, routing and distributing files.
- **Adjudications-** The process by which an application is examined for determination of whether the application is approvable or deniable.
- **Post-Adjudications-** The procedure to be followed after an officer makes a determination on an I-539 case.

Recommendations for changes to this document should be sent to the Headquarters Office of Service Center Operations (HQSCO).

**Important:** This SOP is not intended to be, and should not be taken as, an authoritative statement of the rules of decision for Form I-539 visa application cases. This SOP is a guide for the consistent processing of Form I-539 visa application cases. The Service bases the actual decision in a particular case on the record of that particular case and on the Act, regulations, precedent administrative and judicial decisions, and general statements of Service policy relating to the case. Thus, nothing in this SOP creates any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

## **I-539 Table of Contents**

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Section 1: Mailroom Module	1-1
Section 2: Data Entry Module	2-1
Section 3: U.S. CIS Review Module	3-1
Section 4: A-files Module	4-1
Section 5: File Room Module	5-1
Section 6: Adjudications Module	6-1
Section 7: Post-Adjudications Module	7-1
Section 8: Glossary	8-1

**Note:** This SOP establishes the required minimum standard for the operational procedures that all service centers should follow. However, this does not invalidate all local requirements and procedures. Local procedures that do not conflict with this SOP (i.e., procedures that are above and beyond the SOP) may still be required, as determined by management at each service center. Additionally, recommendations or advice in this SOP may become requirements at the service center at the discretion of each center's management.

**Introduction** Files for applicants requesting a change to J-1\* that are accompanied with Form DS-2019, Certificate of Eligibility for Exchange Visitor Status, and involve the 212e visa waiver, are to be assigned an Alien Registration Number (A-number). The A-number consists of an "A" followed by 8 digits, for example, A99333888. The A-number is used to create a record for the applicant in the Central Index System (CIS) in National Systems. This A-number follows the applicant throughout his or her dealings with the Immigration Service, and is attached to his or her immigration documentation.

**Missouri Service Center Exception** A 300-million A-number is also assigned to applicants for a change/extension within the V classification. However, A-numbers are assigned at the Chicago Lockbox. If not done during initial processing, the request for an A-number will need to go through the MSC COTR. See "Awaiting 300-million A-number from the Lockbox" in the File Room Module for information on staging these files.

Section 4: Table of Contents	Page
Part 1: Conducting CIS Checks & Creating an A-file	4-4
Part 2: U.S. CIS Review of A-Numbers	4-8
Part 3: Performing File Requests	4-9
Part 4: Consolidating Files	4-12

## **Part 1: Conducting CIS Checks & Creating an A-file**

<b>Description</b>	A CIS search is completed to determine if the J-1 applicant has previously been assigned an A-number, if he/she has identified the correct A-number, or to identify whether he/she has been assigned more than one A-number.
<b>Definition of a CIS Search</b>	<p>There are several standard ways to check for A-numbers using CIS:</p> <ul style="list-style-type: none"> <li>• 9106 or 9102 Sounds-Like Names Search</li> <li>• 9103 Exact Name Search</li> <li>• 9101 ID Search</li> <li>• 9104 Alias Name Search</li> </ul> <p>If the search(es) is successful in locating a previous A-number(s), the clerk will need to compare the name, including aliases and the date of birth, with the information provided by the applicant on the I-539. If everything matches, the A-number can be used. If the match is close, but the clerk is not sure, the file should be routed to U.S. CIS Review for further review. If a match is not found, the applicant will be assigned an A-number.</p>
<b>Multiple A-numbers</b>	When more than one A-number matches the applicant's information exactly, printouts should be made and the I-539 and concurrently filed applications/petitions should be forwarded to U.S. CIS Review. The multiple A-numbers should be annotated on the processing worksheet. U.S. CIS Review will reconcile the problem and return the filing, indicating the A-number to be used.
<b>Invalid Series</b>	<p>The following A-number series should not be used:</p> <ul style="list-style-type: none"> <li>• 90-93 Million</li> <li>• 80-89 Million</li> <li>• 100 Million</li> </ul>
<b>Requirements</b>	A CIS search is required on all I-539 applications to determine if the applicant has previously been assigned an A-number and/or validate his/her alleged number. If only one matching A-number is found without any violations (e.g., NAILS, FBI, DACS, VIOL, etc.) noted in the "Other Info" section of the printout, the A-file must be requested. Any questionable matches, matches with violations, or multiple A-number matches must be routed to U.S. CIS Review. On the other hand, if no matching A-number was found, an A-file must be created.
<b>Standards</b>	Complete the standards below to meet the requirements above.

No.	Standard
-----	----------

1.1	If the file was moved, RAFACS it to your location.												
1.2	Access CIS. <b>Advice:</b> Select “National Systems” and type your User ID and Password at the “Televue” menu. Type the number that corresponds to CIS on the command line and press <Enter>.												
1.3	For each of the searches described in this set of standards, complete the actions in the following table: <table border="1" style="margin-left: 40px;"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>A matching record is found and there are no discrepancies</td> <td>Make a screen print of the results.</td> </tr> <tr> <td>A record is found and there is a discrepancy</td> <td>Make a screen print of the results and highlight the discrepancy.</td> </tr> <tr> <td>The search cannot be completed within 10 minutes and you determine that it would be too time consuming</td> <td>Stop the search. Make a screen print showing that the search was terminated after 10 minutes and write your ID # and date on it.</td> </tr> <tr> <td>You searched up to 2,000 names and none of the names appears to be the applicant's/beneficiary's</td> <td>Make a screen print showing that the search was stopped after 2,000 names and write your ID # and date on it.</td> </tr> <tr> <td>No record is found</td> <td>Continue processing.</td> </tr> </tbody> </table>	IF...	THEN...	A matching record is found and there are no discrepancies	Make a screen print of the results.	A record is found and there is a discrepancy	Make a screen print of the results and highlight the discrepancy.	The search cannot be completed within 10 minutes and you determine that it would be too time consuming	Stop the search. Make a screen print showing that the search was terminated after 10 minutes and write your ID # and date on it.	You searched up to 2,000 names and none of the names appears to be the applicant's/beneficiary's	Make a screen print showing that the search was stopped after 2,000 names and write your ID # and date on it.	No record is found	Continue processing.
IF...	THEN...												
A matching record is found and there are no discrepancies	Make a screen print of the results.												
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The search cannot be completed within 10 minutes and you determine that it would be too time consuming	Stop the search. Make a screen print showing that the search was terminated after 10 minutes and write your ID # and date on it.												
You searched up to 2,000 names and none of the names appears to be the applicant's/beneficiary's	Make a screen print showing that the search was stopped after 2,000 names and write your ID # and date on it.												
No record is found	Continue processing.												

**Standards** (continued)

1.4	If an A-number was provided on the application, search that A-number. <b>Advice:</b> Type “9101” at the “Command” prompt to perform an ID # Search. Enter the A-number without any spaces or dashes, preceded with an “A,” and then press <Enter>.
1.5	Perform an “Exact Name” search. <b>Advice:</b> Return to the main screen by pressing <Home>, type “9103” at the “Command” prompt to perform an “Exact Name Search” and press <Enter>. Enter the applicant’s last name, first name and date of birth, and then press <Enter>.
1.6	Perform a “Sounds Like” search. <b>Advice:</b> Return to the main screen by pressing <Home>, type “9106” at the “Command” prompt to perform a “Sounds Like” Search and press <Enter>. Enter the applicant’s name and date of birth with a one-year range, and then press <Enter>.

1.7	<p>Perform an “Alias (AKA) Name” search.</p> <p><b>Advice:</b> Return to the main screen by pressing &lt;Home&gt;, and type “9104” at the “Command” prompt to perform an Alias (AKA) Name Search and press &lt;Enter&gt;. Enter the applicant’s name and date of birth, and then press &lt;Enter&gt;.</p>								
1.8	<p>When the initial CIS searches are complete, annotate the processing worksheet and, if necessary, route the file according to the chart below.</p> <table border="1" data-bbox="386 495 1200 848"> <thead> <tr> <th data-bbox="386 495 737 533">IF...</th> <th data-bbox="745 495 1200 533">THEN...</th> </tr> </thead> <tbody> <tr> <td data-bbox="386 533 737 638">Only one match was found without any discrepancies</td> <td data-bbox="745 533 1200 638">Circle “Verified in CIS” on the processing worksheet and write your ID # and the date.</td> </tr> <tr> <td data-bbox="386 638 737 743">Multiple matches or a match with a discrepancy was found</td> <td data-bbox="745 638 1200 743">Circle “Route to U.S. CIS Review” on the processing worksheet and route the file to U.S. CIS Review.</td> </tr> <tr> <td data-bbox="386 743 737 848">No record was found</td> <td data-bbox="745 743 1200 848">Circle “NCIS” on the processing worksheet and write your ID # and the date.</td> </tr> </tbody> </table>	IF...	THEN...	Only one match was found without any discrepancies	Circle “Verified in CIS” on the processing worksheet and write your ID # and the date.	Multiple matches or a match with a discrepancy was found	Circle “Route to U.S. CIS Review” on the processing worksheet and route the file to U.S. CIS Review.	No record was found	Circle “NCIS” on the processing worksheet and write your ID # and the date.
IF...	THEN...								
Only one match was found without any discrepancies	Circle “Verified in CIS” on the processing worksheet and write your ID # and the date.								
Multiple matches or a match with a discrepancy was found	Circle “Route to U.S. CIS Review” on the processing worksheet and route the file to U.S. CIS Review.								
No record was found	Circle “NCIS” on the processing worksheet and write your ID # and the date.								

**Standards** (continued)

1.9	<p>If no record was found, verify that the A-number to be assigned has not been issued to another applicant and create a new A-file. If it has been issued, use the next available A-number instead. Only the DS-2019 will be placed in the A-file; the I-539 should remain in a receipt jacket.</p> <p><b>Advice:</b> To verify the A-number, return to the main screen by pressing &lt;Home&gt;, type in the A-number and press &lt;Enter&gt;. When creating a new A-file, access CIS, select “9301”, enter the applicant’s information, as found on the I-539, and save the entry.</p>						
1.10	<ul style="list-style-type: none"> <li>Annotate the appropriate A-number on the I-539, on any concurrently filed forms if applicable, and on the processing worksheet.</li> </ul>						
1.11	<p>Update CLAIMS with the A-number. If an A-number is already entered, verify that it is correct and make any necessary changes.</p>						
1.12	<p>Continue processing.</p> <p><b>Advice:</b> Follow the table below and proceed appropriately.</p> <table border="1" data-bbox="386 1680 1200 1879"> <thead> <tr> <th data-bbox="386 1680 786 1717">IF...</th> <th data-bbox="794 1680 1200 1717">THEN...</th> </tr> </thead> <tbody> <tr> <td data-bbox="386 1717 786 1812">Only one match was found without any discrepancies</td> <td data-bbox="794 1717 1200 1812">Create a T-file and then request the A-file (see Part 3 of this module).</td> </tr> <tr> <td data-bbox="386 1812 786 1879">The A-file has been created and updated</td> <td data-bbox="794 1812 1200 1879">Route the file to the File Room to be staged for adjudication.</td> </tr> </tbody> </table>	IF...	THEN...	Only one match was found without any discrepancies	Create a T-file and then request the A-file (see Part 3 of this module).	The A-file has been created and updated	Route the file to the File Room to be staged for adjudication.
IF...	THEN...						
Only one match was found without any discrepancies	Create a T-file and then request the A-file (see Part 3 of this module).						
The A-file has been created and updated	Route the file to the File Room to be staged for adjudication.						

## Part 2: U.S. CIS Review of A-Numbers

---

**Description** U.S. CIS Review will review all of the multiple A-numbers or discrepant A-numbers identified during the CIS check. These A-numbers will include the applicant's primary A-number (if any), any additional A-numbers, any data discrepancies, as well as any receipt files. U.S. CIS Review will determine which files to request for file consolidation and will circle and initial the correct A-number on the processing worksheet and indicate which additional A-numbers (if any) relate. (Notations on the processing worksheet should be made in the space provided for multiple A-numbers.) After U.S. CIS Review, files should resume normal processing.

## Part 3: Performing File Requests

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**Description** File requests are requests for all receipt files and A-files related to the I-539 applicant, so that they can later be consolidated. If necessary, files to be requested will be identified during the CIS checks or by U.S. CIS Review and annotated in list form (both file number and location) on the I-539 processing worksheet. These files may be located internally at the Service Center or externally at another U.S. CIS office or at the Harrisonburg storage facility.

**Requirements** Once files to be requested are identified during the CIS checks or by U.S. CIS Review, the type of request must be determined and requests must be made for all receipt folders and A-files related to the I-539 applicant. These requirements must be completed after the CIS checks (and U.S. CIS Review, if necessary), as the files must be identified.

**Keep in mind the following:** Expedited requests will be handled on a case-by-case basis. If you encounter a file that requires an expedited visa petition request (i.e., an age-out) please see your supervisor and follow local expedite procedures.

**Standards** Complete the standards below to meet the requirements above.

No.	Standard								
2.1	Check the I-539 processing worksheet to determine the location of the file. <table border="1"><thead><tr><th>IF the screener noted...</th><th>THEN...</th></tr></thead><tbody><tr><td>Service Center</td><td>Follow the Internal Request Standards.</td></tr><tr><td>Other U.S. CIS office</td><td>Follow the External Request Standards.</td></tr><tr><td>Harrisonburg (HBG)</td><td>Follow the Harrisonburg Request Standards.</td></tr></tbody></table>	IF the screener noted...	THEN...	Service Center	Follow the Internal Request Standards.	Other U.S. CIS office	Follow the External Request Standards.	Harrisonburg (HBG)	Follow the Harrisonburg Request Standards.
IF the screener noted...	THEN...								
Service Center	Follow the Internal Request Standards.								
Other U.S. CIS office	Follow the External Request Standards.								
Harrisonburg (HBG)	Follow the Harrisonburg Request Standards.								

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**Internal Request Standards**

Complete the standards below to retrieve a receipt file or A/T-file located with the Service Center.

No.	Standard
2.1a	Query RAFACS to determine the location of the file within the center.
2.2a	Retrieve the receipt file or A/T-file from its location within the Center.
2.3a	RAFACS the file to your responsible party code.
2.4a	Consolidate the file. <b>Advice:</b> Refer to the consolidation standards in Part 4 of this module.
2.5a	RAFACS the file and route it appropriately. <b>Advice:</b> Route the A/T-File to the appropriate staging shelf.

**External Request Standards**

Complete the standards below to perform an external request from another U.S. CIS facility.

No.	Standard
2.1b	Access CIS. <b>Advice:</b> Select "National Systems" and type your User ID and Password at the "Teleview" menu. Type the number that corresponds to CIS on the command line and press <Enter>.
2.2b	Enter the A-number being requested. <b>Advice:</b> Type "9501" at the "Command" prompt, type "01" in the "Select Transaction Number" field, and type the A-number you are requesting.

**External Request Standards (continued)**

2.3b	Complete the required fields when the FTR screen is displayed, including the designation "I-539" somewhere in the person/action field.		
2.4b	Verify the data you entered when the FTR screen is redisplayed. <table border="1" style="width: 100%; margin-top: 5px;"> <tr> <td style="width: 35%;"><b>IF the data is...</b></td> <td style="width: 65%;"><b>THEN...</b></td> </tr> </table>	<b>IF the data is...</b>	<b>THEN...</b>
<b>IF the data is...</b>	<b>THEN...</b>		

	<table border="1"> <tr> <td>Accurate</td> <td>Press &lt;Enter&gt; to complete the request.</td> </tr> <tr> <td>Inaccurate</td> <td>Press &lt;F3&gt; to cancel the request, repeat the entry of the A-number and the data in the FTR screen, as well as the verification until the request is complete.</td> </tr> </table>	Accurate	Press <Enter> to complete the request.	Inaccurate	Press <F3> to cancel the request, repeat the entry of the A-number and the data in the FTR screen, as well as the verification until the request is complete.
Accurate	Press <Enter> to complete the request.				
Inaccurate	Press <F3> to cancel the request, repeat the entry of the A-number and the data in the FTR screen, as well as the verification until the request is complete.				
2.5b	Annotate the processing worksheet to show that the request has been made.				
2.6b	RAFACS the file and route it appropriately. <b>Advice:</b> Route the file to the file room.				

**Harrisonburg Request Standards** Complete the standards below to perform a request for the underlying approved visa petition when it is located at the Harrisonburg facility.

No.	Standard
2.1c	Complete a Harrisonburg Request Form by filling in the following blanks: <ul style="list-style-type: none"> <li>• Receipt number</li> <li>• Beneficiary's name</li> <li>• Date of the request</li> <li>• A-number</li> </ul>
2.2c	Fax the request to Harrisonburg.
2.3c	RAFACS the file and route it appropriately. <b>Advice:</b> Route the A/T-File to the appropriate staging shelf to wait for the file.

## Part 4: Consolidating Files

---

**Description** As requested files are received, they are consolidated or matched with their related A-File or T-File.

**Requirement** Receipted files must be electronically consolidated into or matched with their A/T files.

**Standards** Complete the standards below to meet the requirement above.

No.	Standard
3.1	Obtain all related A-files, T-files and/or receipt files and RAFACS the files into the Responsible Party Code for this function.

3.2	Type "FMCN" at the Transaction Identifier Screen and press <Enter>.
3.3	Wand the barcode of the A- or T-file. The following screen will appear: <ul style="list-style-type: none"><li>• Entry Section: File Maintenance</li><li>• Transaction: Consolidation</li><li>• Survivor A-Number:</li></ul>
3.4	Wand the barcode of the A/T-file and the receipt number(s) and press <F7>.
3.5	Place the contents of the files to be consolidated in ROP order and fasten them into the file.

## **SECTION 5: FILE ROOM MODULE**

**I-539 National  
SOP  
Introduction**

This Standard Operating Procedure (SOP) has been created for the purpose of standardizing operational policies and procedures between all service centers in the processing of the I-539, Application to Extend/Change Nonimmigrant Status. This SOP is in response to the processing differences that have developed at the service centers over time. To support the goal of standardizing procedures, this SOP seeks to improve the production efficiencies through the application of best practices from all service centers. While it is acknowledged that the centers may have different demands and physical layouts, a standard process will assist in ensuring that our customers receive consistent processing regardless of jurisdiction.

This SOP has been developed as a modular document. The modules (listed below) are stand-alone documents that can be used individually as training and daily reference documents. Each module describes a stage in the processing of an I-539 application. Below is a brief description of each module:

- **Mailroom-** The process by which the service center receives I-539 applications, reviews them for acceptability and assembles them for data entry.
- **Data Entry-** The process by where fees are receipted and case information is keyed into CLAIMS.
- **U.S. CIS Review-** The process by which U.S. CIS verifies all reasons for rejection cited by the contractor.
- **A-files-** The process by which CIS is searched, multiple A #s or A #s with violations are resolved, and A-files are either created or requested.
- **File Room-** The process by which files are sorted and staged. Workload Distribution is the process of staging, routing and distributing files.
- **Adjudications-** The process by which an application is examined for determination of whether the application is approvable or deniable.
- **Post-Adjudications-** The procedure to be followed after an officer makes a determination on an I-539 case.

Recommendations for changes to this document should be sent to the Headquarters Office of Service Center Operations (HQSCO).

**Important:** This SOP is not intended to be, and should not be taken as, an authoritative statement of the rules of decision for Form I-539 visa application cases. This SOP is a guide for the consistent processing of Form I-539 visa application cases. The Service bases the actual decision in a particular case on the record of that particular case and on the Act, regulations, precedent administrative and judicial decisions, and general statements of Service policy relating to the case. Thus, nothing in this SOP creates any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

**I-539 Table of  
Contents**

The following is a table of contents, which serves as a guide for all of the modules of the I-539 SOP. Each module contains its own table of contents that will help to guide through the individual sections of the SOP.

Table of Contents: I-539 National SOP	Page
---------------------------------------	------

Section 1: Mailroom Module	1-1
Section 2: Data Entry Module	2-1
Section 3: U.S. CIS Review Module	3-1
Section 4: A-files Module	4-1
Section 5: File Room Module	5-1
Section 6: Adjudications Module	6-1
Section 7: Post-Adjudications Module	7-1
Section 8: Glossary	8-1

**Note:** This SOP establishes the required minimum standard for the operational procedures that all service centers should follow. However, this does not invalidate all local requirements and procedures. Local procedures that do not conflict with this SOP (i.e., procedures that are above and beyond the SOP) may still be required, as determined by management at each service center. Additionally, recommendations or advice in this SOP may become requirements at the service center at the discretion of each center's management.

**Introduction** Two processes may take place in the File Room\*. **File maintenance** is the process by which files are staged and sorted by date received and classification. **Workload distribution** is the process of staging, routing, updating, and distributing files. Generally, during workload distribution, files may be staged one of four ways:

- Ready for adjudication
- Awaiting a response from a Request for Evidence
- Awaiting a response from an Intent to Deny
- Pending receipt of a motion

\*The *File Room* function is referred to by different names depending on the service center:

- CSC- Just in Time (JIT 1/ JIT 2)
- MSC and NSC- Work Distribution Unit (WDU)
- TSC- Work Distribution Unit (WDU) and File Maintenance Unit (FMU)
- VSC- File Coordination Unit (FCU)

**Missouri Service Center Exception** In addition to above, files may be staged in two additional ways at the MSC:

- Awaiting fingerprint results or a RAP Sheet
- Awaiting A-numbers

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Section 5: Table of Contents	Page
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Part 1: File Maintenance	5-4
Part 2: Workload Distribution	5-5

Part 2a: Staging and Distributing Requests for Evidence	
5-6	
Part 2b: Staging and Distributing Intents to Deny	
5-7	
Part 2c: Staging Denials Pending Receipt of a Motion	
5-8	
Part 2d: Staging and Distributing Files Awaiting Fingerprint Results (MSC)	5-9
Part 2e: Staging and Distributing Files Awaiting A-numbers (MSC)	
5-12	

## Part 1: File Maintenance

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<b>Description</b>	File maintenance involves the staging and sorting of files.
<b>Requirements</b>	Files must be staged and sorted by received date.
<b>Standards</b>	Complete the standards below to meet the requirements above.

No.	Standard
1.1	Receive cases and RAFACS (or update them in NFTS) to the File Room.
1.2	Sort cases by date received.
1.3	Route cases appropriately. <b>Advice:</b> Route cases for workload distribution

## Part 2: Workload Distribution

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<b>Description</b>	Workload distribution is the process of staging, updating, routing, and distributing files.
<b>Requirements</b>	Files ready for adjudication must be staged by received date, updated in RAFACS/NFTS any time they are moved, and routed.  U.S. CIS supervisors regularly advise both the adjudicators and CPAU staff of current operating priorities. When U.S. CIS personnel make a request for work, File Room personnel fill and distribute the request based upon priorities and the amount of work requested.
<b>Standards</b>	Complete the standards below to meet the requirements above.

No.	Standard
2.1	Stage files awaiting adjudication by received date, making sure to update the file in RAFACS/NFTS to the designated responsible party location.
2.2	Once work requests are received, fill them and update RAFACS/NFTS with the appropriate responsible party code.
2.3	Route to requester.

## **Part 2a: Staging and Distributing Requests for Evidence**

**Description** Files awaiting a response for a Request for Evidence (RFE) are shelved under a separate RAFACS/NFTS code. An applicant has 87 days to respond to a RFE.

**Requirements** Files awaiting a response from a RFE must be staged and routed according to whether or not evidence is received. If evidence is received, CLAIMS must be updated and responses must be file-connected. If the applicant does not respond within 87 days, the application is considered “abandoned” and shall be routed for abandonment processing. Any time a file is moved, it MUST be updated in RAFACS/NFTS to the designated responsible party code.

**Standards** Complete the standards below to meet the requirements above.

No.	Standard						
2a.1	<p>Stage files for which a RFE has been issued on the RFE hold shelf for 87 days by call-up date. The call-up date is 87 days from the date the RFE is sent to the applicant.</p> <table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>A response is received</td> <td>Date-stamp the response, update it in CLAIMS, write the file location on the submission, match it to the file, and route it to the appropriate adjudicator.</td> </tr> <tr> <td>A response is not received within 87 days</td> <td>Verify that all mail for that call-up date has been processed and that file connections for responses to RFEs are current. Then pull the file and route it for abandonment processing.</td> </tr> </tbody> </table>	IF...	THEN...	A response is received	Date-stamp the response, update it in CLAIMS, write the file location on the submission, match it to the file, and route it to the appropriate adjudicator.	A response is not received within 87 days	Verify that all mail for that call-up date has been processed and that file connections for responses to RFEs are current. Then pull the file and route it for abandonment processing.
IF...	THEN...						
A response is received	Date-stamp the response, update it in CLAIMS, write the file location on the submission, match it to the file, and route it to the appropriate adjudicator.						
A response is not received within 87 days	Verify that all mail for that call-up date has been processed and that file connections for responses to RFEs are current. Then pull the file and route it for abandonment processing.						

## **Part 2b: Staging and Distributing Intentions to Deny**

**Description** Files awaiting response to an Intent to Deny (ITD) are shelved under a separate RAFACS/NFTS code. An applicant has 33 days to respond to an Intent to Deny. If the applicant does not respond within 33 days, the application is deniable.

**Requirements** Files awaiting a response from an ITD must be staged and routed according to whether or not a response was received. If evidence is received, CLAIMS must be updated and responses must be file-connected. If the applicant does not respond within 33 days, the application must be routed. Any time a file is moved, it MUST be updated in RAFACS/NFTS to the designated responsible party code.

**Standards** Complete the standards below to meet the requirements above.

No.	Standard		
2b.1	Stage files for which an Intent to Deny has been issued on the ITD hold shelf, as appropriate, for 33 days.		
	<b>IF...</b>	<b>THEN...</b>	
	A response is received	Date-stamp the response, update it in CLAIMS, write the file location on the submission, match it to the file and route it to the appropriate adjudicator.	
	A response is not received within 33 days	Verify that all mail for that call-up date has been processed and that file connections for responses to ITDs are current. Then pull the file and route it to the appropriate adjudicator.	

## **Part 2c: Staging Denials Pending Receipt of a Motion**

**Description** After denied applications are processed, files are staged pending receipt of a motion. An applicant has 33 days to submit a motion after his or her case is denied.

**Requirements** Files pending receipt of a motion must be staged and routed according to whether or not a motion was received. If a motion is received, CLAIMS must be updated, matched to the file and routed to the appropriate adjudicator, which may be an officer other than the one that made the denial determination if he/she is unavailable. If no motion is received within 33 days, the application must be routed. Any time a file is moved, it MUST be updated in RAFACS/NFTS to the designated responsible party code.

**Standards**

Complete the standards below to meet the requirements above.

No.	Standard								
2c.1	<p data-bbox="386 373 1214 436">Stage denied files pending receipt of a motion on a hold shelf as appropriate, for 33 days.</p> <table border="1" data-bbox="386 470 1206 1016"> <thead> <tr> <th data-bbox="386 470 646 504">IF a motion is...</th> <th data-bbox="646 470 1206 504">THEN...</th> </tr> </thead> <tbody> <tr> <td data-bbox="386 504 646 676">Received</td> <td data-bbox="646 504 1206 676">Date-stamp the motion, place it in an A-file, update it in CLAIMS, write the file location on the motion, match it to the file and route it to the appropriate adjudicator.</td> </tr> <tr> <td data-bbox="386 676 646 848">Not received within 33 days AND the case has an A-file</td> <td data-bbox="646 676 1206 848">Verify that all mail for that call-up date has been processed and that file connections for responses to RFEs are current. Then pull the file and route it to the National Records Center (NRC).</td> </tr> <tr> <td data-bbox="386 848 646 1016">Not received within 33 days AND the case does not have an A-file</td> <td data-bbox="646 848 1206 1016">Verify that all mail for that call-up date has been processed and that file connections for responses to RFEs are current. Then pull the file and send it to Harrisonburg.</td> </tr> </tbody> </table>	IF a motion is...	THEN...	Received	Date-stamp the motion, place it in an A-file, update it in CLAIMS, write the file location on the motion, match it to the file and route it to the appropriate adjudicator.	Not received within 33 days AND the case has an A-file	Verify that all mail for that call-up date has been processed and that file connections for responses to RFEs are current. Then pull the file and route it to the National Records Center (NRC).	Not received within 33 days AND the case does not have an A-file	Verify that all mail for that call-up date has been processed and that file connections for responses to RFEs are current. Then pull the file and send it to Harrisonburg.
IF a motion is...	THEN...								
Received	Date-stamp the motion, place it in an A-file, update it in CLAIMS, write the file location on the motion, match it to the file and route it to the appropriate adjudicator.								
Not received within 33 days AND the case has an A-file	Verify that all mail for that call-up date has been processed and that file connections for responses to RFEs are current. Then pull the file and route it to the National Records Center (NRC).								
Not received within 33 days AND the case does not have an A-file	Verify that all mail for that call-up date has been processed and that file connections for responses to RFEs are current. Then pull the file and send it to Harrisonburg.								

## Part 2d: Staging and Distributing Files Awaiting Fingerprint Results (MSC)

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**Files Awaiting Fingerprint Results**

All V nonimmigrants 14 to 79 years of age must submit a service fee for fingerprinting and will be scheduled to appear at the Application Support Center (ASC) for fingerprinting. Files awaiting fingerprint results are shelved under a separate RAFACS/NFTS code. An applicant has 90 days to submit their results. If an applicant's results are not received within 90 days, the case may be denied.

**FD-258 Requirements**

Files awaiting FBI results must be staged and routed according to the fingerprint results in FD-258.

**FD-258 Standards**

Complete the standards below to meet the requirements above.

No.	Standard
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2d.1A	Stage files that are awaiting fingerprint results in the “Awaiting Fingerprint Area.”						
2d.2A	<p data-bbox="431 285 1162 317">After 30 days, check for the fingerprint results in FD-258.</p> <table border="1" data-bbox="386 348 1206 642"> <thead> <tr> <th data-bbox="386 348 678 380">IF...</th> <th data-bbox="686 348 1206 380">THEN...</th> </tr> </thead> <tbody> <tr> <td data-bbox="386 390 678 516">Results were received AND the results are NON-IDENT</td> <td data-bbox="686 390 1206 516">Make an FD-258 screen print, place it in the file on the non-records side under the worksheet, and route the file for processing.</td> </tr> <tr> <td data-bbox="386 527 678 642">Results were received AND the results are IDENT</td> <td data-bbox="686 527 1206 642">Make an FD-258 screen print, place it in the file on the non-records side under the worksheet, and route the file to the “Awaiting RAP Sheet” area.</td> </tr> </tbody> </table>	IF...	THEN...	Results were received AND the results are NON-IDENT	Make an FD-258 screen print, place it in the file on the non-records side under the worksheet, and route the file for processing.	Results were received AND the results are IDENT	Make an FD-258 screen print, place it in the file on the non-records side under the worksheet, and route the file to the “Awaiting RAP Sheet” area.
IF...	THEN...						
Results were received AND the results are NON-IDENT	Make an FD-258 screen print, place it in the file on the non-records side under the worksheet, and route the file for processing.						
Results were received AND the results are IDENT	Make an FD-258 screen print, place it in the file on the non-records side under the worksheet, and route the file to the “Awaiting RAP Sheet” area.						

**FD-258 Standards** (continued)

2d.2A Cont'd.	<table border="1" data-bbox="386 798 1084 1339"> <tbody> <tr> <td data-bbox="386 798 678 1234">Results were received AND the results are UNCLASSIFIABLE or REJECT</td> <td data-bbox="686 798 1084 1234">Make an FD-258 screen print and place it in the file on the non-records side under the worksheet. The ASC will automatically reschedule the applicant for fingerprints. Stage the file in the “Awaiting Fingerprint Area,” but if after 60 days, a second UNCLASSIFIABLE or REJECT result is received, route the file to Adjudications for resolution.</td> </tr> <tr> <td data-bbox="386 1245 678 1339">Results are PENDING</td> <td data-bbox="686 1245 1084 1339">The results have not been received; stage the files for an additional 30 days.</td> </tr> </tbody> </table>	Results were received AND the results are UNCLASSIFIABLE or REJECT	Make an FD-258 screen print and place it in the file on the non-records side under the worksheet. The ASC will automatically reschedule the applicant for fingerprints. Stage the file in the “Awaiting Fingerprint Area,” but if after 60 days, a second UNCLASSIFIABLE or REJECT result is received, route the file to Adjudications for resolution.	Results are PENDING	The results have not been received; stage the files for an additional 30 days.		
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Results are PENDING	The results have not been received; stage the files for an additional 30 days.						
2d.3A	<p data-bbox="386 1381 1084 1444">If results were pending after 30 days, check again for the fingerprint results in FD-258 after 60 days.</p> <table border="1" data-bbox="386 1476 1084 1780"> <thead> <tr> <th data-bbox="386 1476 678 1507">IF...</th> <th data-bbox="686 1476 1084 1507"></th> </tr> </thead> <tbody> <tr> <td data-bbox="386 1518 678 1717">Results were received AND the results are NON-IDENT, IDENT, UNCLASSIFIABLE or REJECT</td> <td data-bbox="686 1518 1084 1717"></td> </tr> <tr> <td data-bbox="386 1728 678 1780">Results are PENDING</td> <td data-bbox="686 1728 1084 1780"></td> </tr> </tbody> </table>	IF...		Results were received AND the results are NON-IDENT, IDENT, UNCLASSIFIABLE or REJECT		Results are PENDING	
IF...							
Results were received AND the results are NON-IDENT, IDENT, UNCLASSIFIABLE or REJECT							
Results are PENDING							

**Files Awaiting a RAP Sheet** A RAP sheet may be requested from the Office of Fingerprint Liaison (OFL) or accessed via the ROPES printer 30 days after the FBI determination of an IDENT. However, if the case is undergoing expedited processing, the request may be made in less than 30 days. Files awaiting a RAP sheet are staged in the “Awaiting RAP sheet” area under a separate RAFACS/NFTS code.

**RAP Sheet Requirements** Files awaiting a RAP sheet must be staged and routed according to whether or not a RAP sheet was received.

**RAP Sheet Standards** Complete the standards below to meet the requirements above.

No.	Standard
2d.1B	Stage files that are awaiting RAP sheet results in the “Awaiting RAP Sheet” area.
2d.2B	After 30-45 days, if a RAP sheet has not been received, request a duplicate RAP sheet from the OFL. However, prior to making the request, ensure that other service centers have not received the RAP sheet. If another center has received it, request the RAP sheet.
2d.3B	As RAP sheets are received from either the OFL or the ROPES printer, file-connect the RAP sheets and route the files to Adjudications.
2d.4B	If an additional 30-45 days passes after making the duplicate request without receiving a RAP sheet, forward the file to Adjudications for resolution.

## **Part 2e: Staging and Distributing Files Awaiting A-numbers (MSC)**

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**Description** A 300-million A-number should be assigned to each applicant for a change or extension within the V classification. If an adjudicator receives a file in which the principal or a beneficiary has not been assigned a 300-million A-number, he or she will route the file for staging. The COTR will request the A-number from the Chicago Lockbox.

**Requirements** Files awaiting an A-number must be staged and then routed to Adjudications once an A-number has been assigned.

**Standards** Complete the standards below to stage and route files awaiting 300-million A-numbers.

No.	Standard
2e.1	Stage files that are awaiting a 300-million A-number on the "Awaiting 300-million A-number from the Lockbox" shelf.
2e.2	Once an A-number has been assigned in CLAIMS 3, the COTR will be informed by the Chicago Lockbox and will provide a list of new A-numbers to file room personnel.
2e.3	Upon notification by the COTR, route the file to Adjudications.

## **SECTION 6: ADJUDICATIONS MODULE**

## **I-539 National SOP Introduction**

This Standard Operating Procedure (SOP) has been created for the purpose of standardizing operational policies and procedures between all service centers in the processing of the I-539, Application to Extend/Change Nonimmigrant Status. This SOP is in response to the processing differences that have developed at the service centers over time. To support the goal of standardizing procedures, this SOP seeks to improve the production efficiencies through the application of best practices from all service centers. While it is acknowledged that the centers may have different demands and physical layouts, a standard process will assist in ensuring that our customers receive consistent processing regardless of jurisdiction.

This SOP has been developed as a modular document. The modules (listed below) are stand-alone documents that can be used individually as training and daily reference documents. Each module describes a stage in the processing of an I-539 application. Below is a brief description of each module:

- **Mailroom-** The process by which the service center receives I-539 applications, reviews them for acceptability and assembles them for data entry.
- **Data Entry-** The process by where fees are receipted and case information is keyed into CLAIMS.
- **U.S. CIS Review-** The process by which U.S. CIS verifies all reasons for rejection cited by the contractor.
- **A-files-** The process by which CIS is searched, multiple A #s or A #s with violations are resolved, and A-files are either created or requested.
- **File Room-** The process by which files are sorted and staged. Workload Distribution is the process of staging, routing and distributing files.
- **Adjudications-** The process by which an application is examined for determination of whether the application is approvable or deniable.
- **Post-Adjudications-** The procedure to be followed after an officer makes a determination on an I-539 case.

Recommendations for changes to this document should be sent to the Headquarters Office of Service Center Operations (HQSCO).

**Important:** This SOP is not intended to be, and should not be taken as, an authoritative statement of the rules of decision for Form I-539 visa application cases. This SOP is a guide for the consistent processing of Form I-539 visa application cases. The Service bases the actual decision in a particular case on the record of that particular case and on the Act, regulations, precedent administrative and judicial decisions, and general statements of Service policy relating to the case. Thus, nothing in this SOP creates any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

## **I-539 Table of Contents**

The following is a table of contents, which serves as a guide for all of the modules of the I-539 SOP. Each module contains its own table of contents that will help to guide through the individual sections of the SOP.

Table of Contents: I-539 National SOP	Page
Section 1: Mailroom Module	1-1
Section 2: Data Entry Module	2-1
Section 3: U.S. CIS Review Module	3-1
Section 4: A-files Module	4-1
Section 5: File Room Module	5-1
Section 6: Adjudications Module	6-1
Section 7: Post-Adjudications Module	7-1
Glossary	A-1

**Note:** This SOP establishes the required minimum standard for the operational procedures that all service centers should follow. However, this does not invalidate all local requirements and procedures. Local procedures that do not conflict with this SOP (i.e., procedures that are above and beyond the SOP) may still be required, as determined by management at each service center. Additionally, recommendations or advice in this SOP may become requirements at the service center at the discretion of each center's management.

**Introduction**      "Adjudications" is the process by which an I-539 application is examined for determination of whether it requires additional information, is approvable, or is deniable.

Section 6: Table of Contents	Page
Part 1: Overview	6-4
Part 2: General Requirements	6-12
Part 3: A Nonimmigrants	6-22
Part 4: B Nonimmigrants	6-27
Part 5: E Nonimmigrants	6-33
Part 6: F Nonimmigrants	6-39
Part 7: G Nonimmigrants	6-44
Part 8: H Nonimmigrants	6-49
Part 9: I Nonimmigrants	6-55
Part 10: J Nonimmigrants	6-57
Part 11: K-3/K-4 Nonimmigrants	6-68
Part 12: L Nonimmigrants	6-71
Part 13: M Nonimmigrants	6-76
Part 14: N Nonimmigrants	6-84
Part 15: O Nonimmigrants	6-88
Part 16: P Nonimmigrants	6-96
Part 17: Q Nonimmigrants	6-103
Part 18: R Nonimmigrants	6-109
Part 19: TN/TD Nonimmigrants	6-114

Part 20: V Nonimmigrants	6-119
Part 21: NATO Nonimmigrants	6-130
Part 22: TPS Nonimmigrants	6-135
Part 23: Post-Decision Processing	6-137
Part 23a: Processing Approvals	6-138
Part 23b: Processing Intentions to Deny	6-139
Part 23c: Processing Requests for Evidence	6-140
Part 23d: Processing Denials	6-141
Part 24: Motion to Reopen or Reconsider	6-142
Part 25: References	6-144
Appendix A: Periods of Authorized Stay	6-151
Appendix B: Authorization for Employment	6-153
Appendix C: Acceptable B-1 Business Activities	6-155
Appendix D: Acceptable NAFTA Professions	6-156
Appendix E: Additional SEVIS Information	6-160

## Part 1: Overview

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### References

Law: Immigration and Nationality Act, Section 101(a) & (a)(15), Section 212(a)(6)(G) & (9)(B), Section 214(l)(1), & Section 222(g)

Regulations: Title 8, Code of Federal Regulations, Part 103.2 & 103.5, Part 212.1, Part 212.7(c), Part 214.1 & 214.2, Part 248.1-3.

Operations: Operations Instructions, Section 103.2(o); Section 214.l; Section 214.2(a)(1), (b), (e), & (g); Section 214.6(g); and Section 248.

### Definition of the I-539

Form I-539, Application to Extend/Change Nonimmigrant Status, is used by nonimmigrants in the United States to either extend or change their current nonimmigrant status. The form can be used by either an individual identified as the principal applicant or by dependents. Applicants must have neither violated the terms of their status nor be intending immigrants, except for K-3/4 and V nonimmigrants who must be intending immigrants. By filing the I-539 at a Service Center, applicants are making one of three requests:

- To request an extension of current nonimmigrant status – EOS
- To request a change of status from one nonimmigrant classification to another nonimmigrant classification – COS
- To request initial status (in the case of the “V” classification)

### Definition of Dependent

In order to be acceptable as the principal applicant’s dependent and be granted derivative status, a dependent must one of following:

- Spouse
- Unmarried child under 21 years old

**Definition of Dependent, Cont'd.**

In addition, the following definitions of dependents apply to applicants in the A, G, and NATO classifications:

- Unmarried son or daughter under 23 years old who is in full-time attendance as a student at a post-secondary educational institution (or under 25 years old if certain bilateral agreements apply); or
- Unmarried son or daughter who is physically or mentally disabled.

**Note:** According to 9 FAM 41.31 N11.4, principal applicants in classifications without dependent derivative status may bring their dependents as B-2 nonimmigrants.

**Proof of Dependent Relationship**

To establish a derivative applicant's spousal relationship with the principal applicant, the applicant must submit proof of marriage, such as, but not limited to a marriage certificate showing the marriage was registered or recorded after the marriage ceremony took place and proof of the termination of all previous marriages for both spouses, if any.

To establish that a child is a dependent alien, the applicant must establish that the derivative child meets the definition of child according to the Immigration Act of 1990 (IMMACT 90) and as appropriate for the specific classification. Evidence may include a birth certificate, marriage certificate, adoption certificate, etc.

**Proper Filing**

The I-539 application is considered properly filed if the application has been filed in the proper jurisdiction, the fee has been paid, and the application is properly signed.

**Applicants Eligible to File**

Form I-539 is used by nonimmigrants to extend or change their status. However, there are restrictions on which nonimmigrants may file the form and what requests may be made. Refer to the Classification Chart that follows, listing all nonimmigrant classifications, to determine who may or may not file Form I-539 and whether or not there are any restrictions or exceptions involved.

Figure 5.1

Classification Chart to Determine Acceptability of the Form I-539

Status	If Selected as the Current Status <u>and</u> Requesting Extension of Stay (EOS)	If Selected as the Current Status <u>and</u> Requesting Change of Status (COS) to a Different Classification	If Selected as the Desired Classification in a COS
A-1, A-2	Unacceptable	Acceptable	Acceptable
A-3	Acceptable	Acceptable	Acceptable
B-1, B-2	Acceptable	Acceptable	Acceptable
C-1, C-2, C-3	Unacceptable	Unacceptable	Unacceptable
D-1, D-2	Unacceptable	Unacceptable	Unacceptable

E-1, E-2 (Principal)	Unacceptable	Acceptable	Unacceptable
E-1, E-2 (Dependent)	Acceptable	Acceptable	Acceptable
F-1	Unacceptable*	Acceptable	Acceptable, unless the current status is M-1
F-2	Unacceptable	Acceptable	Acceptable
G-1, G-2, G-3, G-4	Unacceptable	Acceptable	Acceptable
G-5	Acceptable	Acceptable	Acceptable
H-1B, H-1C, H-2A, H-2B, H-3	Unacceptable	Acceptable	Unacceptable
H-4	Acceptable	Acceptable	Acceptable
I	Unacceptable	Acceptable	Acceptable
J-1, J-2	Unacceptable	Acceptable**	Acceptable
K-1, K-2	Unacceptable	Unacceptable	Unacceptable
K-3, K-4	Acceptable	Unacceptable	Unacceptable
L-1	Unacceptable	Acceptable	Unacceptable
L-2	Acceptable	Acceptable	Acceptable
M-1	Acceptable***	Acceptable, unless requesting F-1 status	Acceptable
M-2	Acceptable	Acceptable	Acceptable
N-8, N-9	Acceptable	Acceptable	Acceptable

Classification Chart to Determine Acceptability of the Form I-539, Cont'd.

<b>Status</b>	<b>If Selected as the Current Status <u>and</u> Requesting Extension of Stay (EOS)</b>	<b>If Selected as the Current Status <u>and</u> Requesting Change of Status (COS) to a Different Classification</b>	<b>If Selected as the Desired Classification in a COS</b>
O-1, O-2	Unacceptable	Acceptable	Unacceptable
O-3	Acceptable	Acceptable	Acceptable
P-1, P-2, P-3	Unacceptable	Acceptable	Unacceptable
P-4	Acceptable	Acceptable	Acceptable
Q-1	Unacceptable	Acceptable	Unacceptable
Q-2, Q-3	Acceptable	Acceptable	Acceptable
R-1	Unacceptable	Acceptable	Unacceptable
R-2	Acceptable	Acceptable	Acceptable
S-5, S-6, S-7	Unacceptable	Unacceptable	Unacceptable
T-1, T-2	Unacceptable	Unacceptable	Unacceptable
TD	Acceptable	Acceptable	Acceptable
TN-1, TN-2	Unacceptable	Acceptable	Unacceptable
U-1, U-2	Unacceptable	Unacceptable	Unacceptable
V-1, V-2, V-3	Acceptable	Acceptable	Acceptable (may also use this form for initial status request)
W-B, W-T	Unacceptable	Unacceptable	Unacceptable

NATO-1 through 6	Unacceptable	Acceptable	Acceptable
NATO-7	Acceptable	Acceptable	Acceptable
TPS A-12	Unacceptable	Acceptable	Unacceptable
TWOV	Unacceptable	Unacceptable	Unacceptable
Parolee	Acceptable ( <u>only</u> if filed at a district office)	Unacceptable	Unacceptable

\*An F-1 may not file Form I-539 for EOS with the service center but may use the form for reinstatement with the district office. Exception, an F-1 may file an I-539 with a service center for EOS if he or she received a date-specific F-1 visa (e.g., a high school student filing for D/S to go on to college).

\*\*A J-1 without the appropriate waiver, receiving graduate medical education or training, may not change status. Additionally, a J-1 without the appropriate waiver, subject to the foreign residence requirement, may only change to A or G status. A J-2 is subject to the same provisions of law as the J-1 principal.

\*\*\*An M-1 may file Form I-539 for reinstatement to M status with the district office of jurisdiction.

**Applications to Relocate** Student reinstatements, which often appear as a request for extension of stay for a F-1 that already has duration of status, are relocated to the appropriate district office. Additionally, any application found to be in another service center’s jurisdiction, which has been receipted, should be relocated to the proper jurisdiction according to local relocation procedure. However, at the officer’s discretion, if an application filed in the wrong jurisdiction has inadvertently been receipted, and the jurisdictional issue is based on geography (i.e., is not statutory or regulatory), he or she may adjudicate the case if he or she feels adequately prepared to do so.

**Family Members Filing Jointly** An applicant may include his/her spouse and unmarried children under 21 on the same application, as long as one of the following criteria is met:

- Both the principal applicant and spouse/children are seeking the same classification/extension.
- The spouse and children are in a derivative status based on the principal applicant’s status.

However, there must be an I-539 for each F-1 student applicant regardless of family relationship. Therefore a F-1 may have family members seeking F-2 status on the same application, but two family members, each seeking F-1 status, must be on separate I-539s.

**Validity Period for Multiple Applicants** When determining the validity period for an extension of stay for a family group, keep in mind that the ending date must be identical for all family members. Approval of EOS for the entire family will be granted up to the period authorized for the family member whose authorization expires first.

<b>Duration of Status</b>	<p>Duration of Status (D/S) allows the nonimmigrant to remain in the U.S. for the period of time necessary to accomplish his or her objective, such as the completion of a school program or for an official visit. The following nonimmigrant classifications are admitted D/S and are ineligible to file a Form I-539 for an extension of stay, as one is not required:</p> <ul style="list-style-type: none"> <li>• A-1-2, F-1, F-2, G-1, G-2, G-3, G-4, I, J-1, J-2, NATO-1, NATO-2, NATO-3, NATO-4, NATO-5, and NATO-6</li> </ul> <p>However, some students admitted D/S may file under specific extenuating circumstances, but these students would not file a Form I-539 at a service center. These students must see their DSO for a program extension or file a request for reinstatement at their local office [see 8 CFR 214.2(f)(7)].</p> <p>Requests for change of status to the above-listed classifications that require D/S will be accepted.</p>
<b>Visa Waiver Program</b>	<p>Any nonimmigrant admitted under the Visa Waiver Program is not eligible for an extension of stay or change of status.</p>
<b>Validity of Alien's Passport</b>	<p>At the time of admission, an alien shall present a valid passport and valid visa unless exempt or waived of this requirement. The passport of an alien applying for admission shall be valid for a minimum of six months from the expiration date of the period of stay stamped on the alien's I-94. The passport of a nonimmigrant alien applying for EOS or COS shall be valid at the time of application. 8CFR214.1(a)(3)</p> <p>At the time of application in this instance means the date of filing the I-539. The nonimmigrant alien's passport need only be valid at time of filing the I-539. It is not necessary for the alien's passport to be valid for the entire length of time granted on an EOS or a COS. So, as long as the foreign passport has not expired as of the date of filing, passport validity is not an issue when adjudicating an I-539. (A nonimmigrant alien applying for EOS or COS shall present a passport only if requested to do so by the Service.)</p>
<b>Employment</b>	<p>A nonimmigrant in the United States may not engage in any employment unless he/she has been accorded a nonimmigrant classification that authorizes employment or he/she has been granted permission to engage in employment. A nonimmigrant who is permitted to engage in employment may engage only in such employment as has been authorized. Any unauthorized employment by a nonimmigrant constitutes a failure to maintain status within the meaning of section 237(a)(1)(C)(i) of the Act. [Reference INA 101(a)(15)(B) and 101(a)(15)(C), and 8 CFR 214.1(a)(1)(E).] Refer to Appendix 2 to determine whether or not a particular classification authorizes employment.</p>

**Proof of  
Financial  
Solvency**

When filing an I-539 application, some applicants, such as F, and M nonimmigrants, are required to submit evidence of a credible source for financial solvency. Financial solvency may be proven, but is not limited to being proven, by the following documentation:

- Bank statement or bank passbook
- Insurance policy
- Fixed deposit receipts
- Shares and securities
- Documents showing ownership of all moveable and immovable property owned by the applicant
- Income tax statements
- If the expenses of the applicant are to be borne by his or her parents or guardians, then the parents/guardian's/sponsor's income tax returns, bank statements, insurance policy, fixed deposit receipts, shares, securities, pension plans, documents showing ownership of properties and affidavits stating they would bear the applicant's expenses
- If the applicant has obtained financial assistance to meet his/her expenses from a bank and/or company, all documents showing the same

**False  
Information**

A condition of a nonimmigrant's admission and continued stay in the United States is the full and truthful disclosure of all information requested by the Service. Willful failure by a nonimmigrant to provide full and truthful information requested by the Service (regardless of whether or not the information requested was material) constitutes a failure to maintain nonimmigrant status under section 237(a)(1)(C)(i) of the Act. [Reference 8 CFR 214.1(a)(1)(f).] If false information is involved and a decision cannot be sustained without additional information, then follow local Operations policy.

**Criminal  
Activity**

A condition of a nonimmigrant's admission and continued stay in the United States is obedience to all laws of United States jurisdictions, which prohibit the commission of crimes of violence and for which a sentence of more than one year of imprisonment may be imposed. A nonimmigrant's conviction in a jurisdiction in the United States for a crime of violence for which a sentence of more than one year of imprisonment may be imposed (regardless of whether such sentence is in fact imposed) constitutes a failure to maintain status under section 237(a)(1)(C)(i) of the Act. [8 CFR 214.1(a)(1)(g).] If criminal activity is involved and a decision cannot be sustained without additional information, then follow local Operations policy.

## **Part 2: General Requirements**

**Adjudication**

The following list is an overview of items to review and issues to consider in adjudicating an I-539 application:

- Determine that the **Form I-539** is properly filed (*i.e.* applicant is eligible to file, application is properly signed, and application is filed in the proper jurisdiction).
- If there is a **G-28**, you should also review it to confirm that it is acceptable.
- Determine whether or not the application is **timely filed**.
- Review the **basic documentation** required.
- Determine the **current nonimmigrant classification** by reviewing Part 1 of the I-539 application.
- Determine there is evidence that the applicant(s) has submitted all **supporting documentation** and meets all requirements pertaining to the current classification and the request being made.
- Review I-539 to determine the **validity of alien’s passport** at time of filing.

Elaboration on these topics is provided in the pages that follow.

**Note:** During the course of Adjudications, various deficiencies may be apparent. In regards to this SOP, “note the deficiency” does not necessarily mean to make a written note.

**Procedure**

The adjudicator must review the I-539 application for general requirements. Follow the procedure as outlined below.

**Note:** The adjudicator is responsible for the accuracy of the data entered in CLAIMS.

**IBIS Checks**

A check of the Interagency Border Inspection System (IBIS) must be completed for all I-539 applicants within 15 days of filing and before adjudication if the first check is no longer current. If a check results in a positive hit, this must be resolved before the case can be adjudicated. See memo HQOPS 70/23.9 and the IBIS SOP (7/21/02) for the specific requirements including how to document the results of the checks. Additionally, if an applicant's name or date of birth is changed in CLAIMS at any time, a new IBIS check must be performed.

**Note:** If the date of birth cannot be verified, send an RFE for the date of birth information. Date of birth is required to complete an IBIS check.

Step	Action
2.1	Receive the file in RAFACS/NFTS.

2.2	<p>Review the I-539 to ensure the proper form is being filed. Find the “Current Nonimmigrant Status” (Part 1) and check whether the applicant has selected EOS (Part 2-1a) or COS (Part 2-1b). Consult the Classification Chart above in Figure 5.1 in the Adjudications Overview to determine whether or not the filing is acceptable.</p> <p><b>Note:</b> The clerical staff may have annotated on line #4 of the processing worksheet to indicate that the applicant has selected multiple boxes or no box on Part 1 and/or 2 of the application. After determining the correct selection(s), mark it on the application in red ink. CLAIMS may need to be updated, as well.</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">IF...</th> <th style="text-align: center;">THEN...</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">The filing IS acceptable</td> <td style="text-align: center;">Proceed to step 2.3.</td> </tr> <tr> <td style="text-align: center;">The filing is NOT acceptable</td> <td style="text-align: center;">Note the deficiency. Go to step 2.3.</td> </tr> </tbody> </table>	IF...	THEN...	The filing IS acceptable	Proceed to step 2.3.	The filing is NOT acceptable	Note the deficiency. Go to step 2.3.
IF...	THEN...						
The filing IS acceptable	Proceed to step 2.3.						
The filing is NOT acceptable	Note the deficiency. Go to step 2.3.						

Step	Action						
2.3	<p>Review Part 5 of the I-539 for the applicant’s signature. Verify that the applicant has properly signed the application (<i>i.e.</i>, an original signature in the designated location on the application). All forms of original signature are acceptable, including an "X," thumbprint, or an original facsimile signature stamp. A typewritten name is not a signature.</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">IF the signature is...</th> <th style="text-align: center;">THEN...</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Complete and correct</td> <td style="text-align: center;">Go to Step 2.4.</td> </tr> <tr> <td style="text-align: center;">Improper or missing</td> <td style="text-align: center;">Note the deficiency. Go to Step 2.4.</td> </tr> </tbody> </table>	IF the signature is...	THEN...	Complete and correct	Go to Step 2.4.	Improper or missing	Note the deficiency. Go to Step 2.4.
IF the signature is...	THEN...						
Complete and correct	Go to Step 2.4.						
Improper or missing	Note the deficiency. Go to Step 2.4.						
2.4	<p>Review the I-539 for jurisdiction. Look for the status information (Parts 1, 2-1a and 2-1b) and the applicant’s residence (Part 1), and then consult the Jurisdiction Table that follows to determine whether or not the filing is acceptable.</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">IF...</th> <th style="text-align: center;">THEN...</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">The filing IS in your center’s jurisdiction</td> <td style="text-align: center;">Go to Step 2.5.</td> </tr> <tr> <td style="text-align: center;">The filing is NOT in your center’s jurisdiction</td> <td style="text-align: center;">Route to proper jurisdiction according to local relocation procedure.</td> </tr> </tbody> </table>	IF...	THEN...	The filing IS in your center’s jurisdiction	Go to Step 2.5.	The filing is NOT in your center’s jurisdiction	Route to proper jurisdiction according to local relocation procedure.
IF...	THEN...						
The filing IS in your center’s jurisdiction	Go to Step 2.5.						
The filing is NOT in your center’s jurisdiction	Route to proper jurisdiction according to local relocation procedure.						

Figure 5.2

Jurisdiction Table

IF...	AND the Applicant Resides in...	THEN the Jurisdiction is...
The applicant is filing for reinstatement as an F or M		Unacceptable. Reject with a notice to file at the District.

The applicant is filing for reinstatement as a J		Unacceptable. Reject with a notice to contact the program's responsible officer (the program POC will then contact DOS).
The applicant is a J seeking to change programs or extend validity		Unacceptable. Reject with a notice to contact the program's responsible officer (if beyond the maximum duration of stay, the program POC will contact DOS).
The applicant seeks to change to TN status or extend as or change to TD status		Solely with NSC. All other service centers: Transfer out to NSC.
The applicant seeks to change from Q-2 or Q-3 status		Solely with NSC. All other service centers: Transfer out to NSC.
The applicant seeks to extend K-3/4 status		Unacceptable. Reject with instructions to mail to: U.S. Immigration and Naturalization Service, P.O. Box 7218, Chicago, IL 60680-7218.
The applicant seeks to extend or change to V status		Unacceptable. Reject with instructions to mail to: U.S. Immigration and Naturalization Service, P.O. Box 7216, Chicago, IL 60680-7216.
The applicant is a parolee seeking to extend status		Unacceptable. Reject with a notice to file at the District.
The applicant is an E dependent seeking an extension of status	AL, AK, CT, DE, DC, FL, GA, KY, LA, ME, MD, MA, MS, NH, NJ, NM, NY, NC, OK, PA, Puerto Rico (PR), RI, SC, TN, TX, U.S. Virgin Islands (VI), VT, VA, or WV	Solely with TSC. All other service centers: Transfer out to TSC.
The applicant is an E dependent seeking an extension of status	AZ, AR, CA, CO, Guam (GU), HI, ID, IL, IN, IA, KS, MI, MN, MO, MT, NE, NV, ND, OH, OR, SD, UT, WA, WI, or WY	Solely with CSC. All other service centers: Transfer out to CSC.

Jurisdiction Table, Cont'd.

<b>IF...</b>	<b>AND the Applicant Resides in...</b>	<b>THEN the Jurisdiction is...</b>
None of the above conditions applies	AZ, CA, GU, HI or NV	Solely with CSC. All other service centers: Transfer out to CSC.
None of the above	AL, AK, FL, GA, KY, LA, MS, NM,	Solely with TSC. All other

conditions applies	NC, OK, SC, TN, or TX	service centers: Transfer out to TSC.
None of the above conditions applies	CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, PR, RI, VI, VT, VA or WV	Solely with VSC. All other service centers: Transfer out to VSC.
None of the above conditions applies	AR, CO, ID, IL, IN, IA, KS, MI, MN, MO, MT, NE, ND, OH, OR, SD, UT, WA, WI or WY	Solely with NSC. All other service centers: Transfer out to NSC.
Any of the above conditions exists	A location with a foreign address, and no U.S. address can be found in the file	Unacceptable. Reject to the foreign address, noting that the applicant must be a U.S. resident.

\*If a case filed in the wrong jurisdiction has inadvertently been data entered, it should be relocated to the proper jurisdiction according to local relocation procedure, instead of being rejected. The exception is that a parolee's extension request cannot be relocated; this request needs to be denied and the applicant referred to his/her local district office. Additionally, keep in mind that K-3/4 and V files cannot be sent electronically to Chicago.

Step	Action								
2.4	<p>A Form G-28 will usually accompany the application if the applicant is to be represented by an attorney or another acceptable representative. The Form G-28 must be properly filled out and signed by both the applicant and the attorney in order for it to be recognized by the Service. Check to see if a G-28 was submitted. If so, review it to ensure that the following sections are complete:</p> <ul style="list-style-type: none"> <li>• 2<sup>nd</sup> Block – Applicant's name</li> <li>• 3<sup>rd</sup> Block – A box checked indicating type of representation (two boxes, if box 3 is checked), additional text entry completed, and the representative or attorney's original signature (original facsimile stamp is acceptable)</li> <li>• 4<sup>th</sup> Block – Name and original signature of person consenting (an original facsimile stamp is acceptable)</li> </ul> <table border="1" data-bbox="386 1461 1170 1839"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>A G-28 was submitted and meets the above requirements</td> <td>The G-28 is acceptable. Go to step 2.5.</td> </tr> <tr> <td>A G-28 is present but lacks any of the above information</td> <td>The G-28 is unacceptable. Delete the G-28 from CLAIMS and follow local procedures for invalidating the G-28. Go to step 2.5.</td> </tr> <tr> <td>A G-28 was not submitted</td> <td>Go to step 2.5.</td> </tr> </tbody> </table>	IF...	THEN...	A G-28 was submitted and meets the above requirements	The G-28 is acceptable. Go to step 2.5.	A G-28 is present but lacks any of the above information	The G-28 is unacceptable. Delete the G-28 from CLAIMS and follow local procedures for invalidating the G-28. Go to step 2.5.	A G-28 was not submitted	Go to step 2.5.
IF...	THEN...								
A G-28 was submitted and meets the above requirements	The G-28 is acceptable. Go to step 2.5.								
A G-28 is present but lacks any of the above information	The G-28 is unacceptable. Delete the G-28 from CLAIMS and follow local procedures for invalidating the G-28. Go to step 2.5.								
A G-28 was not submitted	Go to step 2.5.								

Step	Action								
2.5	<p>Determine whether or not the application is timely filed (i.e., the applicant's stay has not expired prior to the filing date of the application).</p> <p>If the applicant has not filed before his/her stay expired, he or she should submit proof at the time of filing that the delay was beyond his or her control [see 8 CFR 214.1(c)(4) and 8 CFR 248.1(b)]. The applicant must demonstrate that the:</p> <ul style="list-style-type: none"> <li>• Delay was due to extraordinary circumstances</li> <li>• Length of delay was reasonable</li> <li>• Status was not otherwise violated</li> <li>• Applicant is still a bona fide nonimmigrant</li> <li>• Applicant is not in removal proceedings</li> </ul> <p>If no proof as to any of the above was submitted at the time of filing and there is no showing of eligibility for the requested extension, a denial is appropriate under 214.1(c)(4). RFE for the evidence and provide the applicant an opportunity to overcome this deficiency prior to denying the case if some initial evidence is submitted.</p> <table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>The application is timely filed</td> <td>Go to step 2.6.</td> </tr> <tr> <td>The application is untimely filed AND appropriate proof of the delay <u>has been</u> submitted</td> <td>Go to step 2.6.</td> </tr> <tr> <td>The application is untimely filed AND appropriate proof of the delay <u>has not been</u> submitted</td> <td>Note the deficiency. Go to Step 2.6.</td> </tr> </tbody> </table>	IF...	THEN...	The application is timely filed	Go to step 2.6.	The application is untimely filed AND appropriate proof of the delay <u>has been</u> submitted	Go to step 2.6.	The application is untimely filed AND appropriate proof of the delay <u>has not been</u> submitted	Note the deficiency. Go to Step 2.6.
IF...	THEN...								
The application is timely filed	Go to step 2.6.								
The application is untimely filed AND appropriate proof of the delay <u>has been</u> submitted	Go to step 2.6.								
The application is untimely filed AND appropriate proof of the delay <u>has not been</u> submitted	Note the deficiency. Go to Step 2.6.								

Step	Action				
2.6	<p>Review the Form I-94. As part of required documentation, the applicant should have submitted a copy of the front and back of the I-94, the original I-94, or Form I-102, Application for Replacement/Initial Nonimmigrant Arrival/Departure Document.</p> <p><b>Note:</b> Canadians who enter as B-1 or B-2 will not have an I-94. Additionally, it is only as of 4/1/97 that Mexicans will receive an I-94. Prior to this date, many were issued an I-444, as long as they were in possession of a Border Crossing Card (from Mexico or Canada) issued by the U.S. CIS (now U.S. CIS).</p> <table border="1"> <thead> <tr> <th>IF...</th> <th></th> </tr> </thead> <tbody> <tr> <td></td> <td></td> </tr> </tbody> </table>	IF...			
IF...					

that the I-94#, reflecting the most recent entry on the I-94, is correct on the I-539. Go to step 2.7.
to step 2.7.
to step 2.7.

2.7	<p>Access the Nonimmigrant Information System (NIIS) and conduct a search for each nonimmigrant applicant according to the steps below. Pursuant to the memo HQOPS 70/23.9, this should be done immediately before adjudication.</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">Sub-Step</th> <th style="text-align: center;">Action</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">2.7.1</td> <td></td> </tr> <tr> <td style="text-align: center;">2.7.2</td> <td></td> </tr> <tr> <td style="text-align: center;">2.7.3</td> <td></td> </tr> <tr> <td style="text-align: center;">2.7.4</td> <td></td> </tr> </tbody> </table>	Sub-Step	Action	2.7.1		2.7.2		2.7.3		2.7.4	
Sub-Step	Action										
2.7.1											
2.7.2											
2.7.3											
2.7.4											

2.7 Cont'd.	<table border="1" style="width: 100%;"> <tr> <td style="width: 15%; text-align: center;">2.7.5</td> <td>If a match is found, ensure that the correct I-94# is written on the I-539. Edit/add the number if necessary. If the number needed to be corrected, verify the I-94# in CLAIMS. Also, place a NIIS printout on the right side of the file behind the processing worksheet. Go to step 2.8.</td> </tr> <tr> <td style="text-align: center;">2.7.6</td> <td>If a match is not found, make a notation in the file indicating the date of the check and that there is no record for the applicant in NIIS. Send the applicant a RFE requesting the original I-94 (regardless of whether or not the applicant has submitted a copy of his/her I-94) after reviewing the rest of the application. Go to step 2.9.</td> </tr> </table> <p><b>Note:</b> The I-94# may also be found on the visa, on another page inside the passport, or on the I-20, if applicable.</p>	2.7.5	If a match is found, ensure that the correct I-94# is written on the I-539. Edit/add the number if necessary. If the number needed to be corrected, verify the I-94# in CLAIMS. Also, place a NIIS printout on the right side of the file behind the processing worksheet. Go to step 2.8.	2.7.6	If a match is not found, make a notation in the file indicating the date of the check and that there is no record for the applicant in NIIS. Send the applicant a RFE requesting the original I-94 (regardless of whether or not the applicant has submitted a copy of his/her I-94) after reviewing the rest of the application. Go to step 2.9.
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2.7.6	If a match is not found, make a notation in the file indicating the date of the check and that there is no record for the applicant in NIIS. Send the applicant a RFE requesting the original I-94 (regardless of whether or not the applicant has submitted a copy of his/her I-94) after reviewing the rest of the application. Go to step 2.9.				
2.8	<p>Compare the rest of the information on the NIIS printout to the I-539 data submitted. If there is a discrepancy in the data, consider addressing it with a Request for Evidence or by another suitable method.</p> <p><b>Note:</b> According to the memo regarding "Enhanced Processing Instructions" (HQOPS 70/23.9, 3/18/2002) if the NIIS record shows that a departure from the U.S. occurred following the filing of the I-539 COS request, the I-539 should be processed as an abandonment denial.</p>				

Step	Action
2.9	Review the I-539 to determine the current nonimmigrant classification and the requested classification, if a COS request.

IF either status is in the following category...	THEN...
A	Go to Part 3.
B	Go to Part 4.
E	Go to Part 5.
F	Go to Part 6.
G	Go to Part 7.
H	Go to Part 8.
I	Go to Part 9.
J	Go to Part 10.
K-3/K-4	Go to Part 11.
L	Go to Part 12.
M	Go to Part 13.
N	Go to Part 14.
O	Go to Part 15.
P	Go to Part 16.
Q	Go to Part 17.
R	Go to Part 18.
TN/TD	Go to Part 19.
V	Go to Part 20.
NATO	Go to Part 21.
TPS	Go to Part 22.

## Part 3: “A” Nonimmigrants

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**Introduction** The “A” nonimmigrant category applies to Ambassadors, Public Ministers, or Career Diplomatic or Consular Officers, as well as their immediate family members and Attendants or Servants. The status granted by the U.S. CIS is determined entirely by the Department of State (DOS). The “A” nonimmigrant category is made up of three classifications: A-1, A-2, and A-3. Due to the sensitive nature of these cases, they may require special handling.

**Statutory Basis** INA – Sect. 101(a)(15)(A)(i), (ii) & (iii)

**Regulatory Basis** 8 CFR 214.2(a)(1) & (2)  
8 CFR 248.1(a)  
8 CFR 248.3l

**A-1 Classification** The A-1 classification applies to foreign heads of state, ambassadors, public ministers, couriers, and career diplomatic or consular officers who are accredited by a foreign government recognized de jure by the United States and accepted by the President and Secretary of State. This classification also applies to members of the A-1’s immediate family.

**A-2 Classification** The A-2 classification applies to other officials and employees who have been accredited by a foreign government recognized de jure by the United States and who are accepted by the Secretary of State. This classification also applies to members of the A-2's immediate family.

**A-3 Classification** The A-3 classification applies to attendants, servants, and personal employees of A-1 and A-2 nonimmigrants. This classification also applies to members of the A-3's immediate family. A-3 nonimmigrants are admitted for an initial period of not more than 3 years.

**Requesting EOS as an A-1 or A-2** Nonimmigrants granted A-1 or A-2 classification are admitted for duration of status and therefore, are ineligible to file for EOS on an I-539. The DOS would determine any extension of stay for an A-1 or A-2.

**Requesting EOS as an A-3** Extensions may be granted to A-3's in increments of not more than two years.

In addition to a properly filed Form I-539 and the I-94 card, the applicant must submit:

- A copy of the A-1 or A-2 employer's I-94 or I-797 approval notice demonstrating A status.
- An original letter from his or her employer describing the applicant's duties, length of stay and conditions of remuneration.
- Form I-566, Interagency Record of Individual Requesting Change/ Adjustment to or from A or G Status, completed and signed by the applicant and certified by the Department of State (DOS) indicating the employer's continuing accredited diplomatic status.

In addition to the above, if an A-3 dependent is filing for EOS separately from the A-3 principal, they should submit a copy of the A-3 principal's I-797 approval notice.

**Procedure** Follow the steps below to process an application for an extension of stay for an A-3 nonimmigrant.

Step	Action		
3.1a	Review for general requirements (see Part 2 of this module).		
3.2a	Ensure that the application includes a copy of the employer's I-94 or I-797, employment letter, and, if necessary, A-3 principal's I-797.		
	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;"><b>IF...</b></td> <td style="width: 50%; text-align: center;"><b>THEN...</b></td> </tr> </table>	<b>IF...</b>	<b>THEN...</b>
<b>IF...</b>	<b>THEN...</b>		

The employer's I-94 or I-797, employment letter, and A-3 principal's I-797 were submitted	Proceed to step 3.3a.
These necessary documents are either inadequate or missing	Note the deficiency. Go to step 3.3a.

3.3a	Review the completed Form I-566.						
	<table border="1"> <tr> <th>IF...</th> <th>THEN...</th> </tr> <tr> <td>DOS recommends approval</td> <td>Go to Part 23a.</td> </tr> <tr> <td>DOS recommends denial</td> <td>Go to Part 23d.</td> </tr> </table>	IF...	THEN...	DOS recommends approval	Go to Part 23a.	DOS recommends denial	Go to Part 23d.
IF...	THEN...						
DOS recommends approval	Go to Part 23a.						
DOS recommends denial	Go to Part 23d.						

**Requesting  
COS from A-1,  
A-2, or A-3**

An application for a change of classification by a principal alien in a position classified A-1 or A-2 (i.e., a diplomatic or consular mission or an international organization in the U.S.) shall be processed without fee. Members of the principal alien's immediate family who are included on the principal alien's application shall also be processed without fee. [See 8 CFR 248.3(c).] If the DOS recommends against the change of status, though, the application must be denied.

In addition to a properly filed Form I-539 and the I-94 card, the applicant must submit Form I-566, certified by the DOS, indicating the principal applicant's continuing accredited diplomatic status.

**Procedure**

Follow the steps below to process an application for a change of status from A-1, A-2, or A-3.

Step	Action						
3.1b	Review for general requirements (see Part 2 of this module).						
3.2b	Review the completed Form I-566. <table border="1"> <tr> <th>IF...</th> <th>THEN...</th> </tr> <tr> <td>DOS recommends approval</td> <td>Go to step 3.3b.</td> </tr> <tr> <td>DOS recommends denial</td> <td>Note the deficiency. Go to step 3.3b.</td> </tr> </table>	IF...	THEN...	DOS recommends approval	Go to step 3.3b.	DOS recommends denial	Note the deficiency. Go to step 3.3b.
IF...	THEN...						
DOS recommends approval	Go to step 3.3b.						
DOS recommends denial	Note the deficiency. Go to step 3.3b.						
3.3b	Review for the evidentiary requirements of the classification that is being requested. See the applicable section of this Adjudications module.						

**Requesting COS to A-1 or A-2** If the DOS recommends against the change of status to A-1 or A-2, the application must be denied.

In addition to a properly filed Form I-539 and the I-94 card, the applicant must submit Form I-566 certified by the DOS indicating the applicant's continuing accredited diplomatic status.

**Procedure** Follow the steps below to process an application for a change of status to A-1 or A-2.

Step	Action						
3.1c	Review for general requirements (see Part 2 of this module).						
3.2c	Review the completed Form I-566. <table border="1" style="margin-left: 20px;"> <tr> <th>IF...</th> <th>THEN...</th> </tr> <tr> <td>DOS recommends approval</td> <td>Go to Part 23a.</td> </tr> <tr> <td>DOS recommends denial</td> <td>Go to Part 23d.</td> </tr> </table>	IF...	THEN...	DOS recommends approval	Go to Part 23a.	DOS recommends denial	Go to Part 23d.
IF...	THEN...						
DOS recommends approval	Go to Part 23a.						
DOS recommends denial	Go to Part 23d.						

**Requesting COS to A-3** In addition to a properly filed Form I-539 and the I-94 card, the applicant must submit the following for a change of status to A-3:

- A copy of the A-1 or A-2 employer's I-94 or I-797 approval notice demonstrating A status.
- An original letter from his or her employer describing the applicant's duties, length of stay and conditions of remuneration.
- Form I-566, Interagency Record of Individual Requesting Change/ Adjustment to or from A or G Status, completed and signed by the applicant and certified by the Department of State (DOS) indicating the employer's continuing accredited diplomatic status.

In addition to the above, if an A-3 dependent is filing separately from the A-3 principal, they should submit a copy of the A-3 principal's I-797 approval notice.

**Procedure** Follow the steps below to process an application for a change of status to A-3.

Step	Action		
3.1d	Review for general requirements (see Part 2 of this module).		
3.2d	Ensure that the application includes a copy of the employer's I-94 or I-797, employment letter, and, if necessary, A-3 principal's I-797. <table border="1" style="margin-left: 20px;"> <tr> <th>IF...</th> <th>THEN...</th> </tr> </table>	IF...	THEN...
IF...	THEN...		

	<table border="1"> <tr> <td>The employer's I-94 or I-797, employment letter, and A-3 principal's I-797 were submitted</td> <td>Proceed to step 3.3d.</td> </tr> <tr> <td>These necessary documents are either inadequate or missing</td> <td>Note the deficiency. Go to step 3.3d.</td> </tr> </table>	The employer's I-94 or I-797, employment letter, and A-3 principal's I-797 were submitted	Proceed to step 3.3d.	These necessary documents are either inadequate or missing	Note the deficiency. Go to step 3.3d.		
The employer's I-94 or I-797, employment letter, and A-3 principal's I-797 were submitted	Proceed to step 3.3d.						
These necessary documents are either inadequate or missing	Note the deficiency. Go to step 3.3d.						
3.3d	Review the completed Form I-566. <table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>DOS recommends approval</td> <td>Go to Part 23a.</td> </tr> <tr> <td>DOS recommends denial</td> <td>Go to Part 23d.</td> </tr> </tbody> </table>	IF...	THEN...	DOS recommends approval	Go to Part 23a.	DOS recommends denial	Go to Part 23d.
IF...	THEN...						
DOS recommends approval	Go to Part 23a.						
DOS recommends denial	Go to Part 23d.						

## Part 4: "B" Nonimmigrants

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**Introduction**      The "B" nonimmigrant category applies to temporary visitors for business or pleasure who have a residence in a foreign country that they do not intend to abandon.

**Statutory Basis**    INA - Sect. 101(a)(15)(B)

**Regulatory Basis**    8 CFR 214.2(b)(1), (2), (3) & (4)  
8 CFR 248.1(a)  
8 CFR 248.3(e)(1)

**B-1 Classification**    The B-1 classification is for temporary visitors that come to the U.S. for business. This applies when a foreign employer requires an alien employee to work temporarily in the U.S. pursuant to the foreign employer's international transactions, and applies similarly if the business visitor is self-employed abroad. A U.S. employer may not employ a business visitor in the U.S. However, a B-1 business visitor may be permitted to perform services on the premises of a U.S. company if pursuant to an international business relationship between that U.S. company and his/her foreign employer. This category includes individuals attending business conferences, engaging in athletics for prize money, etc., but does not include individuals that come to the U.S. to study or perform skilled or unskilled labor, or who come as representatives of foreign press, radio, film, or other foreign information media and will be engaging in such vocation.

Refer to Appendix C for the list of acceptable B-1 business activities.

**B-2  
Classification**

The B-2 classification applies to visitors that come to the U.S. temporarily for pleasure (i.e., legitimate activities of a recreational character). As this classification is for tourists, the nonimmigrant may **not** work during his or her period of stay.

**Requesting  
EOS as a B-1**

A nonimmigrant visitor for business may request additional time to complete business. In most cases, a B-1 extension will be granted the amount of time requested, not to exceed 6 months, from the day after the current stay expires.

For EOS requests, the applicant must make a timely filing and submit the following at a minimum with a properly filed Form I-539 and the I-94 card:

- A statement explaining, in detail, the following:
  - The reasons for the request (a letter from business, an invitation to a convention, or an individual’s letter indicating the reason)
  - How the extended stay would be temporary, including arrangements made to depart the U.S.
  - The effect of the extended stay on foreign employment or residency
- When an employer is not involved, evidence to show that the applicant has sufficient funds to sustain himself/herself.

If there is evidence of ineligibility for the extension in the record, it is appropriate to deny the extension request under 8 C.F.R.103.2(b)(8); if the applicant has filed an untimely extension request, go to Part 2, step 2.5 to determine if it is appropriate to deny the extension request.

**Procedure**

Follow the steps below to process an application for an extension of stay as a B-1.

Step	Action						
4.1a	Review for general requirements (see Part 2 of this module).						
4.2a	Ensure that a statement addressing all of the requisite points has been submitted. <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>An appropriate statement was submitted</td> <td>Go to step 4.3a.</td> </tr> <tr> <td>The statement is inappropriate or is missing</td> <td>Note the deficiency. Go to step 4.3a.</td> </tr> </tbody> </table>	IF...	THEN...	An appropriate statement was submitted	Go to step 4.3a.	The statement is inappropriate or is missing	Note the deficiency. Go to step 4.3a.
IF...	THEN...						
An appropriate statement was submitted	Go to step 4.3a.						
The statement is inappropriate or is missing	Note the deficiency. Go to step 4.3a.						
4.3a	If such evidence is required, review for proof of solvency. <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	IF...	THEN...				
IF...	THEN...						

Adequate evidence of solvency was submitted or is not required	Go to Part 23.
The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.

**Requesting EOS as a B-2**

B-2 nonimmigrants may be granted extensions in increments not to exceed six months effective the day after the previous status expires. For EOS requests, the applicant must make a timely filing and submit the following with a properly filed Form I-539 and the I-94 card:

- A statement explaining, in detail, the following:
  - The reasons for the request
  - How the extended stay would be temporary, including arrangements made to depart the U.S.
  - The effect of the extended stay on foreign employment or residency

Other evidence that may be needed as a part of an EOS request include but are not limited to:

- Evidence to show that the applicant has sufficient funds to sustain himself/herself.
- If the request is for medical reasons, proof of a medical condition may be required from a physician, confirming that the applicant is receiving ongoing treatment and stating the proposed length of and method of payment for the treatment.-

**Note:** If there is evidence of ineligibility for the extension in the record, it is appropriate to deny the extension request under 8 C.F.R.103.2(b)(8); if the applicant has filed an untimely extension request, go to Part 2, step 2.5 to determine if it is appropriate to deny the extension request.

**Procedure**

Follow the steps below to process an application for an extension of stay as a B-2.

Step	Action						
4.1b	Review for general requirements (see Part 2 of this module).						
4.2b	Ensure that a statement addressing all of the requisite points has been submitted. <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>An appropriate statement was submitted</td> <td>Go to step 4.3b.</td> </tr> <tr> <td>The statement is inappropriate or is missing</td> <td>Note the deficiency. Go to step 4.3b.</td> </tr> </tbody> </table>	IF...	THEN...	An appropriate statement was submitted	Go to step 4.3b.	The statement is inappropriate or is missing	Note the deficiency. Go to step 4.3b.
IF...	THEN...						
An appropriate statement was submitted	Go to step 4.3b.						
The statement is inappropriate or is missing	Note the deficiency. Go to step 4.3b.						
4.3b	Review for evidence of solvency. <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> </tbody> </table>	IF...	THEN...				
IF...	THEN...						

	<table border="1"> <tr> <td>Adequate evidence of solvency was submitted</td> <td>Go to step 4.4b.</td> </tr> <tr> <td>The evidence is inadequate or is missing</td> <td>Note the deficiency. Go to step 4.4b.</td> </tr> </table>	Adequate evidence of solvency was submitted	Go to step 4.4b.	The evidence is inadequate or is missing	Note the deficiency. Go to step 4.4b.		
Adequate evidence of solvency was submitted	Go to step 4.4b.						
The evidence is inadequate or is missing	Note the deficiency. Go to step 4.4b.						
4.4b	<p>If the request is for medical reasons, review the physician's proof of a medical condition.</p> <table border="1"> <tr> <td><b>IF...</b></td> <td></td> </tr> <tr> <td>Appropriate proof from a physician was submitted or is not required</td> <td></td> </tr> <tr> <td>The proof is inappropriate or is missing</td> <td></td> </tr> </table>	<b>IF...</b>		Appropriate proof from a physician was submitted or is not required		The proof is inappropriate or is missing	
<b>IF...</b>							
Appropriate proof from a physician was submitted or is not required							
The proof is inappropriate or is missing							

**Requesting EOS as a B-1 or B-2 for Mexican BCC Holders**

Pursuant to NAFTA, a Mexican resident may be admitted to the U.S. for a period of three days with a Mexican Border Crossing Card (BCC), which is the Form DSP-150 Laser Visa. (**Note:** Forms I-186 or I-586 are no longer valid.) If a Mexican BCC holder now seeks an extension, he or she must return to the port of entry for issuance of a Form I-94, showing a new B-1/B-2 admission. He or she must submit this I-94 with the new B-1/B-2 stamp and the new validity dates with the Form I-539. If the I-539 is approvable, a period of six months beyond the dates on the I-94 will be granted. Refer to "Requesting EOS as a B-1" or "as a B-2" above, depending on the request, for evidentiary requirements and procedural steps.

**Requesting COS from B-1 or B-2**

Effective April 12, 2002, a B-1 or B-2 nonimmigrant visitor requesting a change of status to that of an F-1 or M-1 nonimmigrant must not enroll in school or take other actions inconsistent with B nonimmigrant status until the applicant has applied for, and the Service has approved, a change of nonimmigrant status to that of F-1 or M-1 nonimmigrant student.

For any evidentiary requirements in addition to the properly filed Form I-539 and I-94 card and the review procedure, refer to the section of this Adjudications module that pertains to the classification to which the B-1 or B-2 applicant is applying.

**Note:** Consider intent issues when a B-2 nonimmigrant is changing to another nonimmigrant classification.

**Requesting  
COS to B-1**

If an applicant requests a COS to B-1 classification, his or her nonimmigrant status must not have expired. In addition to a properly filed Form I-539 and the I-94 card, the applicant can submit the following:

- A letter from the employer describing the applicant’s duties, length of stay, and conditions of remuneration. If the applicant is applying as a religious member, a letter from the church, or other such religious organization, can be submitted.
- When an employer is not involved, evidence to show that the applicant has sufficient funds to sustain himself/herself.

**Procedure**

Follow the steps below to process an application for a change of status to B-1.

Step	Action						
4.1c	Review for general requirements (see Part 2 of this module).						
4.2c	Ensure that a statement addressing all of the requisite points has been submitted. <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>An appropriate statement was submitted</td> <td>Go to step 4.3c.</td> </tr> <tr> <td>The statement is inappropriate or is missing</td> <td>Note the deficiency. Go to step 4.3c.</td> </tr> </tbody> </table>	IF...	THEN...	An appropriate statement was submitted	Go to step 4.3c.	The statement is inappropriate or is missing	Note the deficiency. Go to step 4.3c.
IF...	THEN...						
An appropriate statement was submitted	Go to step 4.3c.						
The statement is inappropriate or is missing	Note the deficiency. Go to step 4.3c.						

4.3c	If such evidence is required, review for proof of solvency. <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>Adequate evidence of solvency was submitted or is not required</td> <td>Go to Part 23.</td> </tr> <tr> <td>The evidence is inadequate or is missing</td> <td>Note the deficiency. Go to Part 23.</td> </tr> </tbody> </table>	IF...	THEN...	Adequate evidence of solvency was submitted or is not required	Go to Part 23.	The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.
IF...	THEN...						
Adequate evidence of solvency was submitted or is not required	Go to Part 23.						
The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.						

**Requesting  
COS to B-2**

If an applicant requests a COS to B-2 classification, his or her nonimmigrant status must not have expired. In addition to a properly filed Form I-539 and the I-94 card, the applicant can submit the following:

- A statement explaining in detail the following
  - The reasons for the request
  - How the extended stay would be temporary with proof of arrangements made to depart the U.S.
  - The effect of the extended stay on foreign employment or residency
- Evidence to show that the applicant has sufficient funds to sustain himself/herself.

**Procedure** Follow the steps below to process an application for a change of status to B-2.

Step	Action						
4.1d	Review for general requirements (see Part 2 of this module).						
4.2d	<p>Ensure that a statement addressing all of the requisite points has been submitted.</p> <table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>An appropriate statement was submitted</td> <td>Go to step 4.3d.</td> </tr> <tr> <td>The statement is inappropriate or is missing</td> <td>Note the deficiency. Go to step 4.3d.</td> </tr> </tbody> </table>	IF...	THEN...	An appropriate statement was submitted	Go to step 4.3d.	The statement is inappropriate or is missing	Note the deficiency. Go to step 4.3d.
IF...	THEN...						
An appropriate statement was submitted	Go to step 4.3d.						
The statement is inappropriate or is missing	Note the deficiency. Go to step 4.3d.						
4.3d	<p>Review for evidence of solvency.</p> <table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>Adequate evidence of solvency was submitted</td> <td>Go to Part 23.</td> </tr> <tr> <td>The evidence is inadequate or is missing</td> <td>Note the deficiency. Go to Part 23.</td> </tr> </tbody> </table>	IF...	THEN...	Adequate evidence of solvency was submitted	Go to Part 23.	The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.
IF...	THEN...						
Adequate evidence of solvency was submitted	Go to Part 23.						
The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.						

## Part 5: “E” Nonimmigrants

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**Introduction** The “E” nonimmigrant category applies to Treaty Traders, Treaty Investors, Employees of Treaty Traders or Investors, and Dependents of Treaty Traders or Investors. The principal applicant must be a national of a treaty country, which is a foreign state with which a qualifying Treaty of Friendship, Commerce, or Navigation, or its equivalent, exists with the United States.

**Statutory Basis** INA – Sect. 101(a)(15)(E)(i) & (ii)

**Regulatory Basis**

- 8 CFR 214.2(e)(1) Treaty Trader
- 8 CFR 214.2(e)(2) Treaty Investor
- 8 CFR 214.2(e)(3) Employee of Treaty Trader or Treaty Investor
- 8 CFR 214.2(e)(4) Spouse/Children of above
  
- 8 CFR 248.1(a)
- 8 CFR 248.3(a) & (b)

**E-1 Principal Classification**

The E-1 principal classification applies to treaty traders and their employees. Treaty traders are nonimmigrants who are in the U.S. solely to carry on trade of a substantial nature, which is international in scope either on the applicant's behalf or as an employee of a foreign person or organization engaged in trade principally between the U.S. and the treaty country of which the applicant is a national.

The employees of treaty traders will hold the same classification as the employer, if otherwise admissible, and must have the same nationality as the treaty trader. Additionally, the work performed requires executive, supervisory or essential skills and must be consistent with the terms and conditions of the activity forming the basis of the classification.

**E-2 Principal Classification**

The E-2 principal classification applies to treaty investors and their employees. Treaty investors are applicants who have invested or are actively in the process of investing a substantial amount of capital in a bona fide enterprise in the US, as distinct from a relatively small amount of capital in a marginal enterprise solely for the purpose of earning a living. Treaty investors have to be seeking entry solely to develop and direct the enterprise.

The employees of treaty investors will hold the same classification as the employer, if otherwise admissible, and must have the same nationality as the treaty investor. Additionally, the work performed requires executive, supervisory or essential skills and must be consistent with the terms and conditions of the activity forming the basis of the classification.

**E-1, E-2 Dependent Classifications**

The E-1 and E-2 dependent classifications apply to Dependents of Treaty Traders and Investors. These individuals will hold the same classification as the principal applicant spouse or parent, if otherwise admissible. The spouse and children need not have the same nationality as the principal applicant.

**Requesting EOS as an E-1 or E-2 Principal**

The E-1 and E-2 principal classifications are employment-based. As such, applicants in these statuses, including an employee, prospective employee, and the investor or trader, are ineligible to apply for an extension on Form I-539; they must file Form I-129.

**Requesting EOS as an E-1 or E-2 Dependent**

Generally, when an E-1 or E-2 dependent requests EOS, the validity period will be the same as the principal's. However, with the exception of unmarried dependent sons and daughters of employees of the Taiwan Economic Cultural Representative Office (TECRO), if one of the applicants is a dependent child and he or she will turn 21 before the principal applicant's stay expires, the validity period for that applicant and any co-applicants will extend until one day prior to the dependent child's 21<sup>st</sup> birthday.

**Requesting  
EOS as an E-1  
or E-2  
Dependent,  
Cont'd.**

Unmarried dependent sons and daughters of TECRO employees may remain in valid E nonimmigrant classification after the age of 21 as long as they meet the definition of "immediate family;" unmarried sons and daughters, whether by blood or adoption, who are not members of other households, and who reside regularly in the household of the principal E nonimmigrant TECRO employee.

In addition to a properly filed Form I-539 and the I-94 card, the applicant must submit the following:

- A copy of the principal alien's I-94 or I-797 approval notice showing that he or she has already been granted the requested status for the period requested in the application.
- Evidence of the relationship to the principal applicant, such as an acceptable marriage certificate and proof of termination of all previous marriages for both spouses, if any, or a birth certificate.

**Note:** Generally, petitions for the dependents of E-1 or E-2 are mailed to one of the U.S. CIS Service Centers based on the place where the principal E-1 or E-2's proposed employment or training will be conducted.

Applications pertaining to E-1 or E-2 matters may be filed only at the Texas or California service centers. These petitions are to be filed at either (1) the Texas Service Center if the location of employment is in the areas previously covered by the Vermont and Texas Service Centers, or (2) the California Service Center if the location of employment is in the areas previously covered by the Nebraska and California service centers.

**Procedure**

Follow the steps below to process an application for an extension of stay as an E-1 or E-2 dependent.

Step	Action
5.1a	Review for general requirements (see Part 2 of this module).

**Procedure** (continued)

5.2a	Ensure that a copy of the principal applicant's I-94 or I-797 has been submitted that provides proof that the requested status was granted.						
	<table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>The I-94 or I-797 evidence was submitted</td> <td>Go to step 5.3a.</td> </tr> <tr> <td>The I-94 or I-797 evidence is inappropriate or is missing</td> <td>Note the deficiency. Go to step 5.3a.</td> </tr> </tbody> </table>	IF...	THEN...	The I-94 or I-797 evidence was submitted	Go to step 5.3a.	The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 5.3a.
	IF...	THEN...					
The I-94 or I-797 evidence was submitted	Go to step 5.3a.						
The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 5.3a.						

5.3a	Review for evidence of the applicant's relationship to the principal.	
	<b>IF...</b>	<b>THEN...</b>
	Adequate evidence of the relationship was submitted	Go to Part 23.
	The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.

**Requesting COS from E-1 or E-2 Principal** For any evidentiary requirements in addition to the properly filed Form I-539 and I-94 card and the review procedure, refer to the section of this Adjudications module that pertains to the classification to which the E-1 or E-2 principal applicant is applying.

**Requesting COS from E-1 or E-2 Dependent** When an E-1 or E-2 dependent is granted COS, the validity period will begin on the date of adjudication and end on the date determined by the classification to which he or she is changing.

In addition to the a properly filed Form I-539 and the I-94 card, the applicant must submit the evidentiary requirements under "Requesting EOS as an E-1 or E-2 Dependent."

**Procedure** Follow the steps below to process an application for a change of status from E-1 or E-2 dependent.

Step	Action						
5.1b	Review for general requirements (see Part 2 of this module).						
5.2b	Ensure that a copy of the principal's I-94 or I-797 has been submitted that provides proof that the requested status was granted. <table border="1" style="margin: 10px auto;"> <thead> <tr> <th style="text-align: center;">IF...</th> <th style="text-align: center;">THEN...</th> </tr> </thead> <tbody> <tr> <td>The I-94 or I-797 evidence was submitted</td> <td>Go to step 5.3b.</td> </tr> <tr> <td>The I-94 or I-797 evidence is inappropriate or is missing</td> <td>Note the deficiency. Go to step 5.3b.</td> </tr> </tbody> </table>	IF...	THEN...	The I-94 or I-797 evidence was submitted	Go to step 5.3b.	The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 5.3b.
IF...	THEN...						
The I-94 or I-797 evidence was submitted	Go to step 5.3b.						
The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 5.3b.						
5.3b	Review for the evidentiary requirements of the classification that is being requested. See the applicable section of this Adjudications module.						

**Requesting COS to E-1 or E-2 Principal** The E-1 and E-2 principal classifications are employment-based. As such, applicants seeking to change from one nonimmigrant status to one of these statuses are ineligible to apply on Form I-539; they must file Form I-129.

**Requesting  
COS to E-1 or  
E-2 Dependent**

In addition to a properly filed Form I-539 and the I-94 card, applicants requesting COS to E-1 or E-2 dependent must submit the following:

- A copy of the principal’s I-94 or I-797 approval notice showing that he or she has already been granted the requested status for the period requested in the application.
- Evidence of the applicant’s relationship to the principal, such as a notation on the applicant’s passport or visa, an acceptable marriage certificate and proof of termination of all previous marriages for both spouses, if any, or a birth certificate.

**Procedure**

Follow the steps below to process an application for a change of status to E-1 or E-2 dependent.

Step	Action						
5.1c	Review for general requirements (see Part 2 of this module).						
5.2c	<p>Ensure that a copy of the principal’s I-94 or I-797 has been submitted that provides proof that the requested status was granted.</p> <table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>The I-94 or I-797 evidence was submitted</td> <td>Go to step 5.3c.</td> </tr> <tr> <td>The I-94 or I-797 evidence is inappropriate or is missing</td> <td>Note the deficiency. Go to step 5.3c.</td> </tr> </tbody> </table>	IF...	THEN...	The I-94 or I-797 evidence was submitted	Go to step 5.3c.	The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 5.3c.
IF...	THEN...						
The I-94 or I-797 evidence was submitted	Go to step 5.3c.						
The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 5.3c.						
5.3c	<p>Review for evidence of the applicant’s relationship to the principal.</p> <table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>Adequate evidence of the relationship was submitted</td> <td>Go to Part 23.</td> </tr> <tr> <td>The evidence is inadequate or is missing</td> <td>Note the deficiency. Go to Part 23.</td> </tr> </tbody> </table>	IF...	THEN...	Adequate evidence of the relationship was submitted	Go to Part 23.	The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.
IF...	THEN...						
Adequate evidence of the relationship was submitted	Go to Part 23.						
The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.						

## Part 6: “F” Nonimmigrants

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**Introduction**

The “F” nonimmigrant status applies to academic students and their dependents that have a residence in a foreign country that they do not intend to abandon.

**Statutory Basis**

INA – Sect. 101(a)(15)(F)(i) - Principal Alien  
 INA – Sect. 101(a)(15)(F)(ii) - Dependents

<b>Regulatory Basis</b>	8 CFR 214.2(f)(1) & (3) 8 CFR 248.1(a) & (c)
<b>F-1 Classification</b>	The F-1 classification applies to an applicant having a residence in a foreign country, which he has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study and who seeks to enter the United States temporarily and solely for the purpose of pursuing such a course of study consistent with section 8 CFR 214.2(f) at an U.S. CIS approved educational institution. The student must have evidence of financial ability to sustain him or herself. The school must be approved by the U.S. CIS, and may include English as a Second Language courses. An applicant admitted as a F-1 is admitted for duration of status.
<b>F-2 Classification</b>	The F-2 classification applies to the spouse and minor children of any such F-1 nonimmigrant if accompanying the F-1 student or following to join him or her. Dependents of F-1 students may be eligible for F-2 nonimmigrant status for duration of status.
<b>Public Education for F-1s</b>	For information and evidentiary requirements related to nonimmigrants seeking to change status or transfer to F-1 to attend a public primary school, secondary school, or adult education program, refer to INA 214(m)(1).
<b>Requesting EOS as a F-1 or F-2</b>	<p>Nonimmigrants granted F-1 or F-2 classification are generally admitted for duration of status and, therefore, are ineligible to file for EOS on a Form I-539. However, some students admitted D/S may file under specific extenuating circumstances, but these students would not file a Form I-539 at a service center. These students must see their DSO for a program extension or file a request for reinstatement at their local office [see 8 CFR 214.2(f)(7)].</p> <p>Some nonimmigrants may have received a date-specific F-1 visa. F-1 students admitted for one year to study at a public high school must file Form I-539 with a service center for EOS in order to receive D/S and continue on to study at a university.</p>
<b>Requesting Reinstatement as a F-1 or F-2</b>	An F-1 student who violates status or otherwise fails to maintain schooling and his or her F-2 dependent may be considered for reinstatement of student status by submitting a Form I-539. However, these requests must be directly filed with a <u>district office</u> . If you receive such an application, relocate it to the district office having jurisdiction over the applicant's residence.

**Requesting  
COS from F-1  
or F-2**

For any evidentiary requirements in addition to the properly filed Form I-539 and I-94 card and the review procedure, refer to the section of this Adjudications module that pertains to the classification to which the F-1 or F-2 applicant is applying.

**Note:** Qualified F-2 dependents may be included on the principal's Form I-539 when seeking a COS from F-2 to B-1 or B-2 status.

**Requesting  
COS to F-1**

For the granting of COS to F-1 status, the validity period will be from the date of adjudication of the Form I-539 for duration of status (i.e., the time during which an F-1 student is pursuing a full course of studies plus 60 days to prepare to depart the U.S.). Nonimmigrants in the following classifications are ineligible to file for a COS to F-1: M-1, J-1 physicians, and J-1 students subject to the foreign residence requirement of section 212(e) of the Act who have not received a waiver of that requirement.

Effective 4/12/02, a B-1 or B-2 nonimmigrant visitor requesting a change of status to F-1 must not enroll in school or take other actions inconsistent with B nonimmigrant status until the applicant has applied for, and the Service has approved, a change of nonimmigrant status to that of an F-1 student. (Refer to Federal Register: April 12, 2002 (Volume 67, Number 71) for the "Requiring Change of Status From B to F-1 or M-1 Nonimmigrant Prior to Pursuing a Course of Study; Final Rule.")

In addition to a properly filed Form I-539 and the I-94 evidence, an applicant requesting a COS to F-1 status must submit the following:

- Both a school copy and a student copy of Form I-20 A/B issued by the accredited school, which has accepted the F-1 student, and signed by both the student and the DSO.
- Evidence of financial support that confirms the amount indicated on the Form I-20 A/B.

**Procedure**

Follow the steps below to process an application for a change of status to F-1. Refer to Appendix E for SEVIS-related information.

Step	Action						
6.1a	Review for general requirements (see Part 2 of this module).						
6.2a	Review the I-20 A/B.						
	<table border="1"><thead><tr><th>IF the I-20 A/B...</th><th>THEN...</th></tr></thead><tbody><tr><td>Is dated on February 15, 2003 or later</td><td>Go to part 23.</td></tr><tr><td>Is dated before February 15, 2003</td><td>Go to step 6.3a.</td></tr></tbody></table>	IF the I-20 A/B...	THEN...	Is dated on February 15, 2003 or later	Go to part 23.	Is dated before February 15, 2003	Go to step 6.3a.
	IF the I-20 A/B...	THEN...					
Is dated on February 15, 2003 or later	Go to part 23.						
Is dated before February 15, 2003	Go to step 6.3a.						

**Procedure** (continued)

6.3a	Review for evidence of solvency.	
	<b>IF...</b>	
	to step 6.4a. the deficiency. Go to step 6.4a.	
6.4a	If necessary, process the Form I-20.	
	<b>IF the application...</b>	
	to step 6.5a. not endorse the Form I-20. Go to Part 23.	
6.5a	Endorse the Form I-20 according to the chart below and mail all three copies within 5 days of adjudication.	
	<b>Sub-Step</b>	<b>Action</b>
	6.5a(1)	
	6.5a(2)	
	6.5a(3)	
	6.5a(4)	
	6.5a(5)	
	6.5a(6)	

**Requesting  
COS to F-2**

Qualified dependents may file a separate Form I-539 when seeking a COS to F-2 status, such as a B-2 seeking COS to F-2.

In addition to a properly filed Form I-539 and the I-94 evidence, dependents of F-1s requesting COS to F-2 status, must submit the following:

- A copy of the F-1 principal's Form I-20 A/B, I-797 approval notice, I-94 card, or other information to verify the F-1 status.
- Evidence of the applicant's relationship to the principal, such as an acceptable marriage certificate and proof of termination of all previous marriages for both spouses, if any, or a birth certificate.

**Procedure**

Follow the steps below to process an application for a change of status to F-2. Refer to Appendix E for SEVIS-related information.

Step	Action
6.1b	Review for general requirements (see Part 2 of this module).
6.2b	Ensure that a copy of the principal's I-20 A/B, I-797 or I-94 has been submitted that provides proof of the F-1 status.
	<b>IF...</b>

	<table border="1"> <tr> <td>The I-20, I-797 or I-94 evidence was submitted</td> <td></td> </tr> <tr> <td>The I-20, I-797 or I-94 evidence is inappropriate or is missing</td> <td></td> </tr> </table>	The I-20, I-797 or I-94 evidence was submitted		The I-20, I-797 or I-94 evidence is inappropriate or is missing			
The I-20, I-797 or I-94 evidence was submitted							
The I-20, I-797 or I-94 evidence is inappropriate or is missing							
6.3b	<p>Review for evidence of the applicant's relationship to the principal.</p> <table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>Adequate evidence of the relationship was submitted</td> <td>Go to Part 23.</td> </tr> <tr> <td>The evidence is inadequate or is missing</td> <td>Note the deficiency. Go to Part 23.</td> </tr> </tbody> </table>	IF...	THEN...	Adequate evidence of the relationship was submitted	Go to Part 23.	The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.
IF...	THEN...						
Adequate evidence of the relationship was submitted	Go to Part 23.						
The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.						

## Part 7: "G" Nonimmigrants

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- Introduction**      The "G" nonimmigrant category applies to Designated Principal Resident Representatives of a Foreign Government to International Organizations, their immediate family members and their attendants and servants. The status granted by the U.S. CIS is determined entirely by the Department of State (DOS). This category is separated into five classifications: G-1, G-2, G-3, G-4, and G-5. Due to the sensitive nature of these cases, they may require special handling.
- Statutory Basis**    INA - Sect. 101(a)(15)(G)(i) - Principal resident representative (G-1)  
 INA - Sect. 101(a)(15)(G)(ii) - Other accredited representative (G-2)  
 INA - Sect. 101(a)(15)(G)(iii) - Government not recognized de jure (G-3)  
 INA - Sect. 101(a)(15)(G)(iv) - Officers/employees of int'l organization (G-4)  
 INA - Sect. 101(a)(15)(G)(v) - Attendants/Servants of G-1 to G-4 (G-5)
- Regulatory Basis**    8 CFR 214.2 (g)(2)  
 8 CFR 248.1(a)  
 8 CFR 248.3(c)
- G-1 Classification**      •      The G-1 classification applies to principal resident representatives of a foreign government that is recognized de jure by the U.S. and is a member of an international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organization Immunities Act. This classification also applies to members of the applicant's immediate family.
- G-2 Classification**      The G-2 classification applies to other accredited representatives of such a foreign government as described under "G-1 Classification" to such international organizations, and includes members of the applicant's immediate family.

**G-3 Classification** The G-3 classification applies to an applicant who would qualify as a G-1 or G-2 except for the fact that the government of which the applicant is a representative is NOT recognized de jure by the United States or is not a member of such an international organization. This classification also applies to members of the applicant's immediate family.

**G-4 Classification** The G-4 classification applies to officers or other employees of such international organizations as involved in the G-1, G-2, and G-3 classifications, and includes members of the applicant's immediate family.

**G-5 Classification** The G-5 classification applies to attendants, servants, and personal employees of G-1, G-2, G-3, or G-4 nonimmigrants, and includes members of the G-5 applicant's immediate family. G-5 nonimmigrants are admitted for an initial period of not more than 3 years.

**Requesting EOS as a G-1, G-2, G-3, or G-4** Nonimmigrants granted G-1, G-2, G-3, or G-4 classification are admitted for duration of status and therefore, are ineligible to file for EOS on a Form I-539. The DOS would determine any extension of stay.

**Requesting EOS as a G-5** An applicant requesting EOS as a G-5 may be granted extensions in increments of not more than two years.

In addition to a properly filed Form I-539 and the I-94 card, the applicant must submit:

- A copy of the G-1, G-2, G-3 or G-4 employer's I-94 or I-797 approval notice demonstrating G status.
- An original letter from his or her employer describing the applicant's duties, length of stay and conditions of remuneration.
- Form I-566, Interagency Record of Individual Requesting Change/ Adjustment to or from A or G Status, completed and signed by the applicant and certified by the Department of State (DOS) indicating the employer's continuing accredited diplomatic status.

**Procedure** Follow the steps below to process an application for an extension of stay for a G-5 nonimmigrant.

Step	Action
7.1a	Review for general requirements (see Part 2 of this module).

7.2a	Ensure that the application includes a copy of the employer's I-94 or I-797 demonstrating G status and an employment letter.	
	<b>IF...</b>	
	The employer's I-94 or I-797 and the employment letter were submitted	
	These necessary documents are either inadequate or missing	
7.3a	Review the completed Form I-566.	
	<b>IF...</b>	<b>THEN...</b>
	DOS recommends approval	Go to Part 23a.
	DOS recommends denial	Go to Part 23d.

**Requesting  
COS from G-1,  
G-2, G-3, G-4,  
or G-5**

An application for a change of classification by a principal alien in a position classified G-1, G-2, G-3, or G-4 (i.e., a diplomatic or consular mission or an international organization in the U.S.) shall be processed without fee. Members of the principal alien's immediate family who are included on the principal alien's application shall also be processed without fee. [See 8 CFR 248.3(c).] Keep in mind that if the DOS recommends against the change of status, the application must be denied.

In addition to a properly filed Form I-539 and the I-94 card, the applicant must submit Form I-566 certified by the DOS indicating the principal's continuing accredited diplomatic status.

**Procedure**

Follow the steps below to process an application for a change of status from G-1, G-2, G-3, G-4, or G-5 status.

Step	Action
7.1b	Review for general requirements (see Part 2 of this module).

7.2b	Review the completed Form I-566.	
	<b>IF...</b>	<b>THEN...</b>
	DOS recommends approval	Go to step 7.3b.
	DOS recommends denial	Note the deficiency. Go to step 7.3b.

7.3b	Review for the evidentiary requirements of the classification that is being requested. See the applicable section of this Adjudications module.
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**Requesting COS to G-1, G-2, G-3, or G-4** Keep in mind that if the DOS recommends against a change of status to G-1, G-2, G-3, or G-4 status, the application must be denied.

In addition to a properly filed Form I-539 and the I-94 card, the applicant must submit Form I-566 certified by the DOS indicating the applicant's continuing accredited diplomatic status.

**Procedure** Follow the steps below to process an application for a change of status to G-1, G-2, G-3, or G-4.

Step	Action						
7.1c	Review for general requirements (see Part 2 of this module).						
7.2c	Review the completed Form I-566. <table border="1" style="margin-left: 20px;"> <thead> <tr> <th style="width: 50%;">IF...</th> <th style="width: 50%;">THEN...</th> </tr> </thead> <tbody> <tr> <td>DOS recommends approval</td> <td>Go to Part 23a.</td> </tr> <tr> <td>DOS recommends denial</td> <td>Go to Part 23d.</td> </tr> </tbody> </table>	IF...	THEN...	DOS recommends approval	Go to Part 23a.	DOS recommends denial	Go to Part 23d.
IF...	THEN...						
DOS recommends approval	Go to Part 23a.						
DOS recommends denial	Go to Part 23d.						

**Requesting COS to G-5** In addition to a properly filed Form I-539 and the I-94 card, the applicant must submit:

- A copy of the G-1, G-2, G-3 or G-4 employer's I-94 or I-797 approval notice demonstrating G status.
- An original letter from his or her employer describing the applicant's duties, length of stay and conditions of remuneration.
- Form I-566, Interagency Record of Individual Requesting Change/ Adjustment to or from A or G Status, completed and signed by the applicant and certified by the Department of State (DOS) indicating the employer's continuing accredited diplomatic status.

**Procedure** Follow the steps below to process an application for a change of status to G-5.

Step	Action		
7.1d	Review for general requirements (see Part 2 of this module).		
7.2d	Ensure that the application includes a copy of the employer's I-94 or I-797 and employment letter. <table border="1" style="margin-left: 20px;"> <thead> <tr> <th style="width: 50%;">IF...</th> <th style="width: 50%;">THEN...</th> </tr> </thead> <tbody> </tbody> </table>	IF...	THEN...
IF...	THEN...		

	<table border="1"> <tr> <td>The employer's I-94 or I-797 and the employment letter were submitted</td> <td>Proceed to step 7.3d.</td> </tr> <tr> <td>These necessary documents are either inadequate or missing</td> <td>Note the deficiency. Go to step 7.3d.</td> </tr> </table>	The employer's I-94 or I-797 and the employment letter were submitted	Proceed to step 7.3d.	These necessary documents are either inadequate or missing	Note the deficiency. Go to step 7.3d.		
The employer's I-94 or I-797 and the employment letter were submitted	Proceed to step 7.3d.						
These necessary documents are either inadequate or missing	Note the deficiency. Go to step 7.3d.						
7.3d	<p>Review the completed Form I-566.</p> <table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>DOS recommends approval</td> <td>Go to Part 23a.</td> </tr> <tr> <td>DOS recommends denial</td> <td>Go to Part 23d.</td> </tr> </tbody> </table>	IF...	THEN...	DOS recommends approval	Go to Part 23a.	DOS recommends denial	Go to Part 23d.
IF...	THEN...						
DOS recommends approval	Go to Part 23a.						
DOS recommends denial	Go to Part 23d.						

## Part 8: "H" Nonimmigrants

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<b>Introduction</b>	The "H" nonimmigrant classification applies to temporary workers and their dependents.
<b>Statutory Basis</b>	<p>INA - Sect. 101(a)(15)(H)(i)(a) – Repealed – no longer exists – (H-1A Nurse)</p> <p>INA - Sect. 101(a)(15)(H)(i)(b)</p> <p>INA - Sect. 101(a)(15)(H)(ii)</p> <p>INA - Sect. 101(a)(15)(H)(iii)</p>
<b>Regulatory Basis</b>	<p>8 CFR 214.2(h)(1)(i) General Information</p> <p>8 CFR 214.2(h)(1)(ii) Description of Classes</p> <p>8 CFR 214.2(h)(3) H-1C - Nurse</p> <p>8 CFR 214.2(h)(4) H-1B - Specialty Occupation</p> <p>8 CFR 214.2(h)(5) H-2A - Agricultural Worker</p> <p>8 CFR 214.2(h)(6) H-2B - Temporary Worker</p> <p>8 CFR 214.2(h)(7)(i) H-3 - Alien Trainee</p> <p>8 CFR 214.2(h)(9)(iv) H-4 - Dependent</p> <p>8 CFR 248.1(a) &amp; (d)</p>
<b>H-1C Classification</b>	The H-1C classification applies to an individual who is coming temporarily to the U.S. to perform services as a Registered Nurse, and will perform services at a facility for which the Secretary of Labor has determined that an attestation that is not expired is on file. This classification will expire four years from June 11, 2001.

<b>H-1B Classification</b>	<p>The H-1B classification applies to an individual, petitioned for by a U.S. employer or agent for that employer, who is coming temporarily to the U.S. to perform one of the following types of services:</p> <ul style="list-style-type: none"> <li>• Services in a specialty occupation, and for whom the Secretary of Labor has certified that the prospective employer has filed a labor condition application.</li> <li>• Services of an exceptional nature requiring exceptional merit and ability relating to a cooperative research and development project, or a co-production project provided for/under a government to government agreement administered by the Secretary of Defense.</li> <li>• Services as a fashion model of distinguished merit and ability, and for whom the Secretary of Labor has certified that the prospective employer has filed a labor condition application.</li> </ul>
<b>H-2A Classification</b>	<p>The H-2A classification applies to an individual, petitioned for by a U.S. employer or agent for that employer, who is coming temporarily to the U.S. to perform agricultural work of a temporary or seasonal nature.</p>
<b>H-2B Classification</b>	<p>The H-2B classification applies to an individual who is coming temporarily to the U.S. to perform nonagricultural work of a temporary or seasonal nature if unemployed persons capable of performing such service or labor cannot be found in this country. A U.S. employer or agent for that employer petitions for the H-2B classification. This classification does not apply to graduates of medical schools coming to the U.S. to perform services as members of the medical profession. The Service must determine the temporary or permanent nature of the services or labor to be performed. This classification requires a temporary labor certification issued by the Secretary of Labor, or the Governor of Guam, or a notice from one of these individuals that such a certification cannot be made, prior to the filing of a petition with the Service.</p>
<b>H-3 Classification</b>	<p>The H-3 classification applies to an individual, petitioned for by a U.S. employer or agent for that employer, who is coming temporarily to the U.S.:</p> <ul style="list-style-type: none"> <li>• As a trainee, other than to receive graduate medical education or training, or training provided primarily at or by an academic or vocational institution, or</li> <li>• As a participant in a special education exchange visitor program which provides for practical training and experience in the education of children with physical, mental, or emotional disabilities.</li> </ul>
<b>H-4 Classification</b>	<p>The H-4 classification applies to the spouse and/or unmarried minor child of a principal alien classified H-1C, H-1B, H-2A, H-2B, or H-3.</p>

**Requesting EOS as a H-1C, H-1B, H-2A, H-2B, or H-3** The H-1C, H-1B, H-2A, H-2B, and H-3 classifications are employment-based. As such, aliens in these statuses are ineligible to apply for an extension on Form I-539; they must file Form I-129.

**Requesting EOS as a H-4** Generally, when an H-4 nonimmigrant requests an EOS, the validity period will be the same as the principal's. However, if one of the applicants is a dependent child and he or she will turn 21 before the principal alien's stay expires, the validity period for that applicant and any co-applicants will extend until one day prior to the dependent child's 21<sup>st</sup> birthday.

In addition to a properly filed Form I-539 and the I-94 card, the applicant must submit the following a copy of the principal alien's I-94 or I-797 approval notice showing that he/she has already been granted status to the period requested in the application.

**Note:** If the I-539 were riding with an I-129 petition, the need for the I-797 approval notice would be eliminated, as both the I-129 petition and I-539 would be processed together.

**Procedure** Follow the steps below to process an application for an extension of stay as a H-4.

Step	Action						
8.1a	Review for general requirements (see Part 2 of this module).						
8.2a	Ensure that a copy of the principal alien's I-94 or I-797 has been submitted that provides proof that the requested status was granted. <table border="1" data-bbox="386 1291 1206 1465"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>The I-94 or I-797 evidence was submitted</td> <td>Go to Part 23.</td> </tr> <tr> <td>The I-94 or I-797 evidence is inappropriate or is missing</td> <td>Note the deficiency. Go to Part 23.</td> </tr> </tbody> </table>	IF...	THEN...	The I-94 or I-797 evidence was submitted	Go to Part 23.	The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to Part 23.
IF...	THEN...						
The I-94 or I-797 evidence was submitted	Go to Part 23.						
The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to Part 23.						

**Requesting COS from H-1C, H-1B, H-2A, H-2B, or H-3** For any evidentiary requirements in addition to the properly filed Form I-539 and I-94 card and the review procedure, refer to the section of this Adjudications module that pertains to the classification to which the applicant is applying.

**Requesting  
COS from H-4**

When an H-4 nonimmigrant is granted COS, the validity period will begin on the date of adjudication and end on the date determined by the classification to which he or she is changing.

For any evidentiary requirements in addition to the properly filed Form I-539 and I-94 card and the review procedure, refer to the section of this Adjudications module that pertains to the classification sought by the applicant.

**Note:** On a case-by-case basis, it might be necessary to verify that the H-1B principal alien is still employed. Consider issuing a RFE if other areas of deficiency are noted.

**Requesting  
COS to H-1C,  
H-1B, H-2A,  
H-2B, or H-3**

The H-1C, H-1B, H-2A, H-2B, and H-3 classifications are employment-based. As such, aliens seeking to change from one nonimmigrant status to one of these statuses are ineligible to apply on Form I-539; they must file Form I-129.

**Requesting  
COS to H-4**

When requesting COS to H-4, the applicant must be in a valid nonimmigrant status.

In addition to a properly filed Form I-539 and the I-94 card, the applicant must submit the following:

- A copy of the principal alien's I-797 approval notice submitted to verify the H-1C, H-1B, H-2A, H-2B, or H-3 status with validity dates corresponding to the dates requested on the I-539 application.
- Evidence of the applicant's relationship to the principal alien, such as a notation on the applicant's passport or visa, an acceptable marriage certificate and proof of termination of all previous marriages for both spouses, if any, or a birth certificate.

**Procedure**

Follow the steps below to process an application for a change of status to H-4.

Step	Action						
8.1b	Review for general requirements (see Part 2 of this module).						
8.2b	Ensure that a copy of the principal alien's I-94 or I-797 has been submitted that provides proof that the requested status was granted. <table border="1" data-bbox="386 1703 1206 1873"><thead><tr><th>IF...</th><th>THEN...</th></tr></thead><tbody><tr><td>The I-94 or I-797 evidence was submitted</td><td>Go to step 8.3b.</td></tr><tr><td>The I-94 or I-797 evidence is inappropriate or is missing</td><td>Note the deficiency. Go to step 8.3b.</td></tr></tbody></table>	IF...	THEN...	The I-94 or I-797 evidence was submitted	Go to step 8.3b.	The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 8.3b.
IF...	THEN...						
The I-94 or I-797 evidence was submitted	Go to step 8.3b.						
The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 8.3b.						

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8.3b	Review for evidence of the applicant's relationship to the principal alien.						
	<table border="1" style="width: 100%;"> <thead> <tr> <th style="text-align: center;">IF...</th> <th style="text-align: center;">THEN...</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Adequate evidence of the relationship was submitted</td> <td style="text-align: center;">Go to Part 23.</td> </tr> <tr> <td style="text-align: center;">The evidence is inadequate or is missing</td> <td style="text-align: center;">Note the deficiency. Go to Part 23.</td> </tr> </tbody> </table>	IF...	THEN...	Adequate evidence of the relationship was submitted	Go to Part 23.	The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.
IF...	THEN...						
Adequate evidence of the relationship was submitted	Go to Part 23.						
The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.						

## **Part 9: "I" Nonimmigrants**

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**Introduction**      The "I" nonimmigrant category applies to Members of Foreign Media and their spouse and children.

**Statutory Basis**    INA - Sect. 101(a)(15)(I)

**Regulatory Basis**    8 CFR 214.2(i)  
8 CFR 248.1(a)

**I Classification**    The same "I" classification applies to both members of foreign media and their family. An "I" nonimmigrant cannot change employers without U.S. CIS approval. The admission of an alien of the class defined in section 101(a)(15)(I) of the Act constitutes an agreement by the alien not to change the information medium or his or her employer until he or she obtains permission to do so from the district director having jurisdiction over his or her residence. An "I" alien may be authorized admission for the duration of employment.

**Requesting EOS as an I**      Nonimmigrants granted I classification are admitted for duration of status and, therefore, are ineligible to file for EOS on Form I-539.

**Requesting COS from I**      When requesting COS from I status, the alien must establish that he or she has continued to maintain status.

For any evidentiary requirements in addition to the properly filed Form I-539 and I-94 card and the review procedure, refer to the section of this Adjudications module that pertains to the classification sought by the applicant.

**Requesting  
COS to I**

When requesting COS to I status, the alien must be in a valid nonimmigrant status. Additionally, the alien is not required to establish that he or she has a foreign residence he or she does not intend to abandon.

In addition to a properly filed Form I-539 and the I-94 evidence, the applicant must submit evidence from the alien’s foreign employer establishing the job and remuneration to be received.

**Note:** The foreign employer may be a wholly owned subsidiary of a foreign company that is located in the U.S.

**Procedure**

Follow the steps below to process an application for a change of status to I.

Step	Action						
9.1a	Review for general requirements (see Part 2 of this module).						
9.2a	Ensure that adequate evidence from the alien’s foreign employer has been submitted. <table border="1" data-bbox="386 884 1208 1058"><thead><tr><th>IF...</th><th>THEN...</th></tr></thead><tbody><tr><td>The appropriate evidence was submitted</td><td>Go to Part 23.</td></tr><tr><td>The evidence is inappropriate or is missing</td><td>Note the deficiency. Go to Part 23.</td></tr></tbody></table>	IF...	THEN...	The appropriate evidence was submitted	Go to Part 23.	The evidence is inappropriate or is missing	Note the deficiency. Go to Part 23.
IF...	THEN...						
The appropriate evidence was submitted	Go to Part 23.						
The evidence is inappropriate or is missing	Note the deficiency. Go to Part 23.						

## Part 10: “J” Nonimmigrants

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**Introduction**

The “J” nonimmigrant category applies to Exchange Visitors and their immediate family members.

**Statutory Basis**

INA – Sect. 101(a)(15)(J)  
INA – Sect. 212(e)

**Regulatory  
Basis**

8 CFR 212.7(c) Section 212(e), Two-year Foreign Residence Requirement:  
8 CFR 212.7(c)(1) U.S. or foreign government financing  
8 CFR 212.7(c)(2) Field of specialized knowledge or skill (skills list)  
8 CFR 212.7(c)(3) Graduate medical education or training  
8 CFR 212.7(c)(4) J-2 dependent subject to 212(e)

8 CFR 214.2(j)(1)(i) General information

8 CFR 248.1(a) General information on change of status  
8 CFR 248.2(c) Graduate Medical Education ineligible for COS w/o waiver  
8 CFR 248.2(d) All other J-1 ineligible for COS w/o waiver

**J-1  
Classification**

The J-1 classification applies to an exchange alien admitted under section 101(a)(15)(J) of the Act or acquired such status, or who acquired exchange-visitor status under the United States Information and Education Exchange Act. A J-1 is an alien having a residence in a foreign country, which he has no intention of abandoning, who is a bona fide student, scholar, trainee, teacher, professor, research assistant, specialist, or leader in a field of specialized knowledge or skill, or other person of similar description. The alien must be coming temporarily to the U.S. as a participant in a program designated by the Director of the U.S. Information Agency, for the purpose of teaching, instructing or lecturing, studying, observing, conducting research, consulting, demonstrating special skills, or receiving training. Additionally, if the J-1 alien is coming to the U.S. to participate in a program under which he will receive graduate medical education or training, he or she must also meet the requirements of section 212(j) of the Act.

**J-2  
Classification**

The J-2 classification applies to the spouse and unmarried minor child of a J-2 accompanying or following to join the J-1.

**Note:** If the J-1 principal is subject to 212(e), as discussed below, then the J-2 is subject to 212(e) as well.

**Section 212(e)  
of the Act**

No one admitted under section 101(a)(15)(J) or acquiring such status after admission shall be eligible to apply for an immigrant visa, permanent residence, or a nonimmigrant visa under either section 101(a)(15)(H) or 101(a)(15)(L) until it is established that he or she has resided and been physically present in the country of his or her nationality or last residence for a total of at least two years following departure from the U.S. if he or she meets the one of following criteria:

- His or her participation in the program for which the alien came to the U.S. was financed in whole or in part, directly or indirectly, by an agency of the U.S. Government or by the government of the country of the alien's nationality or last residence.
- At the time of admission or acquisition of status under section 101(a)(15)(J) the alien was a national or resident of a country which the Director of the U.S. Information Agency, pursuant to regulations prescribed by him, had designated as clearly requiring the services of persons engaged in the field of specialized knowledge or skill in which the alien was engaged.
- The alien came to the U.S. or acquired such status in order to receive graduate medical education or training.

**J-1s Subject to 212(e) – Government Funding**

If the J-1 alien's participation in the exchange program is financed in whole or in part, directly or indirectly, by a United States government agency or by the government of his or her home country, then the alien is subject to Section 212(e). Direct funding means funds are contributed directly to the alien for his or her personal use in connection with the program. Indirect funding means financing is by an international organization to which the U.S. contributes or financing is by an organization whose purpose is to further such international exchange.

**Note:** All Fulbright Grant recipients are considered governmentally financed.

Determine if government financing is involved by reviewing section 5 of the DS-2019 or by reading the program description. Program Numbers are either abbreviated with a “G” or a “P.”

The “G” programs are governmentally financed. There are 5 levels of “G” programs:

1. G-1 – United States Information Agency (USIA)
2. G-2 – Agency for International Development (AID)
3. G-3 – Department of State
4. G-4 – International agencies or organizations in which the U.S. government participates
5. G-5 – Other national, state, or local government agencies

The “P” programs are private sector programs and are not generally considered governmentally financed except those that are funded by government grants. There are 4 levels of “P” programs:

1. P-1 – Academic institutions
2. P-2 – Hospitals and health institutions
3. P-3 – Nonprofit organizations
4. P-4 – Profit-making organizations

**J-1s Subject to 212(e) – Skills List**

To determine if an applicant is subject to Section 212(e) due to the J-1’s program providing training in a skill that is in short supply in the alien’s home country, refer to the Foreign Affairs Manual 9 FAM 41.63. These contain the skills list for participating countries. The State Department determines what skills to list in cooperation with the alien’s country, and then the U.S. CIS adjudicates the petition according to the Department of State’s decision. The applicant may have sent copies of prior DS-2019 forms showing the he or she is subject to 212(e); however, the skills list should always be checked to determine whether or not the applicant is subject.

**J-1s Subject to 212(e) – Graduate Medical Education or Training**

J-1 aliens pursuing graduate medical education or training are always subject to Section 212(e). The DS-2019 form will reflect such in Block 7 on the form. Please note that the DS-2019 forms for graduate medical education applicants are slightly different in that Block 7 actually states that the applicant is subject to 212(e). You will need to fill out and sign this block as with other DS-2019 forms.

**Background Information Regarding Waiver of Section 212(e)**

Upon the favorable recommendation of the Director, the Attorney General may waive the two-year foreign residence abroad requirement of Section 212(e) in the case of an alien whose admission to the United States is found by the Attorney General to be in the public interest. No waiver can be granted without a favorable recommendation from the State Department. If the Department of State (DOS) objects to granting a waiver, the U.S. CIS officer must deny the waiver. If the DOS recommends approving the waiver, U.S. CIS reserves the right of denial, even if DOS recommends granting the waiver of the foreign residency requirement under 212(e) of the INA.

**Background Information Regarding Waiver of Section 212(e), Cont'd.**

A waiver of the requirements under Section 212(e) must be issued directly to the State Department and may be granted under one of the following four conditions:

1. The government of the alien's country of nationality or last residence issues a "No Objection" letter to the State Department.
2. A waiver is sought by an interested U.S. government agency, which would be submitted to the U.S. CIS on Form I-612.
3. The alien's compliance would result in exceptional hardship to his or her United States citizen or permanent resident spouse or child, which would be submitted to the U.S. CIS on Form I-612.
4. The alien establishes that he or she cannot return to the country of his or her nationality or last residence because he or she would be subject to persecution on account of race, religion, or political opinion, which would be submitted to the U.S. CIS on Form I-612.

**USDA Participation Discontinued**

Effective February 27, 2002, the U.S. Department of Agriculture (USDA) will no longer sponsor the issuance of J-1 visas for foreign research scientists, nor will the USDA serve as an Interested Government Agency in submitting recommendations for waiver of the two-year foreign residence requirement. [Letter from USDA Deputy Secretary James R. Moseley to U.S. CIS Commissioner James W. Ziglar, received February 27, 2002.]

**Requesting EOS as a J-1 or J-2**

Nonimmigrants granted J-1 or J-2 classification are admitted for duration of status and therefore, are ineligible to file for EOS on a Form I-539. If an extension is required, the applicant should contact the responsible officer of his or her program for assistance pursuant to regulations that went into effect March 19, 1993. The application should be denied without prejudice, and all supporting evidence should be returned to the applicant.

**Requesting Reinstatement as a J-1**

Similarly, applicants seeking a reinstatement as a J-1 should not file Form I-539 with the U.S. CIS. Instead, J-1 applicants requesting reinstatement to valid program status should contact the DOS.

**Requesting  
COS from J-1**

A J-1 exchange visitor subject to the foreign residence requirement of section 212(e) of the Act and who has not received a waiver of that requirement, is also not eligible to change nonimmigrant status, except when the J-1 applies to change to A or G classification. No COS will be granted if the status is for graduate medical training (unless there is evidence of a waiver requested by a State Department of Public Health) [8CFR 248.2(c)]. Additionally, if either of these two criteria applies to the J-1 and the J-1 is not eligible for COS, then the J-2 cannot apply to change status either.

In addition to a properly filed Form I-539 and the I-94 card, the applicant must submit:

- A copy of a current Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, signed by the applicant and Responsible Officer.
- If the applicant is subject to the two-year foreign residence requirement, he or she must have a waiver of that requirement, either submitted as a no objection letter approved by the Department of State (DOS) or a Form I-612.

**Note:** The DOS approved no objection letter and the I-612 must be approved by the U.S. CIS before adjudication of the I-539 can take place.

**Procedure**

Follow the steps below to process an application for a change of status from J-1. Refer to Appendix E for SEVIS-related information.

Step	Action						
10.1a	Review for general requirements (see Part 2 of this module).						
10.2a	Review for a copy of the current DS-2019. <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>The current DS-2019 was submitted</td> <td>Go to step 10.3a.</td> </tr> <tr> <td>The current DS-2019 was not submitted</td> <td>Note the deficiency. Go to step 10.3a.</td> </tr> </tbody> </table>	IF...	THEN...	The current DS-2019 was submitted	Go to step 10.3a.	The current DS-2019 was not submitted	Note the deficiency. Go to step 10.3a.
IF...	THEN...						
The current DS-2019 was submitted	Go to step 10.3a.						
The current DS-2019 was not submitted	Note the deficiency. Go to step 10.3a.						

10.3a	Review the DS-2019 <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>IF the DS-2019...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>Is dated on February 15, 2003 or later</td> <td>Go to Part 23.</td> </tr> <tr> <td>Is dated before February 14, 2003</td> <td>Go to step 10.4a.</td> </tr> </tbody> </table>	IF the DS-2019...	THEN...	Is dated on February 15, 2003 or later	Go to Part 23.	Is dated before February 14, 2003	Go to step 10.4a.
IF the DS-2019...	THEN...						
Is dated on February 15, 2003 or later	Go to Part 23.						
Is dated before February 14, 2003	Go to step 10.4a.						

10.4a	<p>Make a determination as to whether or not the applicant is subject to the two-year foreign residence requirement. If the applicant is subject to the foreign residence requirement, review for a waiver approval by using the local LAN and or National Systems.</p> <table border="1" data-bbox="386 344 1200 554"> <thead> <tr> <th data-bbox="386 344 797 380">IF...</th> <th data-bbox="805 344 1200 380">THEN...</th> </tr> </thead> <tbody> <tr> <td data-bbox="386 380 797 449">A waiver approval was submitted or is not required</td> <td data-bbox="805 380 1200 449">Go to step 10.5a.</td> </tr> <tr> <td data-bbox="386 449 797 554">The waiver approval is required but was not submitted missing</td> <td data-bbox="805 449 1200 554">Note the deficiency. Go to step 10.5a.</td> </tr> </tbody> </table>	IF...	THEN...	A waiver approval was submitted or is not required	Go to step 10.5a.	The waiver approval is required but was not submitted missing	Note the deficiency. Go to step 10.5a.
IF...	THEN...						
A waiver approval was submitted or is not required	Go to step 10.5a.						
The waiver approval is required but was not submitted missing	Note the deficiency. Go to step 10.5a.						
10.5a	Review for the evidentiary requirements of the classification that is being requested. See the applicable section of this Adjudications module.						

**Requesting  
COS from J-2**

When an alien requests a COS from J-2, it must be determined whether or not he or she is subject to Section 212(e). If so, an approved Form I-612 is required for that alien.

In addition to a properly filed Form I-539 and the I-94 evidence, the applicant must submit the following:

- A copy of the J-1 principal alien's current DS-2019 as proof that he or she has been maintaining a valid J-2 status.
- If the applicant is subject to the two-year foreign residence requirement due to the J-1 principal being subject, he or she must provide a copy of an approval notice for form I-612, waiving the foreign residency requirement for the J-1 principal alien or a copy of a "no objection" letter from the Department of State.

**Note:** The applicant is considered to be in lawful status for 30 days beyond the end of the J-1 program.

**Procedure**

Follow the steps below to process an application for a change of status from J-2. Refer to Appendix E for SEVIS-related information.

Step	Action						
10.1b	Review for general requirements (see Part 2 of this module).						
10.2b	<p>Review for evidence of valid J-2 status.</p> <table border="1" data-bbox="386 1675 1200 1850"> <thead> <tr> <th data-bbox="386 1675 797 1711">IF...</th> <th data-bbox="805 1675 1200 1711">THEN...</th> </tr> </thead> <tbody> <tr> <td data-bbox="386 1711 797 1780">Adequate evidence of valid status was submitted</td> <td data-bbox="805 1711 1200 1780">Go to step 10.3b.</td> </tr> <tr> <td data-bbox="386 1780 797 1850">Evidence of valid status is inadequate or missing</td> <td data-bbox="805 1780 1200 1850">Note the deficiency. Go to step 10.3b.</td> </tr> </tbody> </table>	IF...	THEN...	Adequate evidence of valid status was submitted	Go to step 10.3b.	Evidence of valid status is inadequate or missing	Note the deficiency. Go to step 10.3b.
IF...	THEN...						
Adequate evidence of valid status was submitted	Go to step 10.3b.						
Evidence of valid status is inadequate or missing	Note the deficiency. Go to step 10.3b.						

**Procedure** (continued)

10.3b	<p>Determine if the J-1 principal is subject to 212(e). If the applicant is subject to 212(e), review for the J-1 principal's waiver approval.</p> <table border="1" data-bbox="386 415 1208 827"> <thead> <tr> <th data-bbox="386 415 691 453">IF...</th> <th data-bbox="691 415 1208 453">THEN...</th> </tr> </thead> <tbody> <tr> <td data-bbox="386 453 691 621">A "no objection" letter was submitted</td> <td data-bbox="691 453 1208 621">Go search appropriate systems for the I-612. If the I-612 is not found, adjudicate the "no objection" letter using local procedure. If the I-612 is found, go to step 10.4b.</td> </tr> <tr> <td data-bbox="386 621 691 722">A waiver approval was submitted or is not required</td> <td data-bbox="691 621 1208 722">Go to step 10.4b.</td> </tr> <tr> <td data-bbox="386 722 691 827">The required waiver approval was not submitted</td> <td data-bbox="691 722 1208 827">Note the deficiency. Go to step 10.4b</td> </tr> </tbody> </table>	IF...	THEN...	A "no objection" letter was submitted	Go search appropriate systems for the I-612. If the I-612 is not found, adjudicate the "no objection" letter using local procedure. If the I-612 is found, go to step 10.4b.	A waiver approval was submitted or is not required	Go to step 10.4b.	The required waiver approval was not submitted	Note the deficiency. Go to step 10.4b
IF...	THEN...								
A "no objection" letter was submitted	Go search appropriate systems for the I-612. If the I-612 is not found, adjudicate the "no objection" letter using local procedure. If the I-612 is found, go to step 10.4b.								
A waiver approval was submitted or is not required	Go to step 10.4b.								
The required waiver approval was not submitted	Note the deficiency. Go to step 10.4b								
10.4b	Review for the evidentiary requirements of the classification that is being requested. See the applicable section of this Adjudications module.								

**Requesting COS to J-1**

When requesting COS to J-1 status, the alien must be in a valid nonimmigrant status that has not expired.

In addition to a properly filed Form I-539 and the I-94 evidence, the applicant must submit a DS-2019 form, in triplicate, completed and signed by the sponsor and by the applicant.

**Note:** Ensure that the DS-2019 is in a riding A-file. If not, route the file so that an A-file can be created for the applicant.

**Procedure**

Follow the steps below to process an application for a change of status to J-1. Refer to Appendix E for SEVIS-related information.

Step	Action
10.1c	Review for general requirements (see Part 2 of this module).

10.2c	<p>Annotate and distribute the Form DS-2019 according to the chart below:</p> <table border="1" data-bbox="386 1814 1208 1883"> <thead> <tr> <th data-bbox="386 1814 630 1883">IF the application...</th> <th data-bbox="630 1814 1208 1883">THEN...</th> </tr> </thead> <tbody> <tr> <td data-bbox="386 1883 630 1883"> </td> <td data-bbox="630 1883 1208 1883"> </td> </tr> </tbody> </table>	IF the application...	THEN...		
IF the application...	THEN...				

Will be approved	<ul style="list-style-type: none"> <li>• Determine if the applicant is subject to 212(e) and check the appropriate boxes on the DS-2019.</li> <li>• Add an original approval stamp and signature on all 3 pages of the DS-2019 with the authorized period of stay as D/S.</li> <li>• Annotate the applicant's A# and I-94# on the DS-2019 in the blank space between sections 2 and 3.</li> <li>• Place Copy 1 in the file, send Copy 2 to the State Department and mail Copy 3 to the applicant.</li> <li>• Then go to Part 23.</li> </ul>
Will be denied or requires a RFE or ITD	Do not execute the Form DS-2019. Go to Part 23.

**Requesting COS to J-2**

When requesting COS to J-2 status, the alien must be in a valid nonimmigrant status that has not expired.

In addition to a properly filed Form I-539 and the I-94 evidence, the applicant must submit the following:

- Evidence that the principal alien's status is J-1, such as an I- 797 approval notice for the J-1 alien.
- Evidence of the relationship to the principal J-1 visa holder, such as a marriage or birth certificate.

**Procedure**

Follow the steps below to process an application for a change of status to J-2.

Step	Action						
10.1d	Review for general requirements (see Part 2 of this module).						
10.2d	Ensure that evidence of the principal alien's J-1 status has been submitted. <table border="1" style="margin-left: 20px;"> <thead> <tr> <th style="text-align: center;">IF...</th> <th style="text-align: center;">THEN...</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">The J-1 is in valid status</td> <td style="text-align: center;">Go to step 10.3d.</td> </tr> <tr> <td style="text-align: center;">The J-1 is not in valid status or evidence of the J-1 status was not submitted</td> <td style="text-align: center;">Note the deficiency. Go to step 10.3d.</td> </tr> </tbody> </table>	IF...	THEN...	The J-1 is in valid status	Go to step 10.3d.	The J-1 is not in valid status or evidence of the J-1 status was not submitted	Note the deficiency. Go to step 10.3d.
IF...	THEN...						
The J-1 is in valid status	Go to step 10.3d.						
The J-1 is not in valid status or evidence of the J-1 status was not submitted	Note the deficiency. Go to step 10.3d.						
10.3d	Review for evidence of the applicant's relationship to the principal alien. <table border="1" style="margin-left: 20px;"> <thead> <tr> <th style="text-align: center;">IF...</th> <th style="text-align: center;">THEN...</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;"> </td> <td style="text-align: center;"> </td> </tr> </tbody> </table>	IF...	THEN...				
IF...	THEN...						

Adequate evidence of the relationship was submitted	Go to Part 23.
The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.

## Part 11: “K-3/K-4” Nonimmigrants

---

<b>Introduction</b>	The K-3 and K-4 visa provisions permit the Spouse and Child of a U.S. citizen living abroad to apply to enter the U.S. as a nonimmigrant if they are the beneficiaries of a pending or approved I-130, Petition for Alien Relative. The K-3 and K-4 will be authorized to remain in the U.S. during the pendency of the I-130 and any subsequent application for adjustment of status.
<b>Statutory Basis</b>	INA – Sect. 101(b)(1)(A), (B), (C), (D) & (E)
<b>Regulatory Basis</b>	<p>8 CFR 214.2(k)(3) Children of K-1</p> <p>8 CFR 214.2(k)(5) Validity period</p> <p>8 CFR 214.2(k)(6) Adjustment of status from nonimmigrant to immigrant</p> <p>8 CFR 214.2(k)(7) Eligibility for K-3/K-4</p> <p>8 CFR 214.2(k)(8) Period of admission for K-3/K-4</p> <p>8 CFR 214.2(k)(9) Employment authorization</p> <p>8 CFR 214.2(k)(10) Extension of stay for K-3/K-4</p> <p>8 CFR 214.2(k)(11) Termination of K-3/K-4 status</p> <p>8 CFR 248.1(a)</p> <p>8 CFR 248.2(b)</p>
<b>K-3 Classification</b>	The K-3 classification applies to aliens who are able to demonstrate that they have concluded a valid marriage with a U.S. citizen and who are beneficiaries of an I-130 immigrant visa petition. The initial period granted to a K-3 nonimmigrant is two years.
<b>K-4 Classification</b>	The K-4 visa allows the unmarried, minor child of an alien classified as a K-3 to accompany the K-3 to the U.S. The K-4 child’s status is dependent upon the K-3 parent’s status. The initial period granted to a K-4 nonimmigrant is two years and the period of validity will expire upon the child turning 21. If the USC spouse has not filed an I-130 on behalf of the child, and the child’s parent adjusts status to Lawful Permanent Resident, the child is immediately out of status.

**Termination of Status** Pursuant to LIFE section 1103(c), K-3 and K-4 nonimmigrants status will terminate 30 days following the denial of either the Form I-130, filed on the applicants' behalf by the citizen petitioner, an application for an immigrant visa by the applicant, or the applicant's Form I-485. If any of these are denied, the applicant will have 30 days to leave the U.S. or will be deportable under section 237(a)(1) of the Act and will begin accruing unlawful presence for the purposes of section 212(a)(9)(B) of the Act. If the K-3 applicant's status is terminated, the derivative K-4 child status will be terminated simultaneously.

**Requesting EOS as a K-3 or K-4** K-3 and K-4 nonimmigrants are eligible for an EOS during the processing of the Form I-130 processed on their behalf and up to completion of their adjustment of status application. Extensions are granted in two-year increments.

In addition to a properly filed Form I-539 and the I-94 evidence, the applicant must submit the following:

- Proof that the immigrant visa petition or I-485 is pending in the form of one of the following:
  - I-797 Receipt or Approval Notice of Action from a Service Center
  - Receipt for a filed Form I-130 or I-485
  - Another form of evidence regarding the application (i.e., correspondence to or from the Service regarding the petition)
- A copy of a marriage certificate to establish that the applicant and the U.S. citizen are married or a copy of a birth certificate to establish the parent-child relationship, if the relative I-130 is still pending.
- Applicant may also show good cause why the I-485 has not been filed pursuant to 8 CFR 214.2 (K)(10)(ii).

**Procedure** Follow the steps below to process an application for an extension of stay as a K-3 or K-4.

Step	Action
11.1a	Review for general requirements (see Part 2 of this module).

11.2a	Ensure that appropriate proof of filing has been submitted.	
	<b>IF...</b>	<b>THEN...</b>
	Appropriate proof of filing was submitted	Go to step 11.3a.
	Proof of filing is inappropriate or missing	Note the deficiency. Go to step 11.3a.

11.3a	Review for evidence of the applicant's relationship to the U.S. citizen, if the relative I-130 is still pending.	
	<b>IF...</b>	
	Adequate evidence of the relationship was submitted or is not required	
	The evidence is inadequate or is missing	

**Requesting COS from K-3 or K-4**      A K-3 or K-4 nonimmigrant accorded such status pursuant to the LIFE Act may not change to another nonimmigrant status.

**Requesting COS to K-3 or K-4**      Any applicant who currently holds another nonimmigrant status may not change their status to K-3 or K-4.

## Part 12: "L" Nonimmigrants

---

**Introduction**      The "L" nonimmigrant category applies to Intracompany Transferees and their Dependents.

**Statutory Basis**      INA - Sect. 101(a)(15)(L)

**Regulatory Basis**      8 CFR 214.2(l)(1)(i) General information  
8 CFR 214.2(l)(2) Filing of petitions  
8 CFR 214.2(l)(3)(i), (ii), (iii), (iv) & (v) Evidence for individual petitions  
8 CFR 214.2(l)(4)(i), (ii) & (iii) Blanket L petitions  
8 CFR 214.2(l)(5)(i) & (ii) Procedures for beneficiaries under blanket petition  
8 CFR 214.2(l)(7)(ii) Spouse and dependents  
  
8 CFR 214.2(l)(17)(i) NAFTA Principal Alien  
8 CFR 214.2(l)(17)(ii) NAFTA Principal Alien  
8 CFR 214.2(l)(17)(v) NAFTA Spouse/children of NAFTA alien  
  
8 CFR 248.1(a)  
8 CFR 248.3(a)

**L-1  
Classification**

The L-1 Classification applies to an individual who within the preceding 3 years has been employed abroad for one continuous year by a qualifying organization, and will be admitted temporarily to the U.S. to be employed by a parent, branch, affiliate, or subsidiary of that employer in a managerial or executive capacity, or in a position requiring specialized knowledge. Certain petitioners seeking classification of an alien as an intracompany transferee may file blanket petitions with the Service. Under the blanket petition process, the Service is responsible for determining whether the petitioner and its parent, branches, affiliates, or subsidiaries specified are qualifying organizations. The Department of State or, in certain cases, the Service is responsible for determining the classification of the alien. If the applicant's qualifying employer filed a blanket petition, the requirement for continuous employment abroad is reduced to 6 months from 1 year.

**L-2  
Classification**

The L-2 classification applies to the spouse or unmarried minor child of a L-1 alien.

**Requesting  
EOS as a L-1**

The L-1 classification is employment-based. As such, aliens in this status are ineligible to apply for an extension on Form I-539; they must file Form I-129.

**Requesting  
EOS as a L-2**

Generally, when a L-2 nonimmigrant requests an EOS, the validity period will be the same as the principal's. However, if one of the applicants is a dependent child and he or she will turn 21 before the principal alien's stay expires, the validity period for that applicant and any co-applicants will extend until one day prior to the dependent child's 21<sup>st</sup> birthday.

In addition to a properly filed Form I-539 and the I-94 card, the applicant must submit the following:

- A copy of the principal alien's I-94 or I-797 approval notice showing that he or she has already been granted status to the period requested in the application.
- Evidence of the relationship to the L-1 alien, such as an acceptable marriage certificate and proof of termination of all previous marriages for both spouses, if any, or a birth certificate.

**Note:** If the I-539 were riding with an I-129 petition, the need for the I-797 approval notice would be eliminated, as both the I-129 petition and I-539 would be processed together.

**Procedure**

Follow the steps below to process an application for an extension of stay as a L-2.

Step	Action
------	--------

12.1a	Review for general requirements (see Part 2 of this module).						
12.2a	<p>Ensure that a copy of the principal alien's I-94 or I-797 has been submitted that provides proof that the L-1's requested status was granted.</p> <table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>The I-94 or I-797 evidence was submitted</td> <td>Go to step 12.3a.</td> </tr> <tr> <td>The I-94 or I-797 evidence is inappropriate or is missing</td> <td>Note the deficiency. Go to step 12.3a.</td> </tr> </tbody> </table>	IF...	THEN...	The I-94 or I-797 evidence was submitted	Go to step 12.3a.	The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 12.3a.
IF...	THEN...						
The I-94 or I-797 evidence was submitted	Go to step 12.3a.						
The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 12.3a.						

12.3a	<p>Review for evidence of the applicant's relationship to the L-1 principal alien.</p> <table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>Adequate evidence of the relationship was submitted</td> <td>Go to Part 23.</td> </tr> <tr> <td>The evidence is inadequate or is missing</td> <td>Note the deficiency. Go to Part 23.</td> </tr> </tbody> </table>	IF...	THEN...	Adequate evidence of the relationship was submitted	Go to Part 23.	The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.
IF...	THEN...						
Adequate evidence of the relationship was submitted	Go to Part 23.						
The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.						

**Requesting COS from L-1** For any evidentiary requirements in addition to the properly filed Form I-539 and I-94 card and the review procedure, refer to the section of this Adjudications module that pertains to the classification to which the L-1 applicant is applying.

**Requesting COS from L-2** When an L-2 nonimmigrant is granted COS, the validity period will begin on the date of adjudication and end on the date determined by the classification to which he or she is changing.

For any evidentiary requirements in addition to the properly filed Form I-539 and I-94 card and the review procedure, refer to the section of this Adjudications module that pertains to the classification sought by the applicant.

**Note:** On a case-by-case basis, it might be necessary to verify that the L-1 principal alien is still employed. Consider issuing a RFE if other areas of deficiency are noted.

**Procedure** Follow the steps below to process an application for a change of status from L-2.

Step	Action
12.1b	Review for general requirements (see Part 2 of this module).

**Procedure** (continued)

12.2b	<p>Ensure that a copy of the principal alien's I-94 or I-797 has been submitted that provides proof that the requested status was granted.</p> <table border="1" data-bbox="386 453 1200 632"> <thead> <tr> <th data-bbox="386 453 797 489">IF...</th> <th data-bbox="805 453 1200 489">THEN...</th> </tr> </thead> <tbody> <tr> <td data-bbox="386 491 797 558">The I-94 or I-797 evidence was submitted</td> <td data-bbox="805 491 1200 558">Go to step 12.3b.</td> </tr> <tr> <td data-bbox="386 560 797 632">The I-94 or I-797 evidence is inappropriate or is missing</td> <td data-bbox="805 560 1200 632">Note the deficiency. Go to step 12.3b.</td> </tr> </tbody> </table>	IF...	THEN...	The I-94 or I-797 evidence was submitted	Go to step 12.3b.	The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 12.3b.
IF...	THEN...						
The I-94 or I-797 evidence was submitted	Go to step 12.3b.						
The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 12.3b.						
12.3b	<p>Review for evidence of the applicant's relationship to the L-1 principal alien.</p> <table border="1" data-bbox="386 747 1200 926"> <thead> <tr> <th data-bbox="386 747 797 783">IF...</th> <th data-bbox="805 747 1200 783">THEN...</th> </tr> </thead> <tbody> <tr> <td data-bbox="386 785 797 852">Adequate evidence of the relationship was submitted</td> <td data-bbox="805 785 1200 852">Go to step 12.4b.</td> </tr> <tr> <td data-bbox="386 854 797 926">The evidence is inadequate or is missing</td> <td data-bbox="805 854 1200 926">Note the deficiency. Go to step 12.4b.</td> </tr> </tbody> </table>	IF...	THEN...	Adequate evidence of the relationship was submitted	Go to step 12.4b.	The evidence is inadequate or is missing	Note the deficiency. Go to step 12.4b.
IF...	THEN...						
Adequate evidence of the relationship was submitted	Go to step 12.4b.						
The evidence is inadequate or is missing	Note the deficiency. Go to step 12.4b.						
12.4b	<p>Review for the evidentiary requirements of the classification that is being requested. See the applicable section of this Adjudications module.</p>						

**Requesting  
COS to L-1**

The L-1 classification is employment-based. As such, aliens seeking to change from one nonimmigrant status to this status are ineligible to apply on Form I-539; they must file Form I-129.

**Requesting  
COS to L-2**

When requesting a COS to L-2, the alien must be in a valid nonimmigrant status that has not expired.

In addition to a properly filed Form I-539 and the I-94 card, the applicant must submit the following:

- A copy of the principal alien's I-94 or I-797 approval notice showing that he or she has already been granted status to the period requested in the application.
- Evidence of the applicant's relationship to the principal alien, such as a notation on the applicant's passport or visa, an acceptable marriage certificate and proof of termination of all previous marriages for both spouses, if any, or a birth certificate.

**Procedure**

Follow the steps below to process an application for a change of status to L-2.

Step	Action						
12.1c	Review for general requirements (see Part 2 of this module).						
12.2c	<p>Ensure that a copy of the principal alien's I-94 or I-797 has been submitted that provides proof that the requested status was granted.</p> <table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>The I-94 or I-797 evidence was submitted</td> <td>Go to step 12.3c.</td> </tr> <tr> <td>The I-94 or I-797 evidence is inappropriate or is missing</td> <td>Note the deficiency. Go to step 12.3c.</td> </tr> </tbody> </table>	IF...	THEN...	The I-94 or I-797 evidence was submitted	Go to step 12.3c.	The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 12.3c.
IF...	THEN...						
The I-94 or I-797 evidence was submitted	Go to step 12.3c.						
The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 12.3c.						
12.3c	<p>Review for evidence of the applicant's relationship to the L-1 principal alien.</p> <table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>Adequate evidence of the relationship was submitted</td> <td>Go to Part 23.</td> </tr> <tr> <td>The evidence is inadequate or is missing</td> <td>Note the deficiency. Go to Part 23.</td> </tr> </tbody> </table>	IF...	THEN...	Adequate evidence of the relationship was submitted	Go to Part 23.	The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.
IF...	THEN...						
Adequate evidence of the relationship was submitted	Go to Part 23.						
The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.						

## Part 13: "M" Nonimmigrants

---

**Introduction**      The "M" nonimmigrant category applies to vocational or non-academic students and their dependents that have a residence in a foreign country that they do not intend to abandon. The "M" nonimmigrant category is made up of two classifications: M-1 and M-2.

**Statutory Basis**    INA - Sect. 101(a)(15)(M)(i) & (ii)

**Regulatory Basis**    8 CFR 214.2(m)(1) Principal alien  
8 CFR 214.2(m)(3) Dependents

8 CFR 248.1(a)  
8 CFR 248.1(c)  
8 CFR 248.1(d)

**M-1  
Classification**

The M-1 classification applies to an alien having a residence in a foreign country which he has no intention of abandoning who seeks to enter the United States temporarily and solely for the purpose of pursuing a full course of study at an established vocational or other recognized nonacademic institution (other than in a language training program) in the United States. The I-20 M/N submitted by M-1 aliens must be from a vocational school approved by U.S. CIS. The alien may also be eligible to stay in the U.S. for practical training. The initial period of admission will be Duration of Course plus 30 days, and will not exceed one year.

M-1 students cannot change programs. They can, however, transfer to a new school in the same vocational program (same educational objective) within the first six months of the program. These requests should be filed with the school's DSO. Refer to 8 CFR 214.2(m)(11) for more information.

**Note:** M-1 training may not be used for qualification as an "H" nonimmigrant. For more information, refer to 8 CFR 248.1(c).

**M-2  
Classification**

The M-2 classification is for the alien spouse and minor children of any such M-1 aliens. M-2 aliens may be eligible for the same period as the M-1 principal alien's validity period.

**Requesting  
EOS as a M-1**

If granted an EOS, the validity period for a M-1 will be for the period of time necessary to complete the course of study indicated on Form I-20 M plus thirty days within which to depart or for one year, whichever is less.

In addition to a properly filed Form I-539 and the I-94 evidence, the applicant must submit the following:

- A Form I-20 M/N issued by the accredited school in which the student is enrolled, and signed by both the student and the DSO.
- His or her student copy of the previous Form I-20 from which the M-1 status was obtained.
- Evidence of financial support that confirms the amount indicated on the Form I-20 M/N.

If the previous Form I-20 was issued for an extension of status, RFE for the I-20 that was used to grant the original M-1 status.

**Procedure**

Follow the steps below to process an application for an extension of stay as a M-1. Refer to Appendix E for SEVIS-related information.

Step	Action
13.1a	Review for general requirements (see Part 2 of this module).
13.2a	Review the I-20 M/N

	<table border="1"> <tr> <th><b>IF the I-20 M/N is dated...</b></th> <th><b>THEN...</b></th> </tr> <tr> <td>February 15, 2003 or later</td> <td>Go to part 23.</td> </tr> <tr> <td>Before February 15, 2003</td> <td>Go to step 13.3a.</td> </tr> </table>	<b>IF the I-20 M/N is dated...</b>	<b>THEN...</b>	February 15, 2003 or later	Go to part 23.	Before February 15, 2003	Go to step 13.3a.
<b>IF the I-20 M/N is dated...</b>	<b>THEN...</b>						
February 15, 2003 or later	Go to part 23.						
Before February 15, 2003	Go to step 13.3a.						
13.3a	<p>Review for evidence of solvency.</p> <table border="1"> <tr> <th><b>IF...</b></th> <th><b>THEN...</b></th> </tr> <tr> <td>Adequate evidence of solvency was submitted</td> <td>Go to step 13.4a.</td> </tr> <tr> <td>The evidence is inadequate or is missing</td> <td>Note the deficiency. Go to step 13.4a.</td> </tr> </table>	<b>IF...</b>	<b>THEN...</b>	Adequate evidence of solvency was submitted	Go to step 13.4a.	The evidence is inadequate or is missing	Note the deficiency. Go to step 13.4a.
<b>IF...</b>	<b>THEN...</b>						
Adequate evidence of solvency was submitted	Go to step 13.4a.						
The evidence is inadequate or is missing	Note the deficiency. Go to step 13.4a.						

13.4a	<p>Review the previous Form I-20 to determine the start date of the course and verify that it is consistent with the requested dates, and verify whether or not the student is in valid status.</p> <table border="1"> <tr> <th><b>IF...</b></th> <td></td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td></td> <td></td> </tr> </table>	<b>IF...</b>					
<b>IF...</b>							

13.5a	<p>If necessary, process the Form I-20.</p> <table border="1"> <tr> <th><b>IF the application...</b></th> <td></td> </tr> <tr> <td>to step 13.6a.</td> <td></td> </tr> <tr> <td>not endorse the Form I-20. Go to Part 23.</td> <td></td> </tr> </table>	<b>IF the application...</b>		to step 13.6a.		not endorse the Form I-20. Go to Part 23.	
<b>IF the application...</b>							
to step 13.6a.							
not endorse the Form I-20. Go to Part 23.							

13.6a	<p>Endorse the Form I-20 according to the chart below and mail all three copies within five days of adjudication.</p> <table border="1"> <thead> <tr> <th><b>Sub-Step</b></th> <th><b>Action</b></th> </tr> </thead> <tbody> <tr> <td>13.6a(1)</td> <td></td> </tr> <tr> <td>13.6a(2)</td> <td></td> </tr> <tr> <td>13.6a(3)</td> <td></td> </tr> <tr> <td>13.6a(4)</td> <td></td> </tr> <tr> <td>13.6a(5)</td> <td></td> </tr> <tr> <td>13.6a(6)</td> <td></td> </tr> </tbody> </table>	<b>Sub-Step</b>	<b>Action</b>	13.6a(1)		13.6a(2)		13.6a(3)		13.6a(4)		13.6a(5)		13.6a(6)	
<b>Sub-Step</b>	<b>Action</b>														
13.6a(1)															
13.6a(2)															
13.6a(3)															
13.6a(4)															
13.6a(5)															
13.6a(6)															

**Requesting  
EOS as a M-2**

If a M-2 alien is granted an extension, the validity period will generally be the same as the principal's. However, if an applicant is a dependent child and he or she will turn 21 before the principal alien's stay expires, the validity period for that dependent will extend until one day prior to his or her 21<sup>st</sup> birthday.

In addition to a properly filed Form I-539 and the I-94 evidence, the applicant must submit the following:

- A copy of the principal alien's I-94 or I-797 approval notice showing that he or she has already been granted an EOS in M-1 status to the period requested on the Form I-539.
- Evidence of the applicant's relationship to the principal M-1 alien, such as an acceptable marriage certificate and proof of termination of all previous marriages for both spouses, if any, or a birth certificate.

**Procedure**

Follow the steps below to process an application for an extension of stay as a M-2.

Step	Action						
13.1b	Review for general requirements (see Part 2 of this module).						
13.2b	Ensure that a copy of the principal alien's I-94 or I-797 has been submitted that provides proof of the M-1 status. <table border="1" style="margin-left: 40px;"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>The I-94 or I-797 evidence was submitted</td> <td>Go to step 13.3b.</td> </tr> <tr> <td>The I-94 or I-797 evidence is inappropriate or is missing</td> <td>Note the deficiency. Go to step 13.3b.</td> </tr> </tbody> </table>	IF...	THEN...	The I-94 or I-797 evidence was submitted	Go to step 13.3b.	The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 13.3b.
IF...	THEN...						
The I-94 or I-797 evidence was submitted	Go to step 13.3b.						
The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 13.3b.						
13.3b	Review for evidence of the applicant's relationship to the M-1 principal alien. <table border="1" style="margin-left: 40px;"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>Adequate evidence of the relationship was submitted</td> <td>Go to Part 23.</td> </tr> <tr> <td>The evidence is inadequate or is missing</td> <td>Note the deficiency. Go to Part 23.</td> </tr> </tbody> </table>	IF...	THEN...	Adequate evidence of the relationship was submitted	Go to Part 23.	The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.
IF...	THEN...						
Adequate evidence of the relationship was submitted	Go to Part 23.						
The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.						

**Requesting  
Reinstatement  
as M-1**

A M-1 student who violates status or otherwise fails to maintain schooling and his or her M-2 dependent may be considered for reinstatement of student status by submitting a Form I-539. However, these requests must be directly filed with a district office. If you receive such an application, relocate it to the district office having jurisdiction over the applicant's residence.

**Requesting  
COS from M-1**

M-1 nonimmigrants cannot be granted a COS to F-1 or to H-1 status if the training received while a M-1 qualified the applicant for H-1 status.  
For any evidentiary requirements in addition to the properly filed Form I-539 and I-94 card and the review procedure, refer to the section of this Adjudications module that pertains to the classification sought by the applicant.

**Requesting  
COS from M-2**

Qualified M-2 dependents may be included on the principal's Form I-539 when seeking a COS from M-2 to B-1 or B-2 status.  
For any evidentiary requirements in addition to the properly filed Form I-539 and I-94 card and the review procedure, refer to the section of this Adjudications module that pertains to the classification sought by the applicant.

**Requesting  
COS to M-1**

Effective 4/12/02, a B-1 or B-2 nonimmigrant visitor requesting a change of status to M-1 must not enroll in school or take other actions inconsistent with B nonimmigrant status until the applicant has applied for, and the Service has approved, a change of nonimmigrant status to that of an M-1 student. (Refer to Federal Register: April 12, 2002 (Volume 67, Number 71) for the "Requiring Change of Status From B to F-1 or M-1 Nonimmigrant Prior to Pursuing a Course of Study; Final Rule.")  
For the granting of COS to M-1 status, the validity period will be from the date of adjudication of the Form I-539 to a period of 30 days beyond Duration of Course, not to exceed 1 year. For applicants requesting COS to M-1 status, keep in mind that they cannot change to M-1 status for training to qualify as an H-1.

In addition to a properly filed Form I-539 and the I-94 evidence, the applicant must submit the following:

- Both a school copy and a student copy of Form I-20 M/N issued by the accredited school, which has accepted the applicant, and signed by both the student and the DSO.
- Evidence of financial support that confirms the amount indicated on the Form I-20 M/N.

**Procedure**

Follow the steps below to process an application for a change of status to M-1. Refer to Appendix E for SEVIS-related information.

Step	Action						
13.1c	Review for general requirements (see Part 2 of this module).						
13.2c	Review for evidence of solvency. <table border="1"><thead><tr><th>IF...</th><th>THEN...</th></tr></thead><tbody><tr><td>Adequate evidence of solvency was submitted</td><td>Go to step 13.3c.</td></tr><tr><td>The evidence is inadequate or is missing</td><td>Note the deficiency. Go to step 13.3c.</td></tr></tbody></table>	IF...	THEN...	Adequate evidence of solvency was submitted	Go to step 13.3c.	The evidence is inadequate or is missing	Note the deficiency. Go to step 13.3c.
IF...	THEN...						
Adequate evidence of solvency was submitted	Go to step 13.3c.						
The evidence is inadequate or is missing	Note the deficiency. Go to step 13.3c.						

13.3c	<p>If necessary, process the Form I-20.</p> <table border="1" data-bbox="386 310 1230 457"> <tr> <td data-bbox="386 310 716 352"><b>IF the application...</b></td> <td data-bbox="716 310 1230 352"></td> </tr> <tr> <td data-bbox="386 352 716 394">to step 13.4c.</td> <td data-bbox="716 352 1230 394"></td> </tr> <tr> <td data-bbox="386 394 716 457">not execute the Form I-20. Go to Part 23.</td> <td data-bbox="716 394 1230 457"></td> </tr> </table>	<b>IF the application...</b>		to step 13.4c.		not execute the Form I-20. Go to Part 23.									
<b>IF the application...</b>															
to step 13.4c.															
not execute the Form I-20. Go to Part 23.															
13.4c	<p>Endorse the Form I-20 according to the chart below and mail all three copies within 5 days of adjudication.</p> <table border="1" data-bbox="386 573 1230 825"> <thead> <tr> <th data-bbox="386 573 560 615"><b>Sub-Step</b></th> <th data-bbox="560 573 1230 615"><b>Action</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="386 615 560 657">13.4c(1)</td> <td data-bbox="560 615 1230 657"></td> </tr> <tr> <td data-bbox="386 657 560 699">13.4c(2)</td> <td data-bbox="560 657 1230 699"></td> </tr> <tr> <td data-bbox="386 699 560 741">13.4c(3)</td> <td data-bbox="560 699 1230 741"></td> </tr> <tr> <td data-bbox="386 741 560 783">13.4c(4)</td> <td data-bbox="560 741 1230 783"></td> </tr> <tr> <td data-bbox="386 783 560 825">13.4c(5)</td> <td data-bbox="560 783 1230 825"></td> </tr> <tr> <td data-bbox="386 825 560 856">13.4c(6)</td> <td data-bbox="560 825 1230 856"></td> </tr> </tbody> </table>	<b>Sub-Step</b>	<b>Action</b>	13.4c(1)		13.4c(2)		13.4c(3)		13.4c(4)		13.4c(5)		13.4c(6)	
<b>Sub-Step</b>	<b>Action</b>														
13.4c(1)															
13.4c(2)															
13.4c(3)															
13.4c(4)															
13.4c(5)															
13.4c(6)															

**Requesting  
COS to M-2**

If an alien is granted COS to M-2 status, the validity period will be the same as for the M-1 principal. Qualified dependents may file a separate Form I-539 from the principal M-1 when seeking COS to M-2 status.

In addition to a properly filed Form I-539 and the I-94 evidence, the applicant must submit the following:

- A copy of the principal alien's I-94, I-797 approval notice, or other documentation to verify the M-1 status of the principal alien with validity dates corresponding to the dates requested on the I-539 application.
- Evidence of the applicant's relationship to the M-1 principal alien, such as, but not limited to, an acceptable marriage certificate and proof of termination of all prior marriages for both spouses, if any, or an acceptable birth certificate.

**Procedure**

Follow the steps below to process an application for a change of status to M-2. Refer to Appendix E for SEVIS-related information.

Step	Action				
13.1d	Review for general requirements (see Part 2 of this module).				
13.2d	<p>Ensure that a copy of the principal alien's I-94, I-797 or other acceptable documentation has been submitted that provides proof of the M-1 status.</p> <table border="1" data-bbox="386 1759 1198 1892"> <thead> <tr> <th data-bbox="386 1759 797 1801"><b>IF...</b></th> <th data-bbox="797 1759 1198 1801"><b>THEN...</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="386 1801 797 1892">The I-94, I-797 or other acceptable evidence was submitted</td> <td data-bbox="797 1801 1198 1892">Go to step 13.3d.</td> </tr> </tbody> </table>	<b>IF...</b>	<b>THEN...</b>	The I-94, I-797 or other acceptable evidence was submitted	Go to step 13.3d.
<b>IF...</b>	<b>THEN...</b>				
The I-94, I-797 or other acceptable evidence was submitted	Go to step 13.3d.				

	<table border="1"> <tr> <td>The I-94, I-797 or other evidence is inappropriate or is missing</td> <td>Note the deficiency. Go to step 13.3d.</td> </tr> </table>	The I-94, I-797 or other evidence is inappropriate or is missing	Note the deficiency. Go to step 13.3d.				
The I-94, I-797 or other evidence is inappropriate or is missing	Note the deficiency. Go to step 13.3d.						
13.3d	<p>Review for evidence of the applicant's relationship to the principal alien.</p> <table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>Adequate evidence of the relationship was submitted</td> <td>Go to Part 23.</td> </tr> <tr> <td>The evidence is inadequate or is missing</td> <td>Note the deficiency. Go to Part 23.</td> </tr> </tbody> </table>	IF...	THEN...	Adequate evidence of the relationship was submitted	Go to Part 23.	The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.
IF...	THEN...						
Adequate evidence of the relationship was submitted	Go to Part 23.						
The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.						

## Part 14: "N" Nonimmigrants

---

<b>Introduction</b>	The "N" nonimmigrant category applies to the Parent or Child of an Alien Admitted as a Special Immigrant.
<b>Statutory Basis</b>	INA - Sect. 101(a)(15)(N)(ii)
<b>Regulatory Basis</b>	<p>8 CFR 214.2(n) Certain parents and children of section 101(a)(27)(I) special immigrants:</p> <ol style="list-style-type: none"> <li>(1) Parent of the special immigrant.</li> <li>(2) Child of section 101(a)(27)(I).</li> <li>(3) Admission and extension of stay.</li> <li>(4) Employment.</li> </ol> <p>8 CFR 248</p>
<b>N-8 Classification</b>	The N-8 classification applies to the parent of an SK-3 international organization child accorded special immigrant status. A N-8 beneficiary needs to establish that his or her child has been granted SK-3 LPR status. The validity period for an alien in N-8 status is only valid until his or her SK-3 child reaches the age of 21. Additionally, a nonimmigrant admitted in or granted N status is authorized employment incident to N status without restrictions as to location or type of employment.
<b>N-9 Classification</b>	The N-9 classification applies to the child of an N-8 alien or of an alien accorded international organization special immigrant status. A N-9 beneficiary needs to establish that he or she is the child of a N-8 alien or of a LPR (SK-1, SK-2, or SK-4). This individual is only eligible for N-9 status until he or she reaches the age of 21.

**Requesting  
EOS as a N-8  
or N-9**

Extensions for N-8 and N-9 aliens will be granted in increments up to but not exceeding 3 years.

In addition to a properly filed Form I-539 and the I-94 evidence, an alien applying for extension of N-8 or N-9 classification must submit the following:

- Proof of his or her relationship to the special immigrant alien.
- Proof of the principal alien's special immigrant status, valid for the dates requested on the I-539 application.
- A copy of the special immigrant alien's form I-551, permanent resident card.

**Procedure**

Follow the steps below to process an application for an extension of stay as a N-8 or N-9.

Step	Action						
14.1a	Review for general requirements (see Part 2 of this module).						
14.2a	Review for evidence of the applicant's relationship to the special immigrant alien. <table border="1" style="margin-left: 20px;"> <tr> <td style="text-align: center;"><b>IF...</b></td> <td style="text-align: center;"><b>THEN...</b></td> </tr> <tr> <td>Adequate evidence of the relationship was submitted</td> <td>Go to step 14.3a.</td> </tr> <tr> <td>The evidence is inadequate or is missing</td> <td>Note the deficiency. Go to step 14.3a.</td> </tr> </table>	<b>IF...</b>	<b>THEN...</b>	Adequate evidence of the relationship was submitted	Go to step 14.3a.	The evidence is inadequate or is missing	Note the deficiency. Go to step 14.3a.
<b>IF...</b>	<b>THEN...</b>						
Adequate evidence of the relationship was submitted	Go to step 14.3a.						
The evidence is inadequate or is missing	Note the deficiency. Go to step 14.3a.						
14.3a	Review for proof of the principal alien's special immigrant status. <table border="1" style="margin-left: 20px;"> <tr> <td style="text-align: center;"><b>IF...</b></td> <td style="text-align: center;"><b>THEN...</b></td> </tr> <tr> <td>Appropriate evidence of the special status was submitted</td> <td>Go to step 14.4a.</td> </tr> <tr> <td>The evidence is inadequate or is missing</td> <td>Note the deficiency. Go to step 14.4a.</td> </tr> </table>	<b>IF...</b>	<b>THEN...</b>	Appropriate evidence of the special status was submitted	Go to step 14.4a.	The evidence is inadequate or is missing	Note the deficiency. Go to step 14.4a.
<b>IF...</b>	<b>THEN...</b>						
Appropriate evidence of the special status was submitted	Go to step 14.4a.						
The evidence is inadequate or is missing	Note the deficiency. Go to step 14.4a.						

14.4a	Ensure that a copy of the special immigrant alien's form I-551 has been submitted. <table border="1" style="margin-left: 20px;"> <tr> <td style="text-align: center;"><b>IF...</b></td> <td style="text-align: center;"><b>THEN...</b></td> </tr> <tr> <td>The I-551 was submitted</td> <td>Go to Part 23.</td> </tr> <tr> <td>The I-551 was not submitted</td> <td>Note the deficiency. Go to Part 23.</td> </tr> </table>	<b>IF...</b>	<b>THEN...</b>	The I-551 was submitted	Go to Part 23.	The I-551 was not submitted	Note the deficiency. Go to Part 23.
<b>IF...</b>	<b>THEN...</b>						
The I-551 was submitted	Go to Part 23.						
The I-551 was not submitted	Note the deficiency. Go to Part 23.						

**Requesting  
COS from N-8  
or N-9**

For any evidentiary requirements in addition to the properly filed Form I-539 and I-94 card and the review procedure, refer to the section of this Adjudications module that pertains to the classification sought by the applicant.

**Requesting COS to N-8 or N-9** The same evidentiary requirements as under “Requesting EOS as a N-8 or N-9” apply.

**Procedure** Follow the steps below to process an application for a change of status to N-8 or N-9.

Step	Action						
14.1b	Review for general requirements (see Part 2 of this module).						
14.2b	Review for evidence of the applicant’s relationship to the special immigrant alien. <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>Adequate evidence of the relationship was submitted</td> <td>Go to step 14.3b.</td> </tr> <tr> <td>The evidence is inadequate or is missing</td> <td>Note the deficiency. Go to step 14.3b.</td> </tr> </tbody> </table>	IF...	THEN...	Adequate evidence of the relationship was submitted	Go to step 14.3b.	The evidence is inadequate or is missing	Note the deficiency. Go to step 14.3b.
IF...	THEN...						
Adequate evidence of the relationship was submitted	Go to step 14.3b.						
The evidence is inadequate or is missing	Note the deficiency. Go to step 14.3b.						

14.3b	Review for proof of the principal alien's special immigrant status. <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>Appropriate evidence of the special status was submitted</td> <td>Go to step 14.4b.</td> </tr> <tr> <td>The evidence is inadequate or is missing</td> <td>Note the deficiency. Go to step 14.4b.</td> </tr> </tbody> </table>	IF...	THEN...	Appropriate evidence of the special status was submitted	Go to step 14.4b.	The evidence is inadequate or is missing	Note the deficiency. Go to step 14.4b.
IF...	THEN...						
Appropriate evidence of the special status was submitted	Go to step 14.4b.						
The evidence is inadequate or is missing	Note the deficiency. Go to step 14.4b.						

14.4b	Ensure that a copy of the special immigrant alien’s I-551 has been submitted. <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>The I-551 was submitted</td> <td>Go to Part 23.</td> </tr> <tr> <td>The I-551 was not submitted</td> <td>Note the deficiency. Go to Part 23.</td> </tr> </tbody> </table>	IF...	THEN...	The I-551 was submitted	Go to Part 23.	The I-551 was not submitted	Note the deficiency. Go to Part 23.
IF...	THEN...						
The I-551 was submitted	Go to Part 23.						
The I-551 was not submitted	Note the deficiency. Go to Part 23.						

## Part 15: “O” Nonimmigrants

---

**Introduction** The “O” nonimmigrant category applies to Aliens of Extraordinary Ability or Achievement and their Dependents.

**Statutory Basis** INA - 101(a)(15)(O)

**Regulatory  
Basis**

8 CFR 248

Other regulatory requirements for O-1 aliens of extraordinary ability:

8 CFR 214.2(o)(1)

(i) General; (ii) Description of classifications.

8 CFR 214.2(o)(2)

(i) Filing of petitions; (ii) Evidence required accompanying a petition; (iii) Forms of documentation; (iv) Other filing situations

8 CFR 214.2(o)(3)

(i) Petition for an alien of extraordinary ability or achievement (O-1); (ii) Definitions—*arts; event; extraordinary ability in the field of arts; extraordinary ability in the field of science, education, business, or athletics; extraordinary achievement; and peer group*; (iii) Evidentiary criteria for an O-1 alien of extraordinary ability in the fields of science, education, business, or athletics; (iv) Evidentiary criteria for an O-1 alien of extraordinary ability in the arts; (v) Evidentiary criteria for an O-1 alien of extraordinary achievement in the motion picture or television industry.

Other regulatory requirements for O-2 aliens:

8 CFR 214.2(o)(4)

(i) General - Petition for an O-2 accompanying alien; (ii) Evidentiary criteria for qualifying as an O-2 accompanying alien.

8 CFR 214.2(o)(5)

(i) General (consultations); (ii) Consultation requirements for an O-1 alien for extraordinary ability; (iii) Consultation requirements for an O-1 alien of extraordinary ability in motion picture's or television productions; (iv) Consultation requirements for an O-2 Accompanying alien; (v) Organizations agreeing to provide advisory opinions.

**Regulatory  
Basis, Cont'd.**

Other regulatory requirements for O-2 aliens, cont'd:

8 CFR 214.2(o)(6)

(i) Approval and validity of petition; (ii) Recording of the validity of petitions;  
(iii) Validity dates for petitions.

8 CFR 214.2(o)(6)

(iv) Spouse and dependents of O-1 and O-2 aliens.

8 CFR 214.2(o)(7)

(i) Denial of petitions; (ii) Notice of denial

8 CFR 214.2(o)(8)

(i) Revocation of approval of petitions; (ii) Automatic Revocation; (iii)  
Revocation on notice (A) Grounds.

8 CFR 214.2(o)(9)

(i) Appeal of a denial or a revocation of a petition.

8 CFR 214.2(o)(10) Admission

8 CFR 214.2(o)(11) Extension of Visa petition validity

8 CFR 214.2(o)(12)

(i) Extension of stay; (ii) Extension periods; (iii) Denial of extension of stay.

8 CFR 214.2(o)(13) Effect of approval of a permanent labor certification or  
filing of a preference petition.

8 CFR 214.2(o)(14)

(i) Effect of a strike, (ii), (iii)

8 CFR 214.2(o)(15) Use of approval notice I-797.

8 CFR 214.2(o)(16) Return transportation requirement.

**O-1  
Classification**

The O-1 visa category is a nonimmigrant visa category created by the Immigration Act of 1990 for aliens of extraordinary ability in the sciences, arts, business, education and athletics, and aliens of extraordinary achievement in motion pictures and television. The period of admission is the duration of the approved international cultural exchange program or fifteen (15) months, whichever is shorter.

This unique visa category is viewed with a tri-level definition of extraordinary ability:

- 1) The category designates the Sciences, Business, Education, and Athletics as having the highest bars or criteria to achieve.
- 2) On the next level is the motion picture industry, with aliens having to have attained an extraordinary achievement in the motion picture or television industry through extensive documentation.
- 3) The third level of extraordinary ability is left to the arts and applies to an alien that has achieved a level of prominence (distinction) in his or her field of endeavor.

**O-2  
Classification**

The O-2 visa category was established for aliens accompanying an O-1 principle alien coming to the United States to perform in an event. An O-2 alien could be part of the support group for a major entertainer, for example, or the crew of a movie set. Many O-2 beneficiaries may be listed on one O-2 petition.

**O-3  
Classification**

The O-3 classification applies to the spouse and/or unmarried minor child of an O-1 or O-2 alien. O-3 nonimmigrants are subject to the same period of admission and limitations as the alien beneficiary if they are accompanying or following to join the alien beneficiary in the U.S. Neither the spouse nor a child of the alien beneficiary may accept employment unless he or she has been granted employment authorization.

**Requesting  
EOS as an O-1  
or O-2**

The O-1 and O-2 classifications are employment-based. As such, aliens in these statuses are ineligible to apply for an extension on Form I-539. They must file Form I-129.

**Requesting  
EOS as an O-3**

Generally, when an O-3 nonimmigrant requests an EOS, the validity period will be the same as the principal's. However, if one of the applicants is a dependent child and he or she will turn 21 before the principal alien's stay expires, the validity period for that applicant and any co-applicants will extend until one day prior to the dependent child's 21<sup>st</sup> birthday.

In addition to a properly filed Form I-539 and the I-94 card, the applicant must submit the following:

- A copy of the principal alien's I-94 or I-797 approval notice showing that he/she has already been granted status to the period requested in the application.
- Evidence of the relationship to the O-1 or O-2 alien, such as an acceptable marriage certificate and proof of termination of all previous marriages for both spouses, if any, or a birth certificate.

**Note:** If the I-539 were riding with an I-129 petition, the need for the I-797 approval notice would be eliminated, as both the I-129 petition and I-539 would be processed together.

**Procedure**

Follow the steps below to process an application for an extension of stay as an O-3.

Step	Action						
15.1a	Review for general requirements (see Part 2 of this module).						
15.2a	<p>Ensure that a copy of the principal alien's I-94 or I-797 has been submitted that provides proof that the requested status was granted.</p> <table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>The I-94 or I-797 evidence was submitted</td> <td>Go to step 15.3a.</td> </tr> <tr> <td>The I-94 or I-797 evidence is inappropriate or is missing</td> <td>Note the deficiency. Go to step 15.3a.</td> </tr> </tbody> </table>	IF...	THEN...	The I-94 or I-797 evidence was submitted	Go to step 15.3a.	The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 15.3a.
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The I-94 or I-797 evidence was submitted	Go to step 15.3a.						
The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 15.3a.						
15.3a	<p>Review for evidence of the applicant's relationship to the O-1 or O-2 alien.</p> <table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>Adequate evidence of the relationship was submitted</td> <td>Go to Part 23.</td> </tr> <tr> <td>The evidence is inadequate or is missing</td> <td>Note the deficiency. Go to Part 23.</td> </tr> </tbody> </table>	IF...	THEN...	Adequate evidence of the relationship was submitted	Go to Part 23.	The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.
IF...	THEN...						
Adequate evidence of the relationship was submitted	Go to Part 23.						
The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.						

**Requesting COS from O-1 or O-2** For any evidentiary requirements in addition to the properly filed Form I-539 and I-94 card and the review procedure, refer to the section of this Adjudications module that pertains to the classification to which the O-1 or O-2 applicant is applying.

**Requesting COS from O-3** When an O-3 nonimmigrant is granted COS, the validity period will begin on the date of adjudication and end on the date determined by the classification to which he or she is changing.

For any evidentiary requirements in addition to the properly filed Form I-539 and I-94 card and the review procedure, refer to the section of this Adjudications module that pertains to the classification sought by the applicant.

**Note:** On a case-by-case basis, it might be necessary to verify that the O-1 principal alien is still employed. Consider issuing a RFE if other areas of deficiency are noted.

**Procedure** Follow the steps below to process an application for a change of status from O-3.

Step	Action
15.1b	Review for general requirements (see Part 2 of this module).

**Procedure** (continued)

15.2b	Ensure that a copy of the principal alien's I-94 or I-797 has been submitted that provides proof that the requested status was granted.	<b>IF...</b>	<b>THEN...</b>
		The I-94 or I-797 evidence was submitted	Go to step 15.3b.
		The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 15.3b.
15.3b	Review for evidence of the applicant's relationship to the O-1 or O-2 alien.	<b>IF...</b>	<b>THEN...</b>
		Adequate evidence of the relationship was submitted	Go to step 15.4b.
		The evidence is inadequate or is missing	Note the deficiency. Go to step 15.4b.

12.4b	Review for the evidentiary requirements of the classification that is being requested. See the applicable section of this Adjudications module.
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**Requesting COS to O-1 or O-2**      The O-1 and O-2 classifications are employment-based. As such, aliens in seeking to change from one nonimmigrant status to one of these statuses are ineligible to apply on Form I-539; they must file Form I-129.

**Requesting COS to O-3**      When requesting a COS to O-3, the alien must be in a valid nonimmigrant status that has not expired. The spouse and or children are held to the same time limitations as the O-1 or O-2 principal alien. Since the O-3 spouse or child can be joining the O-1 or O-2 principle, the I-129 petition may not be present. However, the original I-129 for the spouse or parent must be reviewed. If it is not submitted, obtain a copy by issuing a request for information or by doing an electronic search through status inquiry in CLAIMS.

In addition to a properly filed Form I-539, which may list more than one person, and the I-94 card, the applicant must submit the following:

- A copy of the principal alien’s I-94 or I-797 approval notice showing that he or she has already been granted status to the period requested in the application.
- A copy of the principal alien’s original I-129.
- Evidence of the applicant’s relationship to the principal alien, such as a notation on the applicant’s passport or visa, an acceptable marriage certificate and proof of termination of all previous marriages for both spouses, if any, or a birth certificate.

**Procedure**      Follow the steps below to process an application for a change of status to O-3.

Step	Action						
15.1c	Review for general requirements (see Part 2 of this module).						
15.2c	<p>Ensure that a copy of the principal alien’s I-94 or I-797 has been submitted that provides proof that the requested status was granted.</p> <table border="1" style="margin-left: 40px;"> <thead> <tr> <th style="width: 50%;">IF...</th> <th style="width: 50%;">THEN...</th> </tr> </thead> <tbody> <tr> <td>The I-94 or I-797 evidence was submitted</td> <td>Go to step 15.3c.</td> </tr> <tr> <td>The I-94 or I-797 evidence is inappropriate or is missing</td> <td>Note the deficiency. Go to step 15.3c.</td> </tr> </tbody> </table>	IF...	THEN...	The I-94 or I-797 evidence was submitted	Go to step 15.3c.	The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 15.3c.
IF...	THEN...						
The I-94 or I-797 evidence was submitted	Go to step 15.3c.						
The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 15.3c.						
15.3c	Review the copy of the principal’s I-129.						

	<b>IF...</b>	<b>THEN...</b>
	The I-129 was submitted or the information can be retrieved through an electronic search	Go to step 15.4c.
	The I-129 was not submitted and the information cannot be obtained through an electronic search	Note the deficiency. Go to step 15.4c.
15.4c	Review for evidence of the applicant's relationship to the O-1 or O-2 principal alien.	
	<b>IF...</b>	<b>THEN...</b>
	Adequate evidence of the relationship was submitted	Go to Part 23.
	The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.

## **Part 16: "P" Nonimmigrants**

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**Introduction** The "P" nonimmigrant category applies to Artists, Athletes, Entertainers, and their Dependents. The category is separated into the following four classifications: P-1, P-2, P-3, and P-4.

**Statutory Basis** INA - 101(a)(15)(P)

**Regulatory  
Basis**

8 CFR 248

8 CFR 214.2(p)(1)

(i) General; (ii) Description of classification P-1;

8 CFR 214.2(p)(2)

(i) Filing of petitions; (ii) Evidence required to accompany a petition for a P nonimmigrant; (iii) Forms of documentation; (iv) Other filing situations.

8 CFR 214.2(p)(3) Definitions

8 CFR 214.2(p)(4)

(i) Petition for an internationally recognized athlete or member of an internationally recognized entertainment group; (ii) Criteria and documentary requirements (athletes); (iii) Criteria and documentary requirements for internationally recognized entertainment groups; (iv) Classification as an essential support alien.

8 CFR 214.2(p)(5)

(i) Petition for an artist or entertainer under a reciprocal exchange program; (ii) Evidentiary requirements for a petition involving a reciprocal exchange program; (iii) P-2 Classification as an essential support alien.

8 CFR 214.2(p)(6)

(i) Petition for an artist or entertainer under a culturally unique program-General; (ii) Evidentiary criteria for a petition involving a culturally unique program; (iii) P-3 classification as an essential support alien for a culturally unique program.

**Regulatory  
Basis, Cont'd.**

8 CFR 214.2(p)(7) Consultation

(i) General for P-1, P-2, P-3; (ii) P-1 Athletes and entertainment groups; (iii) Consultation requirements for P-1 circus personnel; (iv) Consultation requirements for P-2 alien in reciprocal exchange program; (v) Consultation requirements for P-3 in a culturally unique program; (vi) Consultation requirements for essential support aliens for P-1, P-2, P-3; (vii) Labor organizations agreeing to provide consultations.

8 CFR 214.2(p)(8)

(i) Approval and validity of petition; (ii) Recording for the validity of petitions; (iii) Validity of P petitions.

8 CFR 214.2(p)(9)

(i) Denial of P Petitions; (ii) Notice of denial.

8 CFR 214.2(p)(10)

(i) Revocation of approval of petition; (ii) Automatic revocation; (iii) Revocation on notice- Grounds for revocation.

8 CFR 214.2(p)(11)

(i) Appeal of a denial or a revocation.

8 CFR 214.2(p)(12) Admission

8 CFR 212.2(p)(13) Extension of visa petition validity

8 CFR 212.2(p)(14)

(i) Extension of stay procedure; (ii) Extension periods.

8 CFR 214.2(p)(15) Effect of approval of a permanent labor certification or filing of a preference petition on P classification

8 CFR 214.2(p)(16)

(i) Effect of a strike; (ii) Strike effect; (iii) Strike effect.

8 CFR 214.2(p)(17) Use of approval notice, Form I-797.

8 CFR 214.2(p)(18) Return transportation requirement.

**P-1  
Classification**

The P-1 nonimmigrant classification is separated into two parts: P-1A and P-1 B. The P-1A is a nonimmigrant visa classification for an individual coming to participate in a specific athletic competition as an athlete. The P-1A classification is bestowed upon an alien who is an internationally recognized athlete based on his or her own reputation and achievements as an individual. The beneficiary should be coming to the U.S. to perform services that require an internationally recognized athlete.

The P-1B classification is granted to members of an entertainment group or athletic team. The entertainment group or athletic team must be internationally recognized as outstanding in the sport or discipline and must be coming to perform services that require an internationally recognized entertainment group or athletic team. The entertainment group must have been established for at least a year, and 75 percent of the members of the group must have been performing entertainment services for the group for a year or more.

**P-2  
Classification**

The P-2 classification applies to an alien who is coming to the U.S. to perform as an artist or entertainer, individually or as part of a group, or to perform as an integral part of the performance of such a group. The petitioner seeks the services of the beneficiaries to perform under a reciprocal exchange program, which is between an organization in the U.S. and an organization in one or more foreign countries. This agreement provides for the temporary exchange of artists and entertainers, or groups of artists and entertainers, between the U.S. and the foreign countries involved.

**P-3  
Classification**

The P-3 visa classification applies to artists or entertainers, individually or as a group, that are recognized by governmental agencies, cultural organizations, scholars, arts administrators, critics or other experts in the field for excellence in developing, interpreting, representing, coaching or teaching a unique or traditional ethnic, folk, cultural, musical, theatrical, or artistic performance or presentation. The artist or entertainer must be coming to the U.S. for cultural events to further the understanding or development of his or her art form, and should be sponsored primarily by educational, cultural or governmental organizations that promote such cultural international activities and exchanges. The program may be commercial or noncommercial in nature.

**P-4  
Classification**

The P-4 classification applies to the spouse and/or unmarried minor child of a P-1, P-2, or P-3 Alien. A P-4 nonimmigrant is subject to the same period of admission and limitations as the alien beneficiary, if he or she is accompanying or following to join the principal alien beneficiary in the U.S. Neither the spouse nor a child of the principal alien beneficiary may accept employment unless he or she has been granted employment authorization.

**Requesting  
EOS as a P-1,  
P-2, or P-3**

The P-1, P-2, and P-3 classifications are employment-based. As such, aliens in these statuses are ineligible to apply for an extension on Form I-539. They must file Form I-129.

**Requesting  
EOS as a P-4**

Generally, when a P-4 nonimmigrant requests an EOS, the validity period will be the same as the principal's. However, if one of the applicants is a dependent child and he or she will turn 21 before the principal alien's stay expires, the validity period for that applicant and any co-applicants will extend until one day prior to the dependent child's 21<sup>st</sup> birthday.

In addition to a properly filed Form I-539 and the I-94 card, the applicant must submit the following:

- A copy of the principal alien's I-94 or I-797 approval notice showing that he/she has already been granted status to the period requested in the application.
- Evidence of the relationship to the P-1, P-2, or P-3 alien, such as an acceptable marriage certificate and proof of termination of all previous marriages for both spouses, if any, or a birth certificate.

**Note:** If the I-539 were riding with an I-129 petition, the need for the I-797 approval notice would be eliminated, as both the I-129 petition and I-539 would be processed together.

**Procedure**

Follow the steps below to process an application for an extension of stay as a P-4.

Step	Action
16.1a	Review for general requirements (see Part 2 of this module).

16.2a	Ensure that a copy of the principal alien's I-94 or I-797 has been submitted that provides proof that the requested status was granted.	
	<b>IF...</b>	<b>THEN...</b>
	The I-94 or I-797 evidence was submitted	Go to step 16.3a.
	The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 16.3a.
16.3a	Review for evidence of the applicant's relationship to the P-1, P-2 or P-3 principal alien.	
	<b>IF...</b>	<b>THEN...</b>
	Adequate evidence of the relationship was submitted	Go to Part 23.

The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.
--	-------------------------------------

**Requesting COS from P-1, P-2, or P-3** For any evidentiary requirements in addition to the properly filed Form I-539 and I-94 card and the review procedure, refer to the section of this Adjudications module that pertains to the classification to which the P-1, P-2, or P-3 applicant is applying.

**Requesting COS from P-4** When a P-4 nonimmigrant is granted COS, the validity period will begin on the date of adjudication and end on the date determined by the classification to which he or she is changing. The same evidentiary requirements and validity period information as under “Requesting EOS as a P-4” apply.

**Procedure** Follow the steps below to process an application for a change of status from P-4.

Step	Action
16.1b	Review for general requirements (see Part 2 of this module).

16.2b	<p>Ensure that a copy of the principal alien’s I-94 or I-797 has been submitted that provides proof that the requested status was granted.</p> <table border="1" style="width: 100%; text-align: center;"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>The I-94 or I-797 evidence was submitted</td> <td>Go to step 16.3b.</td> </tr> <tr> <td>The I-94 or I-797 evidence is inappropriate or is missing</td> <td>Note the deficiency. Go to step 16.3b.</td> </tr> </tbody> </table>	IF...	THEN...	The I-94 or I-797 evidence was submitted	Go to step 16.3b.	The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 16.3b.
IF...	THEN...						
The I-94 or I-797 evidence was submitted	Go to step 16.3b.						
The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 16.3b.						
16.3b	<p>Review for evidence of the applicant’s relationship to the P-1, P-2 or P-3 principal alien.</p> <table border="1" style="width: 100%; text-align: center;"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>Adequate evidence of the relationship was submitted</td> <td>Go to step 16.4b.</td> </tr> <tr> <td>The evidence is inadequate or is missing</td> <td>Note the deficiency. Go to step 16.4b.</td> </tr> </tbody> </table>	IF...	THEN...	Adequate evidence of the relationship was submitted	Go to step 16.4b.	The evidence is inadequate or is missing	Note the deficiency. Go to step 16.4b.
IF...	THEN...						
Adequate evidence of the relationship was submitted	Go to step 16.4b.						
The evidence is inadequate or is missing	Note the deficiency. Go to step 16.4b.						
16.4b	Review for the evidentiary requirements of the classification that is being requested. See the applicable section of this Adjudications module.						

**Requesting  
COS to P-1,  
P-2, or P-3**

The P-1, P-2, and P-3 classifications are employment-based. As such, applicants seeking to change from one nonimmigrant status to one of these statuses are ineligible to apply on Form I-539; they must file Form I-129.

**Requesting  
COS to P-4**

An alien requesting a COS to P-4 must be in a valid nonimmigrant status that has not expired.

In addition to a properly filed Form I-539 and the I-94 evidence, the applicant must submit the following:

- A copy of the principal alien's I-94 or I-797 approval notice showing that he or she has already been granted status to the period requested in the application.
- Evidence of the applicant's relationship to the P-1, P-2, or P-3 principal alien, such as a notation on the applicant's passport or visa, an acceptable marriage certificate and proof of termination of all previous marriages for both spouses, if any, or a birth certificate.

**Procedure**

Follow the steps below to process an application for a change of status to P-4.

Step	Action						
16.1c	Review for general requirements (see Part 2 of this module).						
16.2c	Ensure that a copy of the principal alien's I-94 or I-797 has been submitted that provides proof that the requested status was granted. <table border="1"><thead><tr><th>IF...</th><th>THEN...</th></tr></thead><tbody><tr><td>The I-94 or I-797 evidence was submitted</td><td>Go to step 16.3c.</td></tr><tr><td>The I-94 or I-797 evidence is inappropriate or is missing</td><td>Note the deficiency. Go to step 16.3c.</td></tr></tbody></table>	IF...	THEN...	The I-94 or I-797 evidence was submitted	Go to step 16.3c.	The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 16.3c.
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IF...	THEN...						
Adequate evidence of the relationship was submitted	Go to Part 23.						
The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.						

## **Part 17: "Q" Nonimmigrants**

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<b>Introduction</b>	The “Q” nonimmigrant classification applies to aliens visiting the U.S. temporarily to participate in cultural exchange programs. The alien must have a residence in a foreign country, which he or she has no intention of abandoning, and must be coming to participate in a program approved by the Attorney General.
<b>Statutory Basis</b>	INA – Sect. 101(a)(15)(Q)(i) & (ii)
<b>Regulatory Basis</b>	<p>8 CFR 214.2(q)(l)  (i) General Q information; (ii) Irish Peace Process information</p> <p>8 CFR 214.2(q)(2) Admission of Q class</p> <p>8 CFR 214.2(q)(3)  (i) General International Cultural Exchange Program; (ii) Program validity; (iii) Requirements for program approval; (iv) Requirements for alien to qualify as a Q class</p> <p>8 CFR 214.2(q)(4)  (i) Documentation by employer; (ii) Certification by petitioner</p> <p>8 CFR 214.2(q)(5)  (i) Filing of petition; (ii) Petition for multiple participants; (v) Change of employers</p> <p>8 CFR 214.2(q)(6)(i) Substitutions or replacements of participants</p> <p><u>Q-2 Regulations and their Dependents (Q-2):</u>  8 CFR 214.2(15) Irish Peace Process:  (i) Description of Classifications; (ii) Requirements for participation; (iii) Limitations on admissions; (iv) Requirements for initial admission to the U.S.; (vi) Length of stay; (vii) Authorization for employment; (viii) Authorization on changing employers</p> <p>8 CFR 248.1(a)  8 CFR 248.3(a) &amp; (d)</p>

**Q-1  
Classification**

The Q-1 classification applies to participants in an international cultural exchange visitors' program. The applicant must meet the following criteria:

- Be 18 years of age at the time the petition is filed.
- Be qualified to perform the specified service or labor, or to receive the type of training.
- Able to communicate effectively about the culture of the country.
- Have resided and been physically present outside of the U.S. for the immediate prior year if the alien was previously admitted as an international cultural exchange visitor.

The Q-1 classification does not provide for a dependent derivative status. Q-1 aliens may apply to bring their dependents to the U.S. as B-2 nonimmigrants. [9 FAM 41.31 N11.4]

**Q-2  
Classification**

The Q-2 classification applies to participants in an Irish peace process cultural and training program. The applicant must meet the following criteria:

- Be a resident (physically) in either Northern Ireland or the counties of Louth, Monaghan, Cavan, Leitrim, Sligo or Donegal in the Republic of Ireland for at least 5 months immediately preceding the application to the program.
- Show no intention of abandoning said residence.
- Be between the ages of 18 and 35 at initial admission.
- Be unemployed for at least 3 months; have completed or currently be enrolled in a training/employment program sponsored by the Northern Ireland (T&EA), the Training and Employment Authority of Ireland (FAS) or another such publicly funded program; be a currently employed person whose employer nominated him/her to participate in the program; OR be a student from a Northern Ireland Institution of further or higher learning that requires that students complete an employment component in order for them to qualify for a degree or certification from their Institution.
- The principal alien must intend to come to the U.S. temporarily, for a period not to exceed 36 months, in order to obtain training.

**Q-3  
Classification**

The Q-3 classification applies to the spouse and/or unmarried minor child of a Q-2 alien.

**Requesting  
EOS as a Q-1**

The Q-1 classification is employment-based. As such, aliens in this status are ineligible to apply for an extension on Form I-539; they must file Form I-129.

**Requesting  
EOS as a Q-2**

A Q-2 nonimmigrant may only request an EOS when he/she was granted less than 36 months on the initial entry and the period of time requested, in addition to the period of time spent in the current Q-2 classification, does not exceed 36 months. An applicant may use the Form I-539 to extend his/her stay provided that the DOS Program Administrator authorizes such an extension. Any such Q-2 extension is only done by the Nebraska Service Center.

**Requesting  
EOS as a Q-3**

Generally, when a Q-3 nonimmigrant requests an EOS, the validity period will be the same as the principal's. However, if one of the applicants is a dependent child and he or she will turn 21 before the principal alien's stay expires, the validity period for that applicant and any co-applicants will extend until one day prior to the dependent child's 21<sup>st</sup> birthday.

In addition to a properly filed Form I-539 and the I-94 card, the applicant must submit the following:

- A copy of the principal alien's I-94 or I-797 approval notice showing that he/she has already been granted status to the period requested in the application.
- Evidence of the relationship to the Q-2 alien, such as an acceptable marriage certificate and proof of termination of all previous marriages for both spouses, if any, or a birth certificate.

**Note:** If the I-539 is riding with an I-129 petition, the need for the I-797 approval notice is eliminated, as both the I-129 petition and I-539 are processed together.

**Procedure**

Follow the steps below to process an application for an EOS as a Q-3.

Step	Action
17.1a	Review for general requirements (see Part 2 of this module).

17.2a	Ensure that a copy of the principal alien's I-94 or I-797 has been submitted that provides proof that the requested status was granted.						
	<table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>The I-94 or I-797 evidence was submitted</td> <td>Go to step 17.3a.</td> </tr> <tr> <td>The I-94 or I-797 evidence is inappropriate or is missing</td> <td>Note the deficiency. Go to step 17.3a.</td> </tr> </tbody> </table>	IF...	THEN...	The I-94 or I-797 evidence was submitted	Go to step 17.3a.	The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 17.3a.
	IF...	THEN...					
	The I-94 or I-797 evidence was submitted	Go to step 17.3a.					
The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 17.3a.						
17.3a	Review for evidence of the applicant's relationship to the Q-2 principal alien.						
	<table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>Adequate evidence of the relationship was submitted</td> <td>Go to Part 23.</td> </tr> <tr> <td>The evidence is inadequate or is missing</td> <td>Note the deficiency. Go to Part 23.</td> </tr> </tbody> </table>	IF...	THEN...	Adequate evidence of the relationship was submitted	Go to Part 23.	The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.
IF...	THEN...						
Adequate evidence of the relationship was submitted	Go to Part 23.						
The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.						

**Requesting COS from Q-1 or Q-2** Any change of status from Q-2 to another nonimmigrant category is only adjudicated at the Nebraska Service Center. For any evidentiary requirements in addition to the properly filed Form I-539 and I-94 card and the review procedure, refer to the section of this Adjudications module that pertains to the classification sought by the applicant.

**Requesting COS from Q-3** When a Q-3 nonimmigrant is granted COS, the validity period will begin on the date of adjudication and end on the date determined by the new non-immigrant classification requirements to which he or she is changing. The same evidentiary requirements as under “Requesting EOS as a Q-3” apply.

**Procedure** Follow the steps below to process an application for a change of status from Q-3.

Step	Action						
17.1b	Review for general requirements (see Part 2 of this module).						
17.2b	<p>Ensure that a copy of the principal alien’s I-94 or I-797 has been submitted that provides proof that the requested status was granted.</p> <table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>The I-94 or I-797 evidence was submitted</td> <td>Go to step 17.3b.</td> </tr> <tr> <td>The I-94 or I-797 evidence is inappropriate or is missing</td> <td>Note the deficiency. Go to step 17.3b.</td> </tr> </tbody> </table>	IF...	THEN...	The I-94 or I-797 evidence was submitted	Go to step 17.3b.	The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 17.3b.
IF...	THEN...						
The I-94 or I-797 evidence was submitted	Go to step 17.3b.						
The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 17.3b.						
17.3b	<p>Review for evidence of the applicant’s relationship to the Q-2 principal alien.</p> <table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>Adequate evidence of the relationship was submitted</td> <td>Go to step 17.4b.</td> </tr> <tr> <td>The evidence is inadequate or is missing</td> <td>Note the deficiency. Go to step 17.4b.</td> </tr> </tbody> </table>	IF...	THEN...	Adequate evidence of the relationship was submitted	Go to step 17.4b.	The evidence is inadequate or is missing	Note the deficiency. Go to step 17.4b.
IF...	THEN...						
Adequate evidence of the relationship was submitted	Go to step 17.4b.						
The evidence is inadequate or is missing	Note the deficiency. Go to step 17.4b.						
17.4b	Review for the evidentiary requirements of the classification that is being requested. See the applicable section of this Adjudications module.						

**Requesting COS to Q-1** The Q-1 classification is employment-based. As such, aliens seeking to change from one nonimmigrant status to this status are ineligible to apply on Form I-539; they must file Form I-129.

**Requesting  
COS to Q-2**

Change of status to Q-2 cannot be approved as non-immigrants already in the United States would not meet one of the eligibility requirements, which stipulates that participants must be physically resident in either Northern Ireland or the Republic of Ireland for at least three months preceding application to the program.

**Requesting  
COS to Q-3**

When requesting a COS to Q-3, the alien must be in a valid nonimmigrant status that has not expired.

In addition to a properly filed Form I-539 and the I-94 card, the applicant must submit the following:

- A copy of the principal alien's I-94 or I-797 approval notice showing that he or she has already been granted status to the period requested in the application.
- Evidence of the applicant's relationship to the Q-2 principal alien, such as a notation on the applicant's passport or visa, an acceptable marriage certificate and proof of termination of all previous marriages for both spouses, if any, or a birth certificate.

**Note:** If the I-539 is riding with an I-129 petition, the need for the I-797 approval notice is eliminated, as both the I-129 petition and I-539 are processed together.

**Procedure**

Follow the steps below to process an application for a change of status to Q-3.

Step	Action						
17.1c	Review for general requirements (see Part 2 of this module).						
17.2c	Ensure that a copy of the principal alien's I-94 or I-797 has been submitted that provides proof that the requested status was granted. <table border="1"><thead><tr><th>IF...</th><th>THEN...</th></tr></thead><tbody><tr><td>The I-94 or I-797 evidence was submitted</td><td>Go to step 17.3c.</td></tr><tr><td>The I-94 or I-797 evidence is inappropriate or is missing</td><td>Note the deficiency. Go to step 17.3c.</td></tr></tbody></table>	IF...	THEN...	The I-94 or I-797 evidence was submitted	Go to step 17.3c.	The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 17.3c.
IF...	THEN...						
The I-94 or I-797 evidence was submitted	Go to step 17.3c.						
The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 17.3c.						
17.3c	Review for evidence of the applicant's relationship to the Q-2 principal alien. <table border="1"><thead><tr><th>IF...</th><th>THEN...</th></tr></thead><tbody><tr><td>Adequate evidence of the relationship was submitted</td><td>Go to Part 23.</td></tr><tr><td>The evidence is inadequate or is missing</td><td>Note the deficiency. Go to Part 23.</td></tr></tbody></table>	IF...	THEN...	Adequate evidence of the relationship was submitted	Go to Part 23.	The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.
IF...	THEN...						
Adequate evidence of the relationship was submitted	Go to Part 23.						
The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.						

## Part 18: “R” Nonimmigrants

---

<b>Introduction</b>	Religious Worker and Dependents
<b>Statutory Basis</b>	INA – Sect. 101(a)(15)(R)
<b>Regulatory Basis</b>	8 CFR 214.2(r)(1) General information 8 CFR 214.2(r)(2) Definitions 8 CFR 214.2(r)(3) Initial evidence requirements 8 CFR 214.2(r)(4) Initial admission 8 CFR 214.2(r)(5) Extension of stay 8 CFR 214.2(r)(6) Change of employers 8 CFR 214.2(r)(7) Limitation on stay 8 CFR 214.2(r)(8) Dependents of R-1  8 CFR 248.1(a) 8 CFR 248.3(a)
<b>R-1 Classification</b>	<p>The R-1 classification applies to an alien who, for at least the two years immediately preceding the time of application for admission, has been a member of a religious denomination having a bona fide nonprofit religious organization in the U.S. A R-1 alien may be admitted temporarily to the U.S. to carry on the activities of a religious worker for a period not to exceed five years for one of the following purposes:</p> <ul style="list-style-type: none"><li>• Solely to carry on the vocation of a minister of the religious denomination.</li><li>• To work for the religious organization at the request of the organization in a professional capacity.</li><li>• To work for the organization, or a bona fide organization which is affiliated with the religious denomination, at the request of the organization in a religious vocation or occupation.</li></ul>
<b>R-2 Classification</b>	The R-2 classification applies to the spouse and/or unmarried minor child of a R-1 nonimmigrant.
<b>Requesting EOS as a R-1</b>	The R-1 classification is employment-based. As such, aliens in this status are <u>ineligible</u> to apply for an extension on Form I-539; they must file Form I-129.

**Requesting  
EOS as a R-2**

Generally, when a R-2 nonimmigrant requests an EOS, the validity period will be the same as the principal's. However, if one of the applicants is a dependent child and he or she will turn 21 before the principal alien's stay expires, the validity period for that applicant and any co-applicants will extend until one day prior to the dependent child's 21<sup>st</sup> birthday.

In addition to a properly filed Form I-539 and the I-94 card, the applicant must submit the following:

- A copy of the principal alien's I-94 or I-797 approval notice showing that he/she has already been granted status to the period requested in the application.
- Evidence of the relationship to the R-1 alien, such as an acceptable marriage certificate and proof of termination of all previous marriages for both spouses, if any, or a birth certificate.

**Note:** If the I-539 is riding with an I-129 petition, the need for the I-797 approval notice is eliminated, as both the I-129 petition and I-539 are processed together. If the I-539 is filed separately from the I-129, it is filed at the service center of jurisdiction.

**Procedure**

Follow the steps below to process an application for an extension of stay as a R-2.

Step	Action						
18.1a	Review for general requirements (see Part 2 of this module).						
18.2a	<p>Ensure that a copy of the principal alien's I-94 or I-797 has been submitted that provides proof that the requested status was granted.</p> <table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>The I-94 or I-797 evidence was submitted</td> <td>Go to step 18.3a.</td> </tr> <tr> <td>The I-94 or I-797 evidence is inappropriate or is missing</td> <td>Note the deficiency. Go to step 18.3a.</td> </tr> </tbody> </table>	IF...	THEN...	The I-94 or I-797 evidence was submitted	Go to step 18.3a.	The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 18.3a.
IF...	THEN...						
The I-94 or I-797 evidence was submitted	Go to step 18.3a.						
The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 18.3a.						
18.3a	<p>Review for evidence of the applicant's relationship to the R-1 principal alien.</p> <table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>Adequate evidence of the relationship was submitted</td> <td>Go to Part 23.</td> </tr> <tr> <td>The evidence is inadequate or is missing</td> <td>Note the deficiency. Go to Part 23.</td> </tr> </tbody> </table>	IF...	THEN...	Adequate evidence of the relationship was submitted	Go to Part 23.	The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.
IF...	THEN...						
Adequate evidence of the relationship was submitted	Go to Part 23.						
The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.						

**Requesting COS from R-1** For any evidentiary requirements in addition to the properly filed Form I-539 and I-94 card and the review procedure, refer to the section of this Adjudications module that pertains to the classification to which the R-1 applicant is applying.

**Requesting COS from R-2** When a R-2 nonimmigrant is granted COS, the validity period will begin on the date of adjudication and end on the date determined by the classification to which he or she is changing. The same evidentiary requirements as under “Requesting EOS as a R-2” apply.

**Procedure** Follow the steps below to process an application for a change of status from R-2.

Step	Action						
18.1b	Review for general requirements (see Part 2 of this module).						
18.2b	<p>Ensure that a copy of the principal alien’s I-94 or I-797 has been submitted that provides proof that the requested status was granted.</p> <table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>The I-94 or I-797 evidence was submitted</td> <td>Go to step 18.3b.</td> </tr> <tr> <td>The I-94 or I-797 evidence is inappropriate or is missing</td> <td>Note the deficiency. Go to step 18.3b.</td> </tr> </tbody> </table>	IF...	THEN...	The I-94 or I-797 evidence was submitted	Go to step 18.3b.	The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 18.3b.
IF...	THEN...						
The I-94 or I-797 evidence was submitted	Go to step 18.3b.						
The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 18.3b.						

18.3b	<p>Review for evidence of the applicant’s relationship to the R-1 principal alien.</p> <table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>Adequate evidence of the relationship was submitted</td> <td>Go to step 18.4b.</td> </tr> <tr> <td>The evidence is inadequate or is missing</td> <td>Note the deficiency. Go to step 18.4b.</td> </tr> </tbody> </table>	IF...	THEN...	Adequate evidence of the relationship was submitted	Go to step 18.4b.	The evidence is inadequate or is missing	Note the deficiency. Go to step 18.4b.
IF...	THEN...						
Adequate evidence of the relationship was submitted	Go to step 18.4b.						
The evidence is inadequate or is missing	Note the deficiency. Go to step 18.4b.						
18.4b	Review for the evidentiary requirements of the classification that is being requested. See the applicable section of this Adjudications module.						

**Requesting COS to R-1** The R-1 classification is employment-based. As such, aliens seeking to change from one nonimmigrant status to this status are ineligible to apply on Form I-539; they must file Form I-129.

**Requesting  
COS to R-2**

An alien requesting a COS to R-2 must currently be in a valid nonimmigrant status that has not expired.

In addition to a properly filed Form I-539 and the I-94 evidence, the applicant must submit the following:

- A copy of the principal alien’s I-94 or I-797 approval notice showing that he or she has already been granted status to the period requested in the application.
- Evidence of the applicant’s relationship to the R-1 principal alien, such as a notation on the applicant’s passport or visa, an acceptable marriage certificate and proof of termination of all previous marriages for both spouses, if any, or a birth certificate.

**Procedure**

Follow the steps below to process an application for a change of status to R-2.

Step	Action
18.1c	Review for general requirements (see Part 2 of this module).

18.2c	Ensure that a copy of the principal alien’s I-94 or I-797 has been submitted that provides proof that the requested status was granted.						
	<table border="1"><thead><tr><th>IF...</th><th>THEN...</th></tr></thead><tbody><tr><td>The I-94 or I-797 evidence was submitted</td><td>Go to step 18.3c.</td></tr><tr><td>The I-94 or I-797 evidence is inappropriate or is missing</td><td>Note the deficiency. Go to step 18.3c.</td></tr></tbody></table>	IF...	THEN...	The I-94 or I-797 evidence was submitted	Go to step 18.3c.	The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 18.3c.
	IF...	THEN...					
The I-94 or I-797 evidence was submitted	Go to step 18.3c.						
The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 18.3c.						
18.3c	Review for evidence of the applicant’s relationship to the R-1 principal alien.						
	<table border="1"><thead><tr><th>IF...</th><th>THEN...</th></tr></thead><tbody><tr><td>Adequate evidence of the relationship was submitted</td><td>Go to Part 23.</td></tr><tr><td>The evidence is inadequate or is missing</td><td>Note the deficiency. Go to Part 23.</td></tr></tbody></table>	IF...	THEN...	Adequate evidence of the relationship was submitted	Go to Part 23.	The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.
	IF...	THEN...					
Adequate evidence of the relationship was submitted	Go to Part 23.						
The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.						

## **Part 19: “TN/TD” Nonimmigrants**

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**Introduction**

The TD and TN categories apply to citizen of Canada or Mexico seeking temporary entry as businesspeople to engage in business activities at a professional level, and who may be admitted to the United States in accordance with the North American Free Trade Agreement (NAFTA), and their immediate family members.

<b>Statutory Basis</b>	INA – Sect. 214.3(e)(1) & (2)
<b>Regulatory Basis</b>	<p>8 CFR 214.2(b)(4)  8 CFR 214.2(1)(17)(I)</p> <p>8 CFR 214.6(a) General  8 CFR 214.6(b) Definitions  8 CFR 214.6(c) Appendix to 1603.D.1 to Annex 1603 of the NAFTA  8 CFR 214.6(d) Mexican citizens  8 CFR 214.6(e) Canadian citizens  8 CFR 214.6(j) Spouse/children of above  8 CFR 214.6(l) TC Canadian Professionals converting to TD</p> <p>8 CFR 248.1(a)</p>
<b>TN Classification</b>	The TN classification applies to a Canadian or Mexican citizen engaged in the trade of goods, the provision of services, or the conduct of investment, who is entering temporarily to perform prearranged business activities for a U.S. entity, which refers to an individual as well, and who may be admitted to the United States in accordance with the NAFTA. A TN applicant should be engaged in an undertakings which require that, for successful completion, the individual have a least a baccalaureate degree or appropriate credentials demonstrating status as a professional in a profession set forth in Appendix 1603.D.1 of the NAFTA (see I-539 SOP Appendix D, “Acceptable NAFTA Professions”).
<b>TD Classification</b>	The TD classification applies to the spouse and/or unmarried, dependent, minor child of a citizen of Canada or Mexico admitted as a TN alien.
<b>Requesting EOS as a TN</b>	The TN classification is employment-based. As such, aliens in this status are <u>ineligible</u> to apply for an extension on Form I-539. They must file Form I-129.

**Requesting  
EOS as a TD**

Generally, when a TD nonimmigrant requests an EOS, the validity period will be the same as the principal's. However, if one of the applicants is a dependent child and he or she will turn 21 before the principal alien's stay expires, the validity period for that applicant and any co-applicants will extend until one day prior to the dependent child's 21<sup>st</sup> birthday.

In addition to a properly filed Form I-539 and the I-94 card, the applicant must submit the following:

- A copy of the principal alien's I-94 or I-797 approval notice showing that he/she has already been granted status to the period requested in the application.
- Evidence of the relationship to the TN alien, such as an acceptable marriage certificate and proof of termination of all previous marriages for both spouses, if any, or a birth certificate.

**Note:** If the I-539 is riding with an I-129 petition, the need for the I-797 approval notice is eliminated, as both the I-129 petition and I-539 are processed together at the Nebraska Service Center. If the I-539 is filed separately following the filing of the principal's I-129, it is filed at the service center of jurisdiction.

**Procedure**

Follow the steps below to process an application for an EOS as a TD.

Step	Action						
19.1a	Review for general requirements (see Part 2 of this module).						
19.2a	<p>Ensure that a copy of the principal alien's I-94 or I-797 has been submitted that provides proof that the requested status was granted.</p> <table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>The I-94 or I-797 evidence was submitted</td> <td>Go to step 19.3a.</td> </tr> <tr> <td>The I-94 or I-797 evidence is inappropriate or is missing</td> <td>Note the deficiency. Go to step 19.3a.</td> </tr> </tbody> </table>	IF...	THEN...	The I-94 or I-797 evidence was submitted	Go to step 19.3a.	The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 19.3a.
IF...	THEN...						
The I-94 or I-797 evidence was submitted	Go to step 19.3a.						
The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 19.3a.						
19.3a	<p>Review for evidence of the applicant's relationship to the TN principal alien.</p> <table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>Adequate evidence of the relationship was submitted</td> <td>Go to Part 23.</td> </tr> <tr> <td>The evidence is inadequate or is missing</td> <td>Note the deficiency. Go to Part 23.</td> </tr> </tbody> </table>	IF...	THEN...	Adequate evidence of the relationship was submitted	Go to Part 23.	The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.
IF...	THEN...						
Adequate evidence of the relationship was submitted	Go to Part 23.						
The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.						

**Requesting COS from TN** For any evidentiary requirements in addition to the properly filed Form I-539 and I-94 card and the review procedure, refer to the section of this Adjudications module that pertains to the classification sought by the applicant.

**Requesting COS from TD** When a TD nonimmigrant is granted COS, the validity period will begin on the date of adjudication and end on the date determined by the classification to which he or she is changing.

For any evidentiary requirements in addition to the properly filed Form I-539 and I-94 card and the review procedure, refer to the section of this Adjudications module that pertains to the classification sought by the applicant.

**Procedure** Follow the steps below to process an application for a change of status from TD.

Step	Action						
19.1b	Review for general requirements (see Part 2 of this module).						
19.2b	<p>Ensure that a copy of the principal alien's I-94 or I-797 has been submitted that provides proof that the requested status was granted.</p> <table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>The I-94 or I-797 evidence was submitted</td> <td>Go to step 19.3b.</td> </tr> <tr> <td>The I-94 or I-797 evidence is inappropriate or is missing</td> <td>Note the deficiency. Go to step 19.3b.</td> </tr> </tbody> </table>	IF...	THEN...	The I-94 or I-797 evidence was submitted	Go to step 19.3b.	The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 19.3b.
IF...	THEN...						
The I-94 or I-797 evidence was submitted	Go to step 19.3b.						
The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 19.3b.						
19.3b	<p>Review for evidence of the applicant's relationship to the TN principal alien.</p> <table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>Adequate evidence of the relationship was submitted</td> <td>Go to step 19.4b.</td> </tr> <tr> <td>The evidence is inadequate or is missing</td> <td>Note the deficiency. Go to step 19.4b.</td> </tr> </tbody> </table>	IF...	THEN...	Adequate evidence of the relationship was submitted	Go to step 19.4b.	The evidence is inadequate or is missing	Note the deficiency. Go to step 19.4b.
IF...	THEN...						
Adequate evidence of the relationship was submitted	Go to step 19.4b.						
The evidence is inadequate or is missing	Note the deficiency. Go to step 19.4b.						
19.4b	Review for the evidentiary requirements of the classification that is being requested. See the applicable section of this Adjudications module.						

**Requesting COS to TN** The TN classification is employment-based. As such, aliens seeking to change from one nonimmigrant status to this status are ineligible to apply on Form I-539; they must file Form I-129 at the Nebraska Service Center.

**Requesting  
COS to TD**

When requesting a COS to TD, the alien must be in a valid nonimmigrant status that has not expired.

In addition to a properly filed Form I-539 and the I-94 card, the applicant must submit the following:

- A copy of the principal alien’s I-94 or I-797 approval notice showing that he or she has already been granted status to the period requested in the application.
- Evidence of the applicant’s relationship to the principal alien, such as a notation on the applicant’s passport or visa, an acceptable marriage certificate and proof of termination of all previous marriages for both spouses, if any, or a birth certificate.

**Note:** If the I-539 is riding with an I-129 petition, the need for the I-797 approval notice is eliminated, as both the I-129 petition and I-539 are processed together at the Nebraska Service Center. If the I-539 is filed separately following the filing of the principal’s I-129, it is filed at the service center of jurisdiction.

**Procedure**

Follow the steps below to process an application for a change of status to TN.

Step	Action						
19.1c	Review for general requirements (see Part 2 of this module).						
19.2c	Ensure that a copy of the principal alien’s I-94 or I-797 has been submitted that provides proof that the requested status was granted. <table border="1"><thead><tr><th>IF...</th><th>THEN...</th></tr></thead><tbody><tr><td>The I-94 or I-797 evidence was submitted</td><td>Go to step 19.3c.</td></tr><tr><td>The I-94 or I-797 evidence is inappropriate or is missing</td><td>Note the deficiency. Go to step 19.3c.</td></tr></tbody></table>	IF...	THEN...	The I-94 or I-797 evidence was submitted	Go to step 19.3c.	The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 19.3c.
IF...	THEN...						
The I-94 or I-797 evidence was submitted	Go to step 19.3c.						
The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 19.3c.						
19.3c	Review for evidence of the applicant’s relationship to the TN principal alien. <table border="1"><thead><tr><th>IF...</th><th>THEN...</th></tr></thead><tbody><tr><td>Adequate evidence of the relationship was submitted</td><td>Go to Part 23.</td></tr><tr><td>The evidence is inadequate or is missing</td><td>Note the deficiency. Go to Part 23.</td></tr></tbody></table>	IF...	THEN...	Adequate evidence of the relationship was submitted	Go to Part 23.	The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.
IF...	THEN...						
Adequate evidence of the relationship was submitted	Go to Part 23.						
The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.						

**Part 20: “V” Nonimmigrants**

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**Introduction** Effective December 21, 2000, the “V” nonimmigrant classification was created by Section 1102 of the Legal Immigration Family Unity Equity Act (LIFE) Act of 2000. This new nonimmigrant category allows an alien to enter, reside legally in, work in and travel to and from the United States. The “V” nonimmigrant category, which is made up of the three classifications V-1, V-2, and V-3, is designated for eligible spouses, children and derivative children of Lawful Permanent Residents who are beneficiaries of properly filed 2nd preference immigrant visa petitions (I-130), provided that:

- The petition was filed on or before 12/21/022; and
- The petition has been pending for 3 years or more; or
- If the petition has been approved, 3 years or more have passed since the filing date and an immigrant visa is not immediately available or the alien’s application for an immigrant visa or application for adjustment of status, remains pending; and
- The applicant is admissible (with certain exceptions).

Applicants filing for V classification on Form I-539 must be living within the U.S. Any applicant seeking this status from abroad would need to file with the Department of State at the U.S. Embassy or Consulate where the immigrant visa would have been processed.

**Statutory Basis** INA – Sect. 101(a)(15)(V)  
INA – Sect. 214(o)

**Regulatory Basis** 8 CFR 214.15  
8 CFR 248.1(a)

**V-1 Classification** The V-1 classification applies to the eligible spouse of an alien lawfully admitted for permanent residence. The applicant must meet the following eligibility criteria:

- The alien must be the principal beneficiary of a pending or an approved I-130, Petition for Alien Relative, filed under the F2A category.
- The applicant must be the spouse of the Legal Permanent Resident who filed the I-130.
- The I-130 must have been filed on or before 12/21/00.
- At least three (3) years must have passed since the I-130 was filed.
- The applicant must be admissible to the United States, except where the grounds of inadmissibility do not apply or have been waived.

<b>V-2 Classification</b>	<p>The V-2 classification applies to the eligible unmarried child under 21 of a V-1 applicant or of an LPR. The period of validity of the V-2 classification will expire 45 days after the child turns 21. The applicant must meet the following eligibility criteria:</p> <ul style="list-style-type: none"> <li>• The alien must be the principal beneficiary of a pending or an approved I-130, Petition for Alien Relative.</li> <li>• The applicant must be the unmarried child under 21 and 45 days of the Legal Permanent Resident who filed the I-130.</li> <li>• The I-130 must have been filed on or before 12/21/00.</li> <li>• At least three (3) years must have passed since the I-130 was filed.</li> <li>• The applicant must be admissible to the United States, except where the grounds of inadmissibility do not apply or have been waived [refer to INA Sections 212(a)(6)(A), 212(a)(7) and 212(a)(9)(B)].</li> </ul>
<b>V-3 Classification</b>	<p>The V-3 classification applies to the derivative child of a V-1 or V-2. Derivative children in V-3 status were not named on the Form I-130 previously filed by the LPR on behalf of his or her spouse (V-1) and children (V-2). The period of validity of the V-3 classification will expire upon the child turning 21 and 45 days, or when the validity of the V-1 or V-2 expires, whichever is sooner.</p>
<b>Priority Date</b>	<p>If a V applicant's priority date is current and there is no pending I-485, he or she will only be granted a period of validity of 6 months for initial status or for an extension. If the applicant filed an I-485, he or she can be granted a 2-year period of validity.</p>
<b>Ineligibility and Termination of Status</b>	<p>If the petitioner of the Form I-130 that qualifies the beneficiaries for V nonimmigrant status becomes a USC, the applicant and his or her derivative children will no longer qualify for V nonimmigrant status as defined by 101(a)(15)(V) of the Act. (However, as the spouse or child of a USC, the principal beneficiaries will be immediate relatives as defined at section 201(b) of the Act and as such, eligible to file an application for adjustment of status without having to wait for an immigrant visa number to become available, once the Form I-130 is approved.)</p>

**Fingerprint  
Results and  
RAP Sheets**

Fingerprints are required of applicants 14 to 79 years old that are requesting initial V status or a change of status to V. During adjudications, use the CLAIMS Mainframe FD-258 Fingerprint Screen to review the results of the applicant's fingerprint check. The following are the possible results:

- NON-IDENT – The applicant was not identified in the FBI Database. All I-539 cases with this result are ready to be adjudicated.
- REJECT/UNCLASSIFIABLE – The applicant's prints were rejected, because the Fingerprints were unreadable by the FBI.
- PENDING – The FBI is conducting a more thorough search on the Fingerprints.
- IDENT – The applicant was identified in the FBI database. All I-539 cases with this result must be held awaiting the RAP Sheets. Once the RAP Sheet comes in, the Contractor will match it up with the I-539 case and route it to Adjudications. The adjudicator will check Section 212(a) of the Immigration and Nationality Act to see if the alien is ineligible to receive a visa or ineligible for admission. Section (o)(3) of the Act exempts an applicant from applying to obtain V nonimmigrant status from the following three grounds of inadmissibility:
  1. Section 212(a)(6)(A) – Aliens present without admission or parole
  2. Section 212(a)(7) – Aliens not in possession of a valid, unexpired passport, immigrant or nonimmigrant visa
  3. Section 212(a)(9)(B) – Aliens unlawfully present

**Requesting  
Initial Status as  
a V-1, V-2, or  
V-3**

An applicant may file Form I-539 to request initial status within the V classification. In addition to a properly filed Form I-539, the applicant must submit:

- Proof of filing of the immigrant visa petition in the form of one of the following:
  - I-797 Receipt or Approval Notice of Action from a Service Center
  - Receipt for a filed Form I-130 or I-485
  - Notice of Approval or Receipt from a local district office
  - Another form of evidence regarding the application (i.e., correspondence to or from the Service regarding the petition)
- Form I-693, Medical Examination of Aliens Seeking Adjustment of Status, without the vaccination supplement.
- The \$50.00 fingerprinting service fee, if the applicant is 14 to 79 years old.
- A copy of a marriage certificate to establish that the applicant and the legal permanent resident are married or a copy of a birth certificate to establish the relevant parent-child relationship, if the relative I-130 visa petition is still pending.

**I-693 Medical Record**

The Form I-693 must:

- Be received in a sealed envelope.
- Be in original form, completed and signed by a designated civil surgeon.
- Have been executed no more than one year prior to the date of filing the I-539.

All applicants must submit this evidence, regardless of age. However, only an applicant age 2 and older must have the Tuberculin Skin Test conducted per 42 CFR 34.3(b)(2). Furthermore, only applicants that are age 15 and older must have the Serologic Tests for Syphilis and HIV.

**Processing the I-601 Waiver Request**

The Form I-601, Application for Waiver of Grounds of Excludability, waives inadmissibility based on any of the following:

- Aliens inadmissible on health-related grounds
- Aliens who have committed certain criminal offenses

When processing an I-601 waiver request, you should refer to SOP for the Form I-601. However, the steps below are provided as a guide.

Step	Action								
20.1	When filed with a Form I-539, the I-601 will be found in the file with the I-539. Review the form and supporting documentation for completeness.								
20.2	Determine whether or not the I-601 is approvable. <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>The I-601 is approvable</td> <td>Stamp the Form I-601 with the approval stamp and sign it. Continue processing the I-539 application. After processing, create an A-file for the I-601.</td> </tr> <tr> <td>The I-601 will be denied</td> <td>Annotate the I-601 to note denial, the date and the officer number. Deny the I-539 for the appropriate applicants. After processing, create an A-file for the I-601.</td> </tr> <tr> <td>More evidence is required</td> <td>Prepare an I-601 RFE and hold the case for 87 days.</td> </tr> </tbody> </table>	IF...	THEN...	The I-601 is approvable	Stamp the Form I-601 with the approval stamp and sign it. Continue processing the I-539 application. After processing, create an A-file for the I-601.	The I-601 will be denied	Annotate the I-601 to note denial, the date and the officer number. Deny the I-539 for the appropriate applicants. After processing, create an A-file for the I-601.	More evidence is required	Prepare an I-601 RFE and hold the case for 87 days.
IF...	THEN...								
The I-601 is approvable	Stamp the Form I-601 with the approval stamp and sign it. Continue processing the I-539 application. After processing, create an A-file for the I-601.								
The I-601 will be denied	Annotate the I-601 to note denial, the date and the officer number. Deny the I-539 for the appropriate applicants. After processing, create an A-file for the I-601.								
More evidence is required	Prepare an I-601 RFE and hold the case for 87 days.								

**Procedure**

Follow the steps below to process an application for initial status as a V-1, V-2, or V-3.

Step	Action
20.1a	Review for general requirements (see Part 2 of this module).
20.2a	Review the FD-258 Fingerprint Screen printout to see if the fingerprints have been cleared by the FBI (see below).

<b>IF the result is...</b>	
NON-IDENT	
REJECT/UNCLASSIFIABLE after 60 days and the fingerprints have already been rescheduled once	
PENDING after 90 days	
IDENT	

20.3a Review the RAP sheet against INA Section 212(a) to determine whether or not the applicant is eligible for admission.

<b>IF...</b>	<b>THEN...</b>
The applicant is eligible for admission	Go to step 20.4a.
The applicant is ineligible for admission <u>but</u> is eligible to file a waiver	Adjudicate the I-601 waiver request package (see "Processing the I-601 Waiver Request" above). If granted, continue processing, but if the waiver is denied, deny the I-539 application for the appropriate applicant(s).
The applicant is ineligible for admission and ineligible to file a waiver	The case may be deniable. Note the deficiency and go to step 20.4a.

20.4a Ensure that appropriate proof of filing has been submitted.

<b>IF...</b>	
Appropriate proof of filing was submitted	
Proof of filing is inappropriate or missing	

20.5a Ensure that each applicant has been assigned a 300 million A#.

<b>IF...</b>	<b>THEN...</b>
One has been assigned	Go to step 20.6a.
One has not been assigned	Add the applicant to the manifest sheet to be sent to the Chicago Lockbox by the COTR. Then route the file to the "Awaiting 300-million A-number from the Lockbox" shelf.

20.6a Open the sealed medical record envelope containing the I-693.

20.7a Check if the physician annotated the block for “No apparent defect, disease, or disability.”

IF...	
The block was annotated	
The block was not annotated <u>and</u> Class A or Class B condition is annotated	
The physician did not fill in the blank <u>and</u> no Class A or Class B condition is annotated	

20.8a Check if the physician annotated that there was “no reaction” to the Tuberculin Skin Test.

IF...	
The reaction was normal or less than 5 mm	
The reaction is greater than 5mm and the results of the chest x-ray are normal	
The reaction is greater than 5mm and the results of the chest x-ray are abnormal	
The physician did not fill in the blank	

20.9a Check if the physician has annotated that the Serologic Test for Syphilis is non-reactive.

IF...	
The test is non-reactive	
The test is reactive and there is evidence that the applicant has completed treatment	

The test is reactive but there is not evidence that the applicant has completed treatment	
The physician did not fill in the blank	

20.10 a	Check if the physician has annotated that the Serologic Test for HIV Antibody is non-reactive.								
	<table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>The test is non-reactive</td> <td>Go to step 20.11a.</td> </tr> <tr> <td>The test is reactive</td> <td>Adjudicate the I-601 waiver request package (see "Processing the I-601 Waiver Request" above). If granted, continue processing, but if the waiver is denied, deny the I-539 application for the appropriate applicant(s).</td> </tr> <tr> <td>The physician did not fill in the blank</td> <td>RFE for evidence that this test was completed and for the results.</td> </tr> </tbody> </table>	IF...	THEN...	The test is non-reactive	Go to step 20.11a.	The test is reactive	Adjudicate the I-601 waiver request package (see "Processing the I-601 Waiver Request" above). If granted, continue processing, but if the waiver is denied, deny the I-539 application for the appropriate applicant(s).	The physician did not fill in the blank	RFE for evidence that this test was completed and for the results.
IF...	THEN...								
The test is non-reactive	Go to step 20.11a.								
The test is reactive	Adjudicate the I-601 waiver request package (see "Processing the I-601 Waiver Request" above). If granted, continue processing, but if the waiver is denied, deny the I-539 application for the appropriate applicant(s).								
The physician did not fill in the blank	RFE for evidence that this test was completed and for the results.								

20.11 a	If the relative I-130 is pending, review for evidence of the applicant's relationship to the legal permanent resident.						
	<table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>Adequate evidence of the relationship was submitted or is not required</td> <td></td> </tr> <tr> <td>The evidence is inadequate or is missing</td> <td></td> </tr> </tbody> </table>	IF...	THEN...	Adequate evidence of the relationship was submitted or is not required		The evidence is inadequate or is missing	
IF...	THEN...						
Adequate evidence of the relationship was submitted or is not required							
The evidence is inadequate or is missing							

20.12a	If the applicant is in immigration proceedings, RFE for evidence that the proceeding has been administratively closed or that a motion pending before the Board has been indefinitely continued pursuant to 8 CFR 214.15(l). Once received, determine whether or not the applicant is eligible for V nonimmigrant status.						
	<table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>The applicant is eligible</td> <td>Go to step 20.13a.</td> </tr> <tr> <td>The applicant is not eligible</td> <td>Take the appropriate action to recommence proceedings, such as notifying District Counsel.</td> </tr> </tbody> </table>	IF...	THEN...	The applicant is eligible	Go to step 20.13a.	The applicant is not eligible	Take the appropriate action to recommence proceedings, such as notifying District Counsel.
IF...	THEN...						
The applicant is eligible	Go to step 20.13a.						
The applicant is not eligible	Take the appropriate action to recommence proceedings, such as notifying District Counsel.						

20.13a	If the applicant is subject to a final order of removal, RFE for evidence that the applicant filed a motion to reopen before the Immigration Judge or the Board of Immigration Appeals.	
	<b>IF...</b>	<b>THEN...</b>
	The evidence was submitted	Process the application for V nonimmigrant status. Go to Part 23.
	The evidence was not submitted	The case may be deniable. Note the deficiency and go to Part 23.

**Requesting EOS as a V-1, V-2, or V-3**

Applicants may file Form I-539 to request an extension of their V status on or before 120 days before the expiration of their status. An alien granted an extension will be given a period of authorized stay not to exceed 2 years. A child in V nonimmigrant status who is 19 years old or older will be granted an extension valid until 45 days after his or her 21<sup>st</sup> birthday. For an alien who has a current priority date and no Form I-485 pending, only a one-time extension (not to exceed 6 months) is permitted.

In addition to a properly filed Form I-539 and the I-94 card, the applicant must submit:

- Proof of filing of the immigrant visa petition in the form of one of the following:
  - I-797 Receipt or Approval Notice of Action from a Service Center
  - Receipt for a filed Form I-130 or I-485
  - Notice of approval from a local district office
  - Another form of evidence regarding the application (i.e., correspondence to or from the Service regarding the petition)
- A copy of a Marriage Certificate to establish that the applicant and the legal permanent resident are married or a copy of a Birth Certificate to establish the relevant parent-child relationship, if the relative I-130 is still pending.

**Procedure**

Follow the steps below to process an application for an extension of stay as a V-1, V-2, or V-3.

Step	Action	
20.1b	Review for general requirements (see Part 2 of this module).	
20.2b	Ensure that appropriate proof of filing has been submitted.	
	<b>IF...</b>	<b>THEN...</b>
	Appropriate proof of filing was submitted	Go to step 20.3b.
	The proof of filing is inappropriate or missing	Note the deficiency. Go to step 20.3b.

20.3b	<p>If the relative I-130 is pending, review for evidence of the applicant's relationship to the legal permanent resident.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%; text-align: center;">IF...</th> <th style="width: 50%; text-align: center;">THEN...</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Adequate evidence of the relationship was submitted or is not required</td> <td style="text-align: center;">Go to Part 23.</td> </tr> <tr> <td style="text-align: center;">The evidence is inadequate or is missing</td> <td style="text-align: center;">Note the deficiency. Go to Part 23.</td> </tr> </tbody> </table>	IF...	THEN...	Adequate evidence of the relationship was submitted or is not required	Go to Part 23.	The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.
IF...	THEN...						
Adequate evidence of the relationship was submitted or is not required	Go to Part 23.						
The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.						

**Requesting COS from V-1, V-2, or V-3** For any evidentiary requirements in addition to the properly filed Form I-539 and I-94 card and the review procedure, refer to the section of this Adjudications module that pertains to the classification to which the V-1, V-2, or V-3 applicant is applying.

**Procedure** Follow the steps below to process an application for a change of status from V-1, V-2, or V-3.

Step	Action
20.1c	Review for general requirements (see Part 2 of this module).
20.2c	Review for the evidentiary requirements of the classification that is being requested. See the applicable section of this Adjudications module.

**Requesting COS to V-1, V-2, or V-3** An applicant may file to change status from one nonimmigrant classification to V status on Form I-539. Refer to the sections "Requesting Initial Status as a V-1, V-2, or V-3," "I-693 Medical Record" and the procedures beginning with step 20.1a, as the same evidentiary requirements and procedures apply.

## **Part 21: "NATO" Nonimmigrants**

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<b>Introduction</b>	The NATO classification nonimmigrant category, which is comprised of seven classifications, applies to officials, employees, or persons associated with NATO, and members of their immediate families, who may enter the U.S. in accordance with the NATO Status of Forces Agreement or the Protocol on the Status of International Military Headquarters set up pursuant to the North Atlantic Treaty (Paris Protocol). It also applies to civilians, and members of their immediate families, entering the U.S. as employees of a force entering in accordance with the NATO Status of Forces Agreement, or as members of a civilian component attached to or employed by NATO Headquarters, Supreme Allied Commander, Atlantic (SACLANT), set up pursuant to the Paris Protocol. Additionally, this category refers to servants and attendants entering with NATO nonimmigrants and their immediate families.
<b>Statutory Basis</b>	INA – Sect. 101(a)(27)(L)
<b>Regulatory Basis</b>	8 CFR 214.2(s)
<b>NATO-1 Classification</b>	The NATO-1 classification applies to a principal permanent representative of a Member state to NATO (including any of its subsidiary bodies) resident in the U.S. and resident members of permanent representative’s official staff; Secretary General, Deputy Secretary General, Assistant Secretaries General and Executive Secretary of NATO; other permanent NATO officials of similar rank; and the members of the immediate family of such persons.
<b>NATO-2 Classification</b>	The NATO-2 classification applies to other representatives of Member States to NATO (including any of its subsidiary bodies) including representatives, advisors and technical experts of delegations, and the members of the immediate family of such persons; dependents of members of a force entering in accordance with the provisions of the NATO Status of Forces Agreement or in accordance with the provisions of the Protocol on the Status on International Military Headquarters; and members of such a force, if issued visas.
<b>NATO-3 Classification</b>	The NATO-3 classification applies to Official clerical staff accompanying a representative of a Member State to NATO (including any of its subsidiary bodies) and the members of the immediate family of such persons.
<b>NATO-4 Classification</b>	The NATO-4 classification applies to Officials of NATO (other than those classifiable under NATO-1) and the members of their immediate family.

**NATO-5 Classification** The NATO-5 classification applies to Experts, other than NATO officials classifiable under NATO-4, employed on missions on behalf of NATO, and their dependents.

**NATO-6 Classification** The NATO-6 classification applies to civilians, and members of their immediate families, who may enter the U.S. as employees of a force entering in accordance with the NATO Status of Forces Agreement, or as members of a civilian component attached to or employed by NATO HQ, Supreme Allied Commander, Atlantic (SACLANT) set up pursuant to the Paris Protocol.

**NATO-7 Classification** The NATO-7 classification applies to attendants, servants, or personal employees of nonimmigrant aliens classified as NATO-1, NATO-2, NATO-3, NATO-4, NATO-5, and NATO-6 who are authorized to work only for the NATO-1 through NATO-6 nonimmigrant from whom they derive status, and members of their immediate families. NATO-7 aliens may be admitted for not more than 3 years.

**Requesting EOS as a NATO-1, -2, -3, -4, -5, or -6** Nonimmigrants granted NATO-1, NATO-2, NATO-3, NATO-4, NATO-5, and NATO-6 classification are admitted for duration of status and, therefore, are ineligible to file for EOS.

**Requesting EOS as a NATO-7** An applicant requesting EOS as a NATO-7 may be granted extensions of temporary stay in increments of not more than 2 years.

In addition to a properly filed Form I-539 and the I-94 card, the applicant must submit a statement signed by the employing official stating that he or she intends to continue to employ the NATO-7 applicant. The statement must describe the work the applicant will perform and acknowledge that this is and will be the sole employment of the NATO-7 applicant.

**Procedure** Follow the steps below to process an application for an extension of stay for a NATO-7 nonimmigrant.

Step	Action	
21.1a	Review for general requirements (see Part 2 of this module).	
21.2a	Ensure that an appropriate statement from the NATO-7 alien's employing official was submitted.	
	<b>IF...</b>	<b>THEN...</b>
	An appropriate statement was submitted	Go to Part 23.

	The statement was not submitted or inappropriate	Note the deficiency. Go to Part 23.
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**Requesting COS from NATO-1, -2, -3, -4, -5, -6, or -7** For any evidentiary requirements in addition to the properly filed Form I-539 and I-94 card and the review procedure, refer to the section of this Adjudications module that pertains to the classification to which the applicant is applying for requests of status from NATO-1 through NATO-7.

**Procedure** Follow the steps below to process an application for a change of status from NATO-1 through NATO-7.

Step	Action
21.1b	Review for general requirements (see Part 2 of this module).

21.2b	Review for the evidentiary requirements of the classification that is being requested. See the applicable section of this Adjudications module.
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**Requesting COS to NATO-1, -2, -3, -4, -5, or -6** In addition to a properly filed Form I-539 and the I-94 card, an applicant must submit the following when requesting a COS from another nonimmigrant classification to NATO-1, -2, -3, -4, -5, or -6:

- Evidence that the applicant qualifies for the requested NATO status.

**Procedure** Follow the steps below to process an application for a change of status to NATO-1, -2, -3, -4, -5, or -6.

Step	Action						
21.1c	Review for general requirements (see Part 2 of this module).						
21.2c	Review for evidence that the applicant qualifies for the requested NATO classification. <table border="1" style="margin-left: 20px;"> <thead> <tr> <th style="width: 50%;">IF...</th> <th style="width: 50%;">THEN...</th> </tr> </thead> <tbody> <tr> <td>Evidence confirms that the applicant qualifies for the NATO classification</td> <td style="text-align: center;">Go to Part 23a.</td> </tr> <tr> <td>The applicant does not qualify for the NATO classification</td> <td style="text-align: center;">Note the deficiency. Go to Part 23d.</td> </tr> </tbody> </table>	IF...	THEN...	Evidence confirms that the applicant qualifies for the NATO classification	Go to Part 23a.	The applicant does not qualify for the NATO classification	Note the deficiency. Go to Part 23d.
IF...	THEN...						
Evidence confirms that the applicant qualifies for the NATO classification	Go to Part 23a.						
The applicant does not qualify for the NATO classification	Note the deficiency. Go to Part 23d.						

**Requesting  
COS to NATO-  
7**

In addition to a properly filed Form I-539 and the I-94 card, the applicant must submit the following when requesting a COS to NATO-7:

- A copy of the employer’s I-94 or I-797 approval notice demonstrating NATO status.
- A statement signed by the employing official stating that he or she will employ the prospective NATO-7 applicant. The statement must describe the work the applicant will perform, length of stay and conditions of remuneration, and acknowledge that this will be the sole employment of the NATO-7 applicant.

**Procedure**

Follow the steps below to process an application for a change of status to NATO-7.

Step	Action						
21.1d	Review for general requirements (see Part 2 of this module).						
21.2d	Ensure that the application includes a copy of the employer’s I-94 or I-797 and an employment letter. <table border="1"><thead><tr><th>IF...</th><th>THEN...</th></tr></thead><tbody><tr><td>The employer’s I-94 or I-797 and employment letter were submitted</td><td>Proceed to Part 23.</td></tr><tr><td>The employer’s I-94 or I-797 and employment letter are either inadequate or missing</td><td>Note the deficiency. Go to Part 23.</td></tr></tbody></table>	IF...	THEN...	The employer’s I-94 or I-797 and employment letter were submitted	Proceed to Part 23.	The employer’s I-94 or I-797 and employment letter are either inadequate or missing	Note the deficiency. Go to Part 23.
IF...	THEN...						
The employer’s I-94 or I-797 and employment letter were submitted	Proceed to Part 23.						
The employer’s I-94 or I-797 and employment letter are either inadequate or missing	Note the deficiency. Go to Part 23.						

## **Part 22: “TPS” Nonimmigrants**

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**Introduction**

Under section 244(b)(1) of the Immigration and Nationality Act, the Attorney General is authorized to grant Temporary Protective Status (TPS) to eligible nationals of designated foreign states or parts of such states (or to eligible aliens who have no nationality and who last habitually resided in such designated states) upon finding that such states are experiencing ongoing armed conflict, environmental disaster, or other extraordinary and temporary conditions.

**Statutory Basis**

INA – Sect. 244  
Section 8 U.S.C. 1254a

**Regulatory  
Basis**

8 CFR 244

**TPS A12 Classification**

The TPS A12 classification applies to an applicant who is approved for TPS on Form I-821, Application for Temporary Protected Status, with a current TPS classification. An alien who meets the nationality requirements and is temporarily unable to return to their homeland because of ongoing armed conflict, environmental disasters, or other extraordinary and temporary conditions may be eligible for TPS upon meeting the following criteria:

1. Establishes continuous physical presence and continuous residence in the U.S. for a specified period of time;
2. Is not subject to several criminal and security-related bars; and
3. Timely registers for TPS benefits. If the Attorney General extends a TPS designation beyond the initial designation period, the beneficiary must timely re-register to maintain his or her benefits under the TPS program.

**Dual Status**

TPS eligible aliens are given authorization to also apply for any other nonimmigrant status. [8 CFR 244.10(f)(iv)]

**Requesting EOS as a TPS A12**

A TPS A12 nonimmigrant accorded such status may not extend their TPS status on the Form I-539.

**Requesting COS from TPS A12**

In addition to a properly filed Form I-539, an applicant must submit the following evidence when requesting a COS from TPS A12:

- A copy of the I-797 approval notice showing an approved I-821 and the validity date.
- A copy of a government ID or a copy of Employment Authorization (EAD) Card.

**Procedure**

Follow the steps below to process an application for a change of status from TPS A12.

Step	Action						
22.1b	Review for general requirements (see Part 2 of this module).						
22.2b	Review the I-797 to ensure that it provides evidence of an approved I-821 with the dates of validity. <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>An appropriate I-797 was submitted</td> <td>Go to step 22.3b.</td> </tr> <tr> <td>An appropriate I-797 was not submitted</td> <td>Note the deficiency. Go to step 22.3b.</td> </tr> </tbody> </table>	IF...	THEN...	An appropriate I-797 was submitted	Go to step 22.3b.	An appropriate I-797 was not submitted	Note the deficiency. Go to step 22.3b.
IF...	THEN...						
An appropriate I-797 was submitted	Go to step 22.3b.						
An appropriate I-797 was not submitted	Note the deficiency. Go to step 22.3b.						
22.3b	Review the government ID or EAD card to verify that it provides proof that an A12 classification was granted to the applicant. <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>The identification confirms the A12 classification</td> <td>Go to step 22.4b.</td> </tr> </tbody> </table>	IF...	THEN...	The identification confirms the A12 classification	Go to step 22.4b.		
IF...	THEN...						
The identification confirms the A12 classification	Go to step 22.4b.						

	<table border="1"> <tr> <td>The identification was not submitted or does not confirm the A12 classification</td> <td>Note the deficiency. Go to step 22.4b.</td> </tr> </table>	The identification was not submitted or does not confirm the A12 classification	Note the deficiency. Go to step 22.4b.
The identification was not submitted or does not confirm the A12 classification	Note the deficiency. Go to step 22.4b.		
22.4b	Review for the evidentiary requirements of the classification that is being requested. See the applicable section of this Adjudications module.		

**Requesting COS to TPS A12** Any applicant who currently holds another nonimmigrant status may not change their status to TPS using the Form I-539.

## Part 23: Post-Decision Processing

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**Processing Procedure** After review of the case, determine whether it is approvable, deniable, or requires additional information. Process the case according to the table below and annotate the processing worksheet.

IF...	THEN...
The beneficiary qualifies for the requested EOS or COS and has submitted all of the required documentation	Go to Step 23a.1 and follow instructions for processing Approvals.
The application may be deniable but the applicant will be afforded the opportunity to counter the reason for denial prior to denial	Go to Step 23b.1 and follow instructions for processing Intents to Deny.
Additional evidence is required to make an adjudicative decision	Go to Step 23c.1 and follow instructions for processing Requests for Evidence.
The applicant does not qualify for the requested EOS or COS and has been afforded an opportunity to submit additional evidence, or is statutorily ineligible	Go to Step 23d.1 and follow instructions for processing Denials.

## Part 23a: Processing Approvals

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**Procedures for Processing Approvals** This section will describe various procedures that must be followed when the I-539 is to be approved. Follow the steps below to process an I-539 approval. For information regarding approvals for multiple beneficiaries with different classifications and split decisions, refer to Post-Adjudications Module Parts 1a and 1b, respectively.

Step	Action
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23a.1	<p>Annotate the validity in the “For U.S. CIS Use Only” section of the Form I-539.</p> <table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>An EOS was requested</td> <td>Check the “Extension Granted to” box and enter the dates of the validity period.</td> </tr> <tr> <td>A COS was requested</td> <td>Enter the new classification in the “New Class” blank and enter the dates of the validity period.</td> </tr> </tbody> </table>	IF...	THEN...	An EOS was requested	Check the “Extension Granted to” box and enter the dates of the validity period.	A COS was requested	Enter the new classification in the “New Class” blank and enter the dates of the validity period.
IF...	THEN...						
An EOS was requested	Check the “Extension Granted to” box and enter the dates of the validity period.						
A COS was requested	Enter the new classification in the “New Class” blank and enter the dates of the validity period.						
23a.2	Stamp the Action block with the approval stamp and sign it.						
23a.3	Annotate the processing worksheet and annotate the Remarks box with notations such as split decision, # dependents, each classification in the case of multiple beneficiaries, age out, and second RFE, according to local policy.						
23a.4	Follow post-adjudication procedures.						

## Part 23b: Processing Intents to Deny

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**Procedures for Processing** Follow the steps below to process an I-539 Intent to Deny (ITD).

**Intents to Deny** **Note:** When composing an ITD letter, make sure it contains a:

- Statement that identifies the specific areas of eligibility that the applicant does not appear to have met.
- Description of the specific reasons for the Service’s determination that the areas of eligibility have not been met.
- Discussion of evidence that could be submitted to overcome the reasons for denial or revocation.
- Copy of any derogatory information.

Step	Action
23b.1	Compose an Intent to Deny letter, including all bases for denial.
23b.2	Place a copy of the Intent to Deny letter on top of the ROP.
23b.3	Follow post-adjudication procedures.

## Part 23c: Processing Requests for Evidence

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**Procedures for Processing Requests for Evidence** Follow the steps below to process a request for evidence (RFE).

Step	Action
23c.1	Compose a RFE letter, citing all noted deficiencies.
23c.2	Place copy of the RFE on top of the Record of Proceeding.
23c.3	Follow post-adjudication procedures.

## Part 23d: Processing Denials

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**Procedures for Processing Denials** Follow the steps below to process an I-539 denial.

**Note:** When composing a denial letter, the letter should discuss ALL areas of eligibility that have not been met by the applicant, and include a specific description of the reasons for the Service's determination that the areas of eligibility have not been met.

Step	Action
23d.1	Compose a denial letter citing all bases for denial according to the local procedure.
23d.2	Annotate the Action Block of the I-539 by notating "Denied," the date, and the officer number.
23d.3	Annotate the processing worksheet and follow post-adjudication procedures.

## Part 24: Service/Motion to Reopen or Reconsider

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**Introduction** Appeals may not be filed for denials of Form I-539. Rather, an applicant or the service may file a Motion to Reopen or Reconsider pursuant to 8 CFR 103.5. The motion allows the applicant to submit new evidence that he or she wants to have considered on a previously denied application or to show how the decision was a misinterpretation of the law. The applicant must present convincing evidence that overturns the reasons for the denial, and it must be submitted within thirty days of the denial. If it is not filed within 30 days, the motion may be denied. (**Note:** Prior to denial for untimely filing, consider local mailroom processing times.) The motion letter should state the decision, that the new material has been reviewed and how this material influenced the decision on the motion. When a motion is filed, Mailroom personnel are instructed to forward the file to the officer that originally adjudicated the case. However, if that is not possible, another officer may decide the motion.

The Service may file a Motion to Reopen when new evidence has been presented on a case. The Service may also reopen a denial decision when a new decision will be favorable to the applicant. The motion and the favorable decision shall be combined in one action.

**Procedure for a Motion to Reopen or Reconsider** Follow the steps below to process a Motion to Reopen or Reconsider.  
**Note:** A Service Motion to Reopen uses the same procedure as a Motion to Reopen or Reconsider.

Step	Action						
24.1	<p>Verify that the motion is filed timely and is signed by the appropriate person.</p> <table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>The filing is timely and signed appropriately</td> <td>Go to step 24.2.</td> </tr> <tr> <td>The filing is not timely and/or the wrong person signed it</td> <td>Prepare a letter to deny the motion for untimeliness and/or improper signature. Place a copy of the letter in the ROP and follow post-adjudication procedures.</td> </tr> </tbody> </table>	IF...	THEN...	The filing is timely and signed appropriately	Go to step 24.2.	The filing is not timely and/or the wrong person signed it	Prepare a letter to deny the motion for untimeliness and/or improper signature. Place a copy of the letter in the ROP and follow post-adjudication procedures.
IF...	THEN...						
The filing is timely and signed appropriately	Go to step 24.2.						
The filing is not timely and/or the wrong person signed it	Prepare a letter to deny the motion for untimeliness and/or improper signature. Place a copy of the letter in the ROP and follow post-adjudication procedures.						
24.2	<p>Review the submission and determine whether or not the individual has overcome the original reason for denial.</p> <table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>He or she has overcome the denial</td> <td>Go to step 24.3.</td> </tr> <tr> <td>He or she has not overcome the denial</td> <td>Prepare a letter to deny the motion. Place a copy of the letter in the ROP and follow post-adjudication procedures.</td> </tr> </tbody> </table>	IF...	THEN...	He or she has overcome the denial	Go to step 24.3.	He or she has not overcome the denial	Prepare a letter to deny the motion. Place a copy of the letter in the ROP and follow post-adjudication procedures.
IF...	THEN...						
He or she has overcome the denial	Go to step 24.3.						
He or she has not overcome the denial	Prepare a letter to deny the motion. Place a copy of the letter in the ROP and follow post-adjudication procedures.						
24.3	Prepare a letter to approve the motion and place a copy of it in the ROP.						
24.4	<p>Annotate the validity in the "For U.S. CIS Use Only" section of the Form I-539.</p> <table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>An EOS was requested</td> <td>Check the "Extension Granted to" box and enter the dates of the validity period.</td> </tr> <tr> <td>A COS was requested</td> <td>Enter the new classification in the "New Class" blank and enter the dates of the validity period.</td> </tr> </tbody> </table>	IF...	THEN...	An EOS was requested	Check the "Extension Granted to" box and enter the dates of the validity period.	A COS was requested	Enter the new classification in the "New Class" blank and enter the dates of the validity period.
IF...	THEN...						
An EOS was requested	Check the "Extension Granted to" box and enter the dates of the validity period.						
A COS was requested	Enter the new classification in the "New Class" blank and enter the dates of the validity period.						

24.5	Stamp the Action block with the approval stamp over the previous denial notation, sign it, and annotate it as “Approved on Motion” with the date.
24.6	Follow post-adjudication procedures

## Part 25: References

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**Introduction** This section will identify the resources that are available to provide guidance in the adjudication of Form I-539 applications.

**The Immigration and Nationality Act** The Immigration and Nationality Act (INA) provides definitions of terms and the statutory basis for the employment-based classifications, in addition to the statutory basis for who may file, the numerical limits of the class, procedures for granting status, and other eligibility considerations.

Reference	Issue
INA 101(a)(15)(B)	Defines a nonimmigrant visitor for business or pleasure
INA 201(b)(2)(A)	Immigrant visas
INA 203(a)(2)(A)	Allocation of visas
INA 204	Procedure for granting immigrant visas
INA 212(a)(1)	Waiver (Class A medical conditions)
INA 212(a)(6)(A)	Applicant present without admission or parole
INA 212(a)(6)(G)	Student visa abusers
INA 212(a)(7)	Applicants present without a valid passport, visa or entry documents
INA 212(a)(9)(B)	Unlawful presence
INA 214	Admission of Nonimmigrants
INA 214(d)(3)(A)	Revocations
INA 214(l)(1)	HS 1 year on I-20 vs. D/S
INA 214(m)(1)	Limits on public school attendance of F-1 students
INA 214(o)(1)(B)	Termination of status for V nonimmigrants
INA 222(g)	Voiding the visa of an alien admitted on a nonimmigrant visa that remained in the U.S. beyond the period of authorized stay

**8 CFR** The Code of Federal Regulations (CFR), Volume 8, institutes eligibility requirements for the classification, provides evidentiary guidelines, and governs other respective procedures.

Reference	Issue
8 CFR 3.23	Removal, Deportation & Exclusion

8 CFR 103.2	Filing applications, petitions, and other documents
8 CFR 103.2(e)(4)	Fingerprint (Service fee)
8 CFR 103.5	Reopening or Reconsideration (Motions)
8 CFR 212.1	Documentary requirements for Nonimmigrants & waiver information
8 CFR 212.7(c)	Section 212(e) two-year foreign residency requirement for exchange visitors
8 CFR 214.1	Requirements for admission, extension and maintenance of status (includes ineligibility to extend status)
8 CFR 214.(k)(2)(viii)	Revocations
8 CFR 214.(o)(3)	Aliens exempt from grounds of admissibility
8 CFR 214.1(c)(5)	No appeal of the I-539
8 CFR 214.1(e)	B-2 employment
8 CFR 214.2	Special requirements for admission, extension and maintenance of status
8 CFR 214.2(a)(7) & (9)	Employment for A nonimmigrants
8 CFR 214.2(f)(5)(i)	Duration of status is defined
8 CFR 214.2(f)(6)(iii)	Reduced course load for an F nonimmigrant
8 CFR 214.2(f)(8)	Transfer procedure for F nonimmigrants
8 CFR 214.2(f)(9)(ii)(C)	Severe economic hardship for F nonimmigrants
8 CFR 214.2(f)(13)	Temporary absence for F nonimmigrant granted employment authorization
8 CFR 214.2(f)(15)	F-2 employment
8 CFR 214.2(f)(16)	Reinstatement for Fs.
8 CFR 214.2(g)(5), (7) & (10)	Employment for G nonimmigrants
8 CFR 214.2(j)(1)(v)	Employment of J dependents
8 CFR 214.2(m)(7)	Period of stay of student already in M - 1 status
8 CFR 214.2(m)(9)	Full course of study for M nonimmigrants
8 CFR 214.2(m)(11)	School transfer and reinstatement for an M-1

**8 CFR, Cont'd.**

Reference	Issue
8 CFR 214.2(m)(12)	Change in educational objective for an M-1
8 CFR 214.2(m)(13)	Employment of M nonimmigrants
8 CFR 214.2(m)(14)	Practical training for an M-1
8 CFR 244.10(f)(2)(iv)	TPS aliens maintaining lawful nonimmigrant status for purposes of adjustment and change of status
8 CFR 245	Adjustment of status to that of person admitted for permanent residence (K-3/4 & V visas only)
8 CFR 245.5	Medical examination of aliens
8 CFR 248.1	Change of nonimmigrant classification—eligibility
8 CFR 248.1(b)	Timely filing and maintenance of status
8 CFR 248.2	Change of nonimmigrant classification—ineligible classes

8 CFR 248.2	Relates to the Visa Waiver Pilot Program
8 CFR 248.3	Change of nonimmigrant classification—application

**Precedent Decisions** Precedent decisions are decisions from our appellate authorities that are binding on the Service. Many of the issues discussed in these precedent decisions have been incorporated into regulation. Precedent decisions provide assistance in understanding how the law has developed over the years, and insight into the manner in which evidence is to be interpreted during the adjudication process.

Precedent Decision	Issue
<u>Schoon vs. Levy</u> 408 F. Supp. 1208 (1976)	Relates to a rapid sequence of events.
<u>Matter of LeFloch</u>	Relates to the possession of a nonimmigrant visitor's visa.
<u>Matter of Hsu and Goodchil</u> , 17I&N Dec 22	Regarding obtaining a visa on the pretext of coming to this country.
<u>Matter of T--S--Y--</u> 7I&N Dec 582 and <u>Matter of Y--7I&amp;N Dec 697</u>	When seeking a discretionary benefit, the burden is on the applicant.
<u>Jahanshed v. Surek</u>	The District Director must be permitted to draw inferences by the alien's actions, both before and after entry.
<u>Matter of Department of Mental Hygiene v Renal</u>	Held that an affidavit of support by a relative or friend of an applicant is not legally binding.

**Policy Memos** Policy memos provide finer procedural guidance on issues that require clarification, or offer additional guidance on changes. This form of guidance can be issued from Headquarters or from within the Service Center.

Reference	Issue
HQOPS 70/23.9, Office of Field Operations, Johnny N. Williams, 03/18/02	<u>Enhanced Processing Instructions</u> for Forms I-539 and I-129 (IBIS and NIIS checks, I-20 procedures, etc.)
HQFFM 160/8-P, Office of Records Service, Dominick Gentile, 11/28/00	<u>Receipt File Standard Operating Procedure</u> (contains the instruction to create an A-file for the IAP-66, which is replaced by the DS-2019); Attached to the 04/11/01 Memo: <u>Receipt File Standard Operating Procedure</u> (Fujie Ohata)

**Operation Instructions**

Operation Instructions (OIs) were created to supplement and clarify the provisions of the statute and regulations. These materials usually are not included in the regulations because they deal generally with procedural matters and do not deal directly with application and benefit requirements. OIs are still a useful tool to help understand how the U.S. CIS performs its different functions. Users of the OIs should always consult the relevant regulations and manuals in conjunction with these materials. As the U.S. CIS has grown, the trend has been towards inclusion of more materials in the regulations and field manuals, and the OIs have been updated less frequently.

Reference	Issue
103.2(o)	Automatic termination of action on Examinations applications or petitions
214.1	General requirements for admission, extension, and maintenance of status
214.2(a)(1)	Special requirements for admission, extension, and maintenance of status; Foreign government officials
214.2(b)	Visitors for pleasure or business
214.2(e)	Traders and investors
214.2(g)	Representatives to, and employees of, international organizations
214.6(g)	Change of nonimmigrant classification to TC

**Other References**

In addition to the INA, 8 CFR, and Operation Instructions, there are other useful references for I-539 adjudication. These references include other Code of Federal Regulations, the Federal Register, and materials from external agencies, such as the Center for Disease Control and Department of State.

Reference	Issue
42 CFR Part 34	Medical Examination of Aliens
LIFE Act 1102	V Nonimmigrant Classification
LIFE Act 1103	K-3/4 Nonimmigrant Classifications
Federal Register (Vol. 66, No. 157) <a href="http://www.frwebgate.access.gpo.gov">http://www.frwebgate.access.gpo.gov</a>	K-3/4 Visa Rules
Federal Register (Vol. 66, No. 174) <a href="http://www.frwebgate.access.gpo.gov">http://www.frwebgate.access.gpo.gov</a>	V Visa Rules & Regulations
Department of State <a href="http://travel.state.gov/visa_bulletin.html">http://travel.state.gov/visa_bulletin.html</a>	Visa Availability Chart
Center for Disease Control <a href="http://www.cdc.gov/ncidod/dq/technical.htm">http://www.cdc.gov/ncidod/dq/technical.htm</a>	Medical Examination Required for new V Nonimmigrants

## **Appendix A: Periods of Authorized Stay for Nonimmigrants**

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<b>Classification</b>	<b>Initial Period of Admission</b>	<b>Time Allowed for EOS</b>	<b>Max Total Pd. of Stay</b>
A-1, A-2	D/S	N/A	
A-3	3 year max	2 year max	
B-1	1 year max	6 months/1 year	
B-2	1 year max	6 months max	
C-1	29 days max	N/A	
C-2	D/S	N/A	
D-1, D-2	29 days max	N/A	
E-1, E-2	2 year max	2 year max	
E-1 TECRO Employees & Dependents	D/S	N/A	
F-1, F-2	D/S (course + 60 days)	N/A	
G-1, G-2, G-3, G-4	D/S	N/A	
G-5	3 year max	2 year max	
H-1C	3 year max	3 year max	3 year total limit
H-1B	3 year max	3 year max	6 years*/ 10 years if DOD H-1B*
H-2A	1 year max	1 year max	3 year total limit
H-2B	1 year max	1 year max	3 year total limit
H-3	2 year max	1 year max	2 year total limit for trainee; 18-mo limit for special ed training
H-4	Same as principal	Same as principal	
I	D/S	N/A	
J-1, J-2	D/S (program + 30 days)	N/A	
K-1, K-2	90 days	N/A	
K-3, K-4	2 year max	2 year max	
L-1A	3 years max (1 yr if new office)	2 year max	7 year total limit
L-1B	3 years max (1 yr if new office)	2 year max	5 year total limit
L-2	Same as principal	Same as principal	
M-1, M-2	Course + 30 days or 1 year, whichever is less	Same as initial	
N-8, N-9	3 year max	3 year max	
O-1, O-2, O-3	3 year max	1 year max	
P-1 (Athletes)	5 year max	5 year max	10 year total limit
P-1 (Teams or Entertainers)	1 year max	1 year max	
P-2, P-3	1 year max	1 year max	
P-4	Same as principal	Same as principal	
Q-1	15 month max	N/A	
Q-2, Q-3	36 month max	36 month max	36 month total limit

R-1, R-2	3 year max	2 year max	5 year total limit
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Classification	Initial Period of Admission	Time Allowed for EOS	Max Total Pd. of Stay
TN, TD	1 year max	1 year max	
V-1, V-2, V-3	2 year max	2 year max	
W-T, W-B	90 days	N/A	
NATO-1 to 6	D/S	N/A	
NATO-7	3 year max	2 year max	

\*If the applicant's adjustment of status from H-1B is held up due to a per country limitation, he/she may extend past 6 years until an immigrant visa is available and the application for adjustment is approved. Additionally, H-1B beneficiaries of filed employment-based I-140 petitions or H-1B beneficiaries who have applied for adjustment of status based on employment-based petitions may extend H-1B status if 365 days or more have passed since the labor certification or Form I-140 was filed.

## **Appendix B: Authorization for Employment**

### Nonimmigrant Classification Employment Authorization

Classification	Employment Eligibility
A-1, A-2, A-3	Employer-specific; Dependents may apply for employment authorization
B-1	Not eligible for employment; However, a B-1 who is accompanying or following to join a nonimmigrant or USC employer or is an employee of a foreign airline and does not qualify as an E nonimmigrant, as per 8 CFR 274a.12(c)(17), may apply for employment authorization
B-2	Not eligible for employment
C-1	Not eligible for employment
C-2, C-3	Employer-specific
D-1, D-2	Employer-specific
E-1, E-2	Employer-specific; Dependent spouses in same classification, but generally not children, may apply for employment authorization; Spouses and unmarried dependent sons or daughters of an E-1 TECRO employee may apply for employment authorization
F-1	Employer-specific; Some F-1s may apply for employment authorization incident to status (eligible for on campus employment and curricular practical training, per I-20 endorsement, with proof of current F-1 status)
F-2	Not eligible for employment
G-1, G-2, G-3, G-4, G-5	Employer-specific; Dependents may apply for employment authorization
H-1B, H-1C, H-2A, H-2B, H-3	Employer-specific
H-4	Not eligible for employment
I	Employer-specific; Dependents are not eligible for employment
J-1	Employer-specific
J-2	May apply for employment authorization; Cannot contribute to the J-1

	principal's support.
K-1, K-2	Employment authorized incident to status; Must have an EAD
K-3, K-4	Eligible for EAD
L-1 (A & B)	Employer-specific
L-2	Dependent spouses are eligible for EAD; Children are not eligible
M-1	May apply for employment authorization; May <b>only</b> work for practical training.
M-2	Not eligible for employment
N-8, N-9	Employment authorized incident to status; Must have an EAD
O-1, O-2	Employer-specific
O-3	Not eligible for employment

<b>Classification</b>	<b>Employment Eligibility</b>
P-1, P-2, P-3	Employer-specific
P-4	Not eligible for employment
Q-1, Q-2	Employer-specific
Q-3	Not eligible for employment
R-1	Employer-specific
R-2	Not eligible for employment
TN-1, TN-2	Employer-specific
TD	Not eligible for employment
V-1, V-2, V-3	Employment authorized incident to status; Must have an EAD
W-B, W-T	Not eligible for employment
NATO	Employer-specific; Dependents may apply for employment authorization
TPS	Employment authorized incident to status; Must have an EAD
TWOV	Not eligible for employment

## **Appendix C: Acceptable B-1 Business Activities**

Functions or circumstances that have been determined to be acceptable as B-1 business activities include but are not limited to:

- 1) Commercial transactions that do not involve gainful U.S. employment (e.g., taking orders for foreign goods);
- 2) Contract negotiation;
- 3) Installation, service, or repair of commercial/industrial equipment purchased from outside of the U.S. and/or training of U.S. workers to perform such services.  
**Note:** Typically, the contract of sale requires that the seller provide such services and the B-1 visitor possesses specialized knowledge essential to contract performance;
- 4) Consultation with business associates;
- 5) Litigation;
- 6) Participation in scientific, educational, professional or business conventions, conferences, or seminars;
- 7) Professional entertainers involved in cultural events, paid for and sponsored by a sending country, that will involve public appearance before non-paying audiences<sup>1</sup>;
- 8) Investors seeking investments that may eventually qualify them for immigrant or

E-2 nonimmigrant status;

- 9) Independent research or professional artistic activity (e.g., music recording, artistic work such as painting, sculpture, or photography, etc.) that does not involve income from a U.S. source;
- 10) Foreign airline employees who meet E visa criteria but are not nationals of a treaty country or of the airline's country of nationality;
- 11) Planning, constructing, dismantling, maintaining or other employment by a foreign employer in connection with exhibits at international fairs and exhibitions;
- 12) Certain religious and charitable activities (e.g., missionaries and recognized international volunteer efforts);
- 13) Certain athletes who are:
  - a) Professional but intend to receive no salary or payment other than prize money;
  - b) Individuals or members of a foreign-based team in an internationally recognized sporting activity whose principal place of business is in the foreign country where their salaries typically accrue and seek to enter the U.S. in order to compete;
  - c) Amateur individuals or members of a foreign-based team who seek to try out with U.S. teams who will pay only their incidental expenses;
- 14) Servants employed<sup>2</sup> abroad of:
  - a) U.S. citizens residing abroad who return or are assigned to the U.S. on a temporary basis;
  - b) Foreign nationals who have been accorded one of the following nonimmigrant statuses for temporary activities in the U.S.: B, E, F, H, I, J, L, M, O, P, R or TN.

<sup>1</sup> Other than under this exception, entertainers and associated production personnel are not entitled to B-1 status.

<sup>2</sup> Source of payments to servants who meet these criteria is not relevant.

**Note:** Reference Chapter 15.4(b) of the Inspector's Field Manual for a more encompassing list of permissible B activities.

## **Appendix D: Acceptable NAFTA Professions**

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Source: Appendix 1603.D.1 (Annotated) as referenced in 8 CFR 214.6(c) 1/

### Part 1: General

<b>Profession</b>	<b>Minimum Requirements</b>
Accountant	Baccalaureate or Licenciatura Degree; or C.P.A., C.A., C.G.A., or C.M.A.
Architect	Baccalaureate or Licenciatura Degree; or state/provincial license. 2/
Computer Systems Analyst	Baccalaureate or Licenciatura Degree; or Post-Secondary Diploma 3/ or Post Secondary Certificate 4/and three years' experience.
Disaster relief insurance claims adjuster (claims adjuster employed by an insurance company located in the territory of a Party, or an independent claims adjuster)	Baccalaureate or Licenciatura Degree and successful completion of training in the appropriate areas of insurance adjustment pertaining to disaster relief claims; or three years experience in claims adjustment and successful completion of training in the appropriate areas of insurance adjustment pertaining to disaster relief claims.
Economist	Baccalaureate or Licenciatura Degree.
Engineer	Baccalaureate or Licenciatura Degree; or state/provincial license
Forester	Baccalaureate or Licenciatura Degree; or state/provincial license

Graphic Designer	Baccalaureate or Licenciatura Degree; or Post-Secondary Diploma or Post-Secondary Certificate and three years experience.
Hotel Manager	Baccalaureate or Licenciatura Degree in hotel/restaurant management; or Post-Secondary Diploma or Post-Secondary Certificate in hotel/restaurant management and three years experience in hotel/restaurant management.
Industrial Designer	Baccalaureate or Licenciatura Degree; or Post-Secondary Diploma or Post-Secondary Certificate, and three years experience.
Interior Designer	Baccalaureate or Licenciatura Degree; or Post-Secondary Diploma or Post-Secondary Certificate, and three years experience.
Land Surveyor	Baccalaureate or Licenciatura Degree or state/provincial/federal license.
Landscape Architect	Baccalaureate or Licenciatura Degree.
Lawyer (including Notary in the province of Quebec)	L.L.B., J.D., L.L.L., B.C.L., or Licenciatura degree (five years); or membership in a state/provincial bar.
Librarian	M.L.S., or B.L.S. (for which another Baccalaureate or Licenciatura Degree was a prerequisite).
Management Consultant	Baccalaureate or Licenciatura Degree; or equivalent professional experience as established by statement or professional credential attesting to five years experience as a management consultant, or five years experience in a field of specialty related to the consulting agreement.

<b>Profession, Cont'd.</b>	<b>Minimum Requirements, Cont'd.</b>
Mathematician (including Statistician)	Baccalaureate or Licenciatura Degree
Range Manager/Range Conservationist	Baccalaureate or Licenciatura Degree
Research Assistant (working in a post-secondary educational institution)	Baccalaureate or Licenciatura Degree
Scientific Technician/Technologist 5/	Possession of (a) theoretical knowledge of any of the following disciplines: agricultural sciences, astronomy, biology, chemistry, engineering, forestry, geology, geophysics, meteorology, or physics; and (b) the ability to solve practical problems in any of those disciplines, or the ability to apply principles of any of those disciplines to basic or applied research.
Social Worker	Baccalaureate or Licenciatura Degree
Sylviculturist (including Forestry Specialist)	Baccalaureate or Licenciatura Degree
Technical Publications Writer	Baccalaureate or Licenciatura Degree, or Post-Secondary Diploma or Post-Secondary Certificate, and three years experience.
Urban Planner (including Geographer)	Baccalaureate or Licenciatura Degree
Vocational Counselor	Baccalaureate or Licenciatura Degree

#### Part 2: Medical/Allied Professionals

<b>Profession</b>	<b>Minimum Requirements</b>
Dentist	D.D.S., D.M.D., Doctor en Odontologia or Doctor en Cirugia

	Dental or state/provincial license
Dietitian	Baccalaureate or Licenciatura Degree, or state/provincial license
Medical Laboratory Technologist (Canada)/Medical Technologist (Mexico and the United States) 6/	Baccalaureate or Licenciatura Degree; or Post-Secondary Diploma or Post-Secondary Certificate, and three years experience
Nutritionist	Baccalaureate or Licenciatura Degree
Occupational Therapist	Baccalaureate or Licenciatura Degree, or state/provincial license
Pharmacist	Baccalaureate or Licenciatura Degree, or state/provincial license
Physician (teaching or research only)	M.D. Doctor en Medicina or state/provincial license
Physiotherapist/Physical Therapist	Baccalaureate or Licenciatura Degree, or state/provincial license
Psychologist	State/provincial license or Licenciatura Degree
Recreational Therapist	Baccalaureate or Licenciatura Degree

<b>Profession, Cont'd.</b>	<b>Minimum Requirements, Cont'd.</b>
Registered nurse	State/provincial license or Licenciatura Degree
Veterinarian	D.V.M., D.M.V., or Doctor en Veterinaria; or state/provincial license

### Part 3: Scientists

<b>Profession</b>	<b>Minimum Requirements</b>
Agriculturist (including Agronomist)	Baccalaureate or Licenciatura Degree
Animal Breeder	Baccalaureate or Licenciatura Degree
Animal Scientist	Baccalaureate or Licenciatura Degree
Apiculturist	Baccalaureate or Licenciatura Degree
Astronomer	Baccalaureate or Licenciatura Degree
Biochemist	Baccalaureate or Licenciatura Degree
Biologist	Baccalaureate or Licenciatura Degree
Chemist	Baccalaureate or Licenciatura Degree
Dairy Scientist	Baccalaureate or Licenciatura Degree
Entomologist	Baccalaureate or Licenciatura Degree
Epidemiologist	Baccalaureate or Licenciatura Degree
Geneticist	Baccalaureate or Licenciatura Degree
Geochemist	Baccalaureate or Licenciatura Degree
Geologist	Baccalaureate or Licenciatura Degree
Geophysicist (including Oceanographer in Mexico and the U.S.)	Baccalaureate or Licenciatura Degree
Horticulturist	Baccalaureate or Licenciatura Degree
Meteorologist	Baccalaureate or Licenciatura Degree
Pharmacologist	Baccalaureate or Licenciatura Degree
Physicist (including Oceanographer in Canada)	Baccalaureate or Licenciatura Degree
Plant Breeder	Baccalaureate or Licenciatura Degree
Poultry Scientist	Baccalaureate or Licenciatura Degree
Soil Scientist	Baccalaureate or Licenciatura Degree
Zoologist	Baccalaureate or Licenciatura Degree

Part 4: Teachers

Profession	Minimum Requirements
College	Baccalaureate or Licenciatura Degree
Seminary	Baccalaureate or Licenciatura Degree
University	Baccalaureate or Licenciatura Degree

Notes:

1/ A businessperson seeking temporary employment under this Appendix may also perform training functions relating to the profession, including conducting seminars.

2/ The terms "state/provincial" and "state/provincial/federal license" mean any document issued by a state, provincial, or federal government, as the case may be, or under its authority, but not by a local government, that permits a person to engage in a regulated activity or profession.

3/ "Post Secondary Diploma" means a credential issued, on completion of two or more years of post secondary education, by an accredited academic institution in Canada or the United States.

4/ "Post Secondary Certificate" means a certificate issued, on completion of two or more years of post secondary education at an academic institution, by the federal government of Mexico or a state government in Mexico, an academic institution recognized by the federal government or a state government, or academic institution created by federal or state law.

5/ A businessperson in this category must be seeking temporary entry for work in direct support of professionals in agricultural sciences, astronomy, biology, chemistry, engineering, forestry, geology, geophysics, meteorology or physics.

6/ A businessperson in this category must be seeking temporary entry to perform in a laboratory chemical, biological, hematological, immunologic, microscopic or bacteriological tests and analyses for diagnosis, treatment, or prevention of diseases.

## Appendix E: Additional SEVIS Information

### Processing SEVIS Form I-20

**Procedure  
COS to F-1**      The general requirements for a SEVIS Form I-20 are the same as for the multi-copy Form I-20. Follow the steps below to process an application for a change of status to F-1 for those applications including a SEVIS I-20.

Step	Action						
6.1A	Review for general requirements (see Part 2 of this module).						
6.2A	Review for evidence of solvency. <table border="1" style="margin-left: 20px;"> <tr> <td style="text-align: center;"><b>IF...</b></td> <td></td> </tr> <tr> <td style="text-align: center;">to step 6.3A.</td> <td></td> </tr> <tr> <td style="text-align: center;">the deficiency. Go to step 6.3A.</td> <td></td> </tr> </table>	<b>IF...</b>		to step 6.3A.		the deficiency. Go to step 6.3A.	
<b>IF...</b>							
to step 6.3A.							
the deficiency. Go to step 6.3A.							
6.3A	If necessary, process the Form I-20.						

	<table border="1"> <tr> <td><b>IF the application...</b></td> <td></td> </tr> <tr> <td>to step 6.4A.</td> <td></td> </tr> <tr> <td>not endorse the Form I-20. Go to Part 23.</td> <td></td> </tr> </table>	<b>IF the application...</b>		to step 6.4A.		not endorse the Form I-20. Go to Part 23.					
<b>IF the application...</b>											
to step 6.4A.											
not endorse the Form I-20. Go to Part 23.											
6.4A	<p>Endorse the SEVIS Form I-20 according to the chart below:</p> <table border="1"> <thead> <tr> <th>Sub-Step</th> <th>Action</th> </tr> </thead> <tbody> <tr> <td>6.4A(1)</td> <td></td> </tr> <tr> <td>6.4A(2)</td> <td></td> </tr> <tr> <td>6.4A(3)</td> <td></td> </tr> <tr> <td>6.4A(4)</td> <td></td> </tr> </tbody> </table>	Sub-Step	Action	6.4A(1)		6.4A(2)		6.4A(3)		6.4A(4)	
Sub-Step	Action										
6.4A(1)											
6.4A(2)											
6.4A(3)											
6.4A(4)											

**Procedure  
COS to F-2**

F-2 dependents will have an their own SEVIS I-20. The general requirements for F-2 on a SEVIS I-20 are the same as the multi-copy I-20. Follow the steps below to process an application including a SEVIS I-20 for a change of status to F-2.

Step	Action						
6.1B	Review for general requirements (see Part 2 of this module).						
6.2B	<p>Ensure that a copy of the principal's SEVIS I-20, I-797 or I-94 has been submitted that provides proof of the F-1 status.</p> <table border="1"> <thead> <tr> <th>IF...</th> <th></th> </tr> </thead> <tbody> <tr> <td>The I-20, I-797 or I-94 evidence was submitted</td> <td></td> </tr> <tr> <td>The I-20, I-797 or I-94 evidence is inappropriate or is missing</td> <td></td> </tr> </tbody> </table>	IF...		The I-20, I-797 or I-94 evidence was submitted		The I-20, I-797 or I-94 evidence is inappropriate or is missing	
IF...							
The I-20, I-797 or I-94 evidence was submitted							
The I-20, I-797 or I-94 evidence is inappropriate or is missing							
6.3B	<p>Verify the dependent's SEVIS I-20 by searching in SEVIS using either the SEVIS ID number on the SEVIS I-20 (N followed by 10 digits, found above the barcode) or using the dependent's name. The principle's information will also appear on the I-20 form.</p> <table border="1"> <thead> <tr> <th>IF the SEVIS I-20...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>Is verified as genuine</td> <td>Go to step 6.4B.</td> </tr> </tbody> </table>	IF the SEVIS I-20...	THEN...	Is verified as genuine	Go to step 6.4B.		
IF the SEVIS I-20...	THEN...						
Is verified as genuine	Go to step 6.4B.						

	<table border="1"> <tr> <td>Is not found in SEVIS</td> <td>Do not endorse the Form I-20. Refer to local procedures for reporting possible fraudulent documents.</td> </tr> </table>	Is not found in SEVIS	Do not endorse the Form I-20. Refer to local procedures for reporting possible fraudulent documents.				
Is not found in SEVIS	Do not endorse the Form I-20. Refer to local procedures for reporting possible fraudulent documents.						
6.4B	<p>Review for evidence of the applicant's relationship to the principal.</p> <table border="1"> <tr> <td><b>IF...</b></td> <td></td> </tr> <tr> <td>Adequate evidence of the relationship was submitted</td> <td>Go to Part 23.</td> </tr> <tr> <td>The evidence is inadequate or is missing</td> <td></td> </tr> </table>	<b>IF...</b>		Adequate evidence of the relationship was submitted	Go to Part 23.	The evidence is inadequate or is missing	
<b>IF...</b>							
Adequate evidence of the relationship was submitted	Go to Part 23.						
The evidence is inadequate or is missing							

Processing SEVIS Form DS-2019

**Procedure** Follow the steps below to process an application for a change of status from COS from J-1 J-1 for an application containing a DS-2019.

Step	Action						
10.1A	Review for general requirements (see Part 2 of this module).						
10.2A	<p>Review for a copy of the current SEVIS DS-2019.</p> <table border="1"> <tr> <td><b>IF...</b></td> <td></td> </tr> <tr> <td>The current DS-2019 was submitted</td> <td></td> </tr> <tr> <td>The current DS-2019 was not submitted</td> <td></td> </tr> </table>	<b>IF...</b>		The current DS-2019 was submitted		The current DS-2019 was not submitted	
<b>IF...</b>							
The current DS-2019 was submitted							
The current DS-2019 was not submitted							
10.3A	<p>Verify the SEVIS DS-2019 by searching for the applicant in SEVIS using either the SEVIS ID number on the SEVIS DS-2019 (N followed by 10 digits, found above the barcode) or using the applicant's name.</p> <table border="1"> <tr> <td><b>IF the SEVIS DS-2019...</b></td> <td><b>THEN...</b></td> </tr> <tr> <td>Is verified as genuine</td> <td>Go to step 10.4A.</td> </tr> <tr> <td>Is not found in SEVIS</td> <td>Do not endorse the SEVIS Ds-2019. Refer to local procedures for reporting possible fraudulent documents.</td> </tr> </table>	<b>IF the SEVIS DS-2019...</b>	<b>THEN...</b>	Is verified as genuine	Go to step 10.4A.	Is not found in SEVIS	Do not endorse the SEVIS Ds-2019. Refer to local procedures for reporting possible fraudulent documents.
<b>IF the SEVIS DS-2019...</b>	<b>THEN...</b>						
Is verified as genuine	Go to step 10.4A.						
Is not found in SEVIS	Do not endorse the SEVIS Ds-2019. Refer to local procedures for reporting possible fraudulent documents.						

COS from J-1 (continued)

<b>Step</b>	<b>Action</b>								
10.4A	<p>Make a determination as to whether or not the applicant is subject to the two-year foreign residence requirement. If the applicant is subject to the foreign residence requirement, review for a waiver approval by using the local LAN and or National Systems.</p> <table border="1"> <thead> <tr> <th><b>IF...</b></th> <th><b>THEN...</b></th> </tr> </thead> <tbody> <tr> <td>A waiver approval was submitted or is not required</td> <td>Go to step 10.5A.</td> </tr> <tr> <td>The waiver approval is required but was not submitted missing</td> <td>Note the deficiency. Go to step 10.5A.</td> </tr> <tr> <td>A "no objection" letter was submitted</td> <td>Go to search appropriate systems for the I-612. If the I-612 is not found, adjudicate the "no objection" letter using local procedure. If the I-612 is found, go to 10.5A.</td> </tr> </tbody> </table>	<b>IF...</b>	<b>THEN...</b>	A waiver approval was submitted or is not required	Go to step 10.5A.	The waiver approval is required but was not submitted missing	Note the deficiency. Go to step 10.5A.	A "no objection" letter was submitted	Go to search appropriate systems for the I-612. If the I-612 is not found, adjudicate the "no objection" letter using local procedure. If the I-612 is found, go to 10.5A.
<b>IF...</b>	<b>THEN...</b>								
A waiver approval was submitted or is not required	Go to step 10.5A.								
The waiver approval is required but was not submitted missing	Note the deficiency. Go to step 10.5A.								
A "no objection" letter was submitted	Go to search appropriate systems for the I-612. If the I-612 is not found, adjudicate the "no objection" letter using local procedure. If the I-612 is found, go to 10.5A.								
10.5A	Review for the evidentiary requirements of the classification that is being requested. See the applicable section of this Adjudications module.								

**Procedure** Follow the steps below to process an application for a change of status from  
**COS from J-2** J-2 for applications including a SEVIS DS-2019.

<b>Step</b>	<b>Action</b>
10.1B	Review for general requirements (see Part 2 of this module).

**COS from J-2 (continued)**

<b>Step</b>	<b>Action</b>						
10.2B	<p>Verify the SEVIS DS-2019 by searching for the dependent in SEVIS using either the SEVIS ID number on the SEVIS DS-2019 (N followed by 10 digits, found above the barcode) or using the dependent's name.</p> <table border="1"> <thead> <tr> <th><b>IF the SEVIS DS-2019...</b></th> <th><b>THEN...</b></th> </tr> </thead> <tbody> <tr> <td>Is verified as genuine</td> <td>Go to step 10.3B.</td> </tr> <tr> <td>Is not found in SEVIS</td> <td>Do not endorse the SEVIS DS-2019. Refer to local procedures for reporting possible fraudulent documents.</td> </tr> </tbody> </table>	<b>IF the SEVIS DS-2019...</b>	<b>THEN...</b>	Is verified as genuine	Go to step 10.3B.	Is not found in SEVIS	Do not endorse the SEVIS DS-2019. Refer to local procedures for reporting possible fraudulent documents.
<b>IF the SEVIS DS-2019...</b>	<b>THEN...</b>						
Is verified as genuine	Go to step 10.3B.						
Is not found in SEVIS	Do not endorse the SEVIS DS-2019. Refer to local procedures for reporting possible fraudulent documents.						
10.3B	<p>Review for evidence of valid J-2 status.</p> <table border="1"> <thead> <tr> <th><b>IF...</b></th> <th></th> </tr> </thead> <tbody> <tr> <td></td> <td></td> </tr> </tbody> </table>	<b>IF...</b>					
<b>IF...</b>							

	<table border="1"> <tr> <td>Adequate evidence of valid status was submitted</td> <td></td> </tr> <tr> <td>Evidence of valid status is inadequate or missing</td> <td></td> </tr> </table>	Adequate evidence of valid status was submitted		Evidence of valid status is inadequate or missing					
Adequate evidence of valid status was submitted									
Evidence of valid status is inadequate or missing									
10.4B	<p>Determine if the J-1 principal is subject to 212(e). If the applicant is subject to 212(e), review for the J-1 principal's waiver approval.</p> <table border="1"> <tr> <td><b>IF...</b></td> <td></td> </tr> <tr> <td>A waiver approval was submitted or is not required</td> <td></td> </tr> <tr> <td>The required waiver approval was not submitted</td> <td></td> </tr> <tr> <td>A "no objection" letter was submitted</td> <td></td> </tr> </table>	<b>IF...</b>		A waiver approval was submitted or is not required		The required waiver approval was not submitted		A "no objection" letter was submitted	
<b>IF...</b>									
A waiver approval was submitted or is not required									
The required waiver approval was not submitted									
A "no objection" letter was submitted									

**COS from J-2 (continued)**

<b>Step</b>	<b>Action</b>
10.5B	Review for the evidentiary requirements of the classification that is being requested. See the applicable section of this Adjudications module.

Procedure **COS to J-1** Follow the steps below to process an application for a change of status to J-1 for an application including a SEVIS DS-2019.

<b>Step</b>	<b>Action</b>		
10.1C	Review for general requirements (see Part 2 of this module).		
10.2C	<p>Annotate and distribute the Form DS-2019 according to the chart below:</p> <table border="1"> <tr> <td><b>IF the application...</b></td> <td><b>THEN...</b></td> </tr> </table>	<b>IF the application...</b>	<b>THEN...</b>
<b>IF the application...</b>	<b>THEN...</b>		

Will be approved	<ul style="list-style-type: none"> <li>• Determine if the applicant is subject to 212(e) and check the appropriate boxes on the DS-2019.</li> <li>• Add an original approval stamp and signature on the DS-2019 with the authorized period of stay as D/S.</li> <li>• Annotate the applicant's I-94# on the DS-2019 in the blank space between sections 2 and 3.</li> <li>• Make a photocopy of the original endorsed SEVIS DS-2019, affix COPY stamp on the photocopy and place it in the file on the records.</li> <li>• Mail the original annotated SEVIS DS-2019 to the applicant's address.</li> <li>• Go to Part 23.</li> </ul>
Will be denied or requires a RFE	Do not execute the Form DS-2019. Go to Part 23.

**Procedure  
COS to J-2**

Follow the steps below to process an application for a change of status to J-2 for those applications containing a SEVIS DS-2019.

Step	Action						
10.1D	Review for general requirements (see Part 2 of this module).						
10.2D	<p>Verify the SEVIS DS-2019 by searching for the dependent in SEVIS using either the SEVIS ID number on the SEVIS DS-2019 (N followed by 10 digits, found above the barcode) or using the dependent's name.</p> <table border="1" style="width: 100%;"> <thead> <tr> <th style="text-align: left;">IF the SEVIS DS-2019...</th> <th style="text-align: left;">THEN...</th> </tr> </thead> <tbody> <tr> <td>Is verified as genuine</td> <td>Go to step 10.3D.</td> </tr> <tr> <td>Is not found in SEVIS</td> <td>Do not endorse the SEVIS DS-2019. Refer to local procedures for reporting possible fraudulent documents.</td> </tr> </tbody> </table>	IF the SEVIS DS-2019...	THEN...	Is verified as genuine	Go to step 10.3D.	Is not found in SEVIS	Do not endorse the SEVIS DS-2019. Refer to local procedures for reporting possible fraudulent documents.
IF the SEVIS DS-2019...	THEN...						
Is verified as genuine	Go to step 10.3D.						
Is not found in SEVIS	Do not endorse the SEVIS DS-2019. Refer to local procedures for reporting possible fraudulent documents.						
10.3D	<p>Ensure that evidence of the principal alien's J-1 status has been submitted.</p> <table border="1" style="width: 100%;"> <thead> <tr> <th style="text-align: left;">IF...</th> <th></th> </tr> </thead> <tbody> <tr> <td>The J-1 is in valid status</td> <td></td> </tr> <tr> <td>The J-1 is not in valid status or evidence of the J-1 status was not submitted</td> <td></td> </tr> </tbody> </table>	IF...		The J-1 is in valid status		The J-1 is not in valid status or evidence of the J-1 status was not submitted	
IF...							
The J-1 is in valid status							
The J-1 is not in valid status or evidence of the J-1 status was not submitted							

10.4D	Review for evidence of the applicant's relationship to the principal alien.	
	<b>IF...</b>	
	Adequate evidence of the relationship was submitted	
	The evidence is inadequate or is missing	

**COS to J-2 (continued)**

<b>Step</b>	<b>Action</b>						
10.5D	<p>Annotate and distribute the Form DS-2019 according to the chart below:</p> <table border="1"> <thead> <tr> <th><b>IF the application...</b></th> <th><b>THEN...</b></th> </tr> </thead> <tbody> <tr> <td>Will be approved</td> <td> <ul style="list-style-type: none"> <li>Determine if the applicant is subject to 212(e) and check the appropriate boxes on the DS-2019.</li> <li>Add an original approval stamp and signature on the DS-2019 with the authorized period of stay as D/S.</li> <li>Annotate the applicant's I-94# on the DS-2019 in the blank space between sections 2 and 3.</li> <li>Make a photocopy of the original endorsed SEVIS DS-2019, affix COPY stamp on the photocopy and place it in the file on the records.</li> <li>Mail the original annotated SEVIS DS-2019 to the applicant's address.</li> <li>Go to Part 23.</li> </ul> </td> </tr> <tr> <td>Will be denied or requires a Request for Evidence (RFE)</td> <td>Do not execute the Form DS-2019. Go to Part 23.</td> </tr> </tbody> </table>	<b>IF the application...</b>	<b>THEN...</b>	Will be approved	<ul style="list-style-type: none"> <li>Determine if the applicant is subject to 212(e) and check the appropriate boxes on the DS-2019.</li> <li>Add an original approval stamp and signature on the DS-2019 with the authorized period of stay as D/S.</li> <li>Annotate the applicant's I-94# on the DS-2019 in the blank space between sections 2 and 3.</li> <li>Make a photocopy of the original endorsed SEVIS DS-2019, affix COPY stamp on the photocopy and place it in the file on the records.</li> <li>Mail the original annotated SEVIS DS-2019 to the applicant's address.</li> <li>Go to Part 23.</li> </ul>	Will be denied or requires a Request for Evidence (RFE)	Do not execute the Form DS-2019. Go to Part 23.
<b>IF the application...</b>	<b>THEN...</b>						
Will be approved	<ul style="list-style-type: none"> <li>Determine if the applicant is subject to 212(e) and check the appropriate boxes on the DS-2019.</li> <li>Add an original approval stamp and signature on the DS-2019 with the authorized period of stay as D/S.</li> <li>Annotate the applicant's I-94# on the DS-2019 in the blank space between sections 2 and 3.</li> <li>Make a photocopy of the original endorsed SEVIS DS-2019, affix COPY stamp on the photocopy and place it in the file on the records.</li> <li>Mail the original annotated SEVIS DS-2019 to the applicant's address.</li> <li>Go to Part 23.</li> </ul>						
Will be denied or requires a Request for Evidence (RFE)	Do not execute the Form DS-2019. Go to Part 23.						

**Processing SEVIS Form I-20 MN**

**Procedure  
EOS to M-1**

The general requirements for processing a SEVIS I-20 MN are the same as for a multi-copy I-20. Follow the steps below to process an application for an extension of stay application for M-1 with a SEVIS I-20 MN included.

Step	Action
------	--------

13.1A	Review for general requirements (see Part 2 of this module).						
13.2 A	Review for evidence of solvency. <table border="1"> <tr> <td><b>IF...</b></td> <td></td> </tr> <tr> <td>Adequate evidence of solvency was submitted</td> <td></td> </tr> <tr> <td>The evidence is inadequate or is missing</td> <td></td> </tr> </table>	<b>IF...</b>		Adequate evidence of solvency was submitted		The evidence is inadequate or is missing	
<b>IF...</b>							
Adequate evidence of solvency was submitted							
The evidence is inadequate or is missing							
13.3A	Review the previous Form I-20 to determine the start date of the course and verify that it is consistent with the requested dates, and verify whether or not the student is in valid status. <table border="1"> <tr> <td><b>IF...</b></td> <td></td> </tr> <tr> <td>The student is in valid status</td> <td></td> </tr> <tr> <td>The student is not in valid status</td> <td></td> </tr> </table>	<b>IF...</b>		The student is in valid status		The student is not in valid status	
<b>IF...</b>							
The student is in valid status							
The student is not in valid status							
13.4A	If necessary, process the SEVIS Form I-20. <table border="1"> <tr> <td><b>IF the application...</b></td> <td><b>THEN...</b></td> </tr> <tr> <td>Will be approved</td> <td>Go to step 13.5A.</td> </tr> <tr> <td>Will be denied, or requires a RFE or ITD</td> <td>Do not endorse the Form I-20. Go to Part 23.</td> </tr> </table>	<b>IF the application...</b>	<b>THEN...</b>	Will be approved	Go to step 13.5A.	Will be denied, or requires a RFE or ITD	Do not endorse the Form I-20. Go to Part 23.
<b>IF the application...</b>	<b>THEN...</b>						
Will be approved	Go to step 13.5A.						
Will be denied, or requires a RFE or ITD	Do not endorse the Form I-20. Go to Part 23.						

**EOS to M-1 (continued)**

<b>Step</b>	<b>Action</b>										
13.5A	Endorse the SEVIS Form I-20 MN according to the chart below and mail the original SEVIS I-20 MN within five days of adjudication. <table border="1"> <thead> <tr> <th><b>Sub-Step</b></th> <th><b>Action</b></th> </tr> </thead> <tbody> <tr> <td>13.5A(1)</td> <td>Stamp the SEVIS I-20 MN, affix the full officer's signature and annotate it as appropriate.</td> </tr> <tr> <td>13.5A(2)</td> <td>Make a legible photocopy stamped "COPY" of the approved SEVIS I-20 MN. Place it in the file on the records side.</td> </tr> <tr> <td>13.5A(3)</td> <td>Mail the annotated original SEVIS I-20 to the applicant's address.</td> </tr> <tr> <td>13.5A(4)</td> <td>Go to Part 23a.</td> </tr> </tbody> </table>	<b>Sub-Step</b>	<b>Action</b>	13.5A(1)	Stamp the SEVIS I-20 MN, affix the full officer's signature and annotate it as appropriate.	13.5A(2)	Make a legible photocopy stamped "COPY" of the approved SEVIS I-20 MN. Place it in the file on the records side.	13.5A(3)	Mail the annotated original SEVIS I-20 to the applicant's address.	13.5A(4)	Go to Part 23a.
<b>Sub-Step</b>	<b>Action</b>										
13.5A(1)	Stamp the SEVIS I-20 MN, affix the full officer's signature and annotate it as appropriate.										
13.5A(2)	Make a legible photocopy stamped "COPY" of the approved SEVIS I-20 MN. Place it in the file on the records side.										
13.5A(3)	Mail the annotated original SEVIS I-20 to the applicant's address.										
13.5A(4)	Go to Part 23a.										

**Procedure  
EOS for M-2**

The general requirements for processing a SEVIS I-20 MN are the same as for a multi-copy I-20. Follow the steps below to process an application for an extension of stay as a M-2 when the application includes at SEVIS I-20 MN.

Step	Action						
13.1B	Review for general requirements (see Part 2 of this module).						
13.2B	<p>Ensure that a copy of the principal alien's I-94 or I-797 has been submitted that provides proof of the M-1 status.</p> <table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>The I-94 or I-797 evidence was submitted</td> <td>Go to step 13.3B.</td> </tr> <tr> <td>The I-94 or I-797 evidence is inappropriate or is missing</td> <td>Note the deficiency. Go to step 13.3B.</td> </tr> </tbody> </table>	IF...	THEN...	The I-94 or I-797 evidence was submitted	Go to step 13.3B.	The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 13.3B.
IF...	THEN...						
The I-94 or I-797 evidence was submitted	Go to step 13.3B.						
The I-94 or I-797 evidence is inappropriate or is missing	Note the deficiency. Go to step 13.3B.						
13.3B	<p>Review for evidence of the applicant's relationship to the M-1 principal alien.</p> <table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>Adequate evidence of the relationship was submitted</td> <td>Go to Part 23.</td> </tr> <tr> <td>The evidence is inadequate or is missing</td> <td>Note the deficiency. Go to Part 23.</td> </tr> </tbody> </table>	IF...	THEN...	Adequate evidence of the relationship was submitted	Go to Part 23.	The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.
IF...	THEN...						
Adequate evidence of the relationship was submitted	Go to Part 23.						
The evidence is inadequate or is missing	Note the deficiency. Go to Part 23.						

**Procedure  
COS to M-1**

The general requirements for processing a SEVIS I-20 MN are the same as for a multi-copy I-20. Follow the steps below to process an application for a change of status to M-1 containing a SEVIS I-20 MN.

Step	Action
13.1C	Review for general requirements (see Part 2 of this module).

**COS to M-1 (continued)**

Step	Action						
13.2C	<p>Review for evidence of solvency.</p> <table border="1"> <thead> <tr> <th>IF...</th> <th></th> </tr> </thead> <tbody> <tr> <td></td> <td></td> </tr> <tr> <td></td> <td></td> </tr> </tbody> </table>	IF...					
IF...							
13.3C	<p>If necessary, process the Form I-20.</p> <table border="1"> <thead> <tr> <th>IF the application...</th> <th></th> </tr> </thead> <tbody> <tr> <td>to step 13.4C.</td> <td></td> </tr> </tbody> </table>	IF the application...		to step 13.4C.			
IF the application...							
to step 13.4C.							

	not execute the Form I-20. Go to Part 23.										
13.4C	Endorse the Form I-20 according to the chart below and mail all three copies within 5 days of adjudication.										
	<table border="1"> <thead> <tr> <th>Sub-Step</th> <th>Action</th> </tr> </thead> <tbody> <tr> <td>13.4C(1)</td> <td></td> </tr> <tr> <td>13.4C(2)</td> <td></td> </tr> <tr> <td>13.4C(3)</td> <td></td> </tr> <tr> <td>13.4c(4)</td> <td></td> </tr> </tbody> </table>	Sub-Step	Action	13.4C(1)		13.4C(2)		13.4C(3)		13.4c(4)	
Sub-Step	Action										
13.4C(1)											
13.4C(2)											
13.4C(3)											
13.4c(4)											

**Procedure** Follow the steps below to process an application for a change of status to M-2  
**COS to M-2** including a SEVIS I-20 MN.

Step	Action						
13.1D	Review for general requirements (see Part 2 of this module).						
13.2D	Ensure that a copy of the principal alien's I-94, I-797 or other acceptable documentation has been submitted that provides proof of the M-1 status.						
	<table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>The I-94, I-797 or other acceptable evidence was submitted</td> <td>Go to step 13.3D.</td> </tr> <tr> <td>The I-94, I-797 or other evidence is inappropriate or is missing</td> <td>Note the deficiency. Go to step 13.3D.</td> </tr> </tbody> </table>	IF...	THEN...	The I-94, I-797 or other acceptable evidence was submitted	Go to step 13.3D.	The I-94, I-797 or other evidence is inappropriate or is missing	Note the deficiency. Go to step 13.3D.
IF...	THEN...						
The I-94, I-797 or other acceptable evidence was submitted	Go to step 13.3D.						
The I-94, I-797 or other evidence is inappropriate or is missing	Note the deficiency. Go to step 13.3D.						
13.3D	Review for evidence of the applicant's relationship to the principal alien.						
	<table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>Adequate evidence of the relationship was submitted</td> <td>Go to step 13.4D.</td> </tr> <tr> <td>The evidence is inadequate or is missing</td> <td>Note the deficiency. Go to step 13.4D.</td> </tr> </tbody> </table>	IF...	THEN...	Adequate evidence of the relationship was submitted	Go to step 13.4D.	The evidence is inadequate or is missing	Note the deficiency. Go to step 13.4D.
IF...	THEN...						
Adequate evidence of the relationship was submitted	Go to step 13.4D.						
The evidence is inadequate or is missing	Note the deficiency. Go to step 13.4D.						

**COS to M-2** (continued)

Step	Action				
13.4D	If necessary, process the Form I-20 MN for the M-2.				
	<table border="1"> <thead> <tr> <th>IF the application...</th> <th></th> </tr> </thead> <tbody> <tr> <td>to step 13.5D.</td> <td></td> </tr> </tbody> </table>	IF the application...		to step 13.5D.	
IF the application...					
to step 13.5D.					

	<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <p style="text-align: center;">not execute the Form I-20. Go to Part 23.</p> </div>										
13.5D	<p>Endorse the Form I-20 according to the chart below and mail all three copies within 5 days of adjudication.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Sub-Step</th> <th style="text-align: center;">Action</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">13.5D(1)</td> <td></td> </tr> <tr> <td style="text-align: center;">13.5D(2)</td> <td></td> </tr> <tr> <td style="text-align: center;">13.5D(3)</td> <td></td> </tr> <tr> <td style="text-align: center;">13.5D(4)</td> <td></td> </tr> </tbody> </table>	Sub-Step	Action	13.5D(1)		13.5D(2)		13.5D(3)		13.5D(4)	
Sub-Step	Action										
13.5D(1)											
13.5D(2)											
13.5D(3)											
13.5D(4)											

**SECTION 7: POST-ADJUDICATIONS MODULE**

## **I-539 National SOP Introduction**

This Standard Operating Procedure (SOP) has been created for the purpose of standardizing operational policies and procedures between all service centers in the processing of the I-539, Application to Extend/Change Nonimmigrant Status. This SOP is in response to the processing differences that have developed at the service centers over time. To support the goal of standardizing procedures, this SOP seeks to improve the production efficiencies through the application of best practices from all service centers. While it is acknowledged that the centers may have different demands and physical layouts, a standard process will assist in ensuring that our customers receive consistent processing regardless of jurisdiction.

This SOP has been developed as a modular document. The modules (listed below) are stand-alone documents that can be used individually as training and daily reference documents. Each module describes a stage in the processing of an I-539 application. Below is a brief description of each module:

- **Mailroom-** The process by which the service center receives I-539 applications, reviews them for acceptability and assembles them for data entry.
- **Data Entry-** The process by where fees are receipted and case information is keyed into CLAIMS.
- **U.S. CIS Review-** The process by which U.S. CIS verifies all reasons for rejection cited by the contractor.
- **A-files-** The process by which CIS is searched, multiple A #s or A #s with violations are resolved, and A-files are either created or requested.
- **File Room-** The process by which files are sorted and staged. Workload Distribution is the process of staging, routing and distributing files.
- **Adjudications-** The process by which an application is examined for determination of whether the application is approvable or deniable.
- **Post-Adjudications-** The procedure to be followed after an officer makes a determination on an I-539 case.

Recommendations for changes to this document should be sent to the Headquarters Office of Service Center Operations (HQSCO).

**Important:** This SOP is not intended to be, and should not be taken as, an authoritative statement of the rules of decision for Form I-539 visa application cases. This SOP is a guide for the consistent processing of Form I-539 visa application cases. The Service bases the actual decision in a particular case on the record of that particular case and on the Act, regulations, precedent administrative and judicial decisions, and general statements of Service policy relating to the case. Thus, nothing in this SOP creates any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

## **I-539 Table of Contents**

The following is a table of contents, which serves as a guide for all of the modules of the I-539 SOP. Each module contains its own table of contents that will help to guide through the individual sections of the SOP.

Table of Contents: I-539 National SOP	Page
Section 1: Mailroom Module	1-1
Section 2: Data Entry Module	2-1
Section 3: U.S. CIS Review Module	3-1
Section 4: A-files Module	4-1
Section 5: File Room Module	5-1
Section 6: Adjudications Module	6-1
Section 7: Post-Adjudications Module	7-1
Section 8: Glossary	8-1

**Note:** This SOP establishes the required minimum standard for the operational procedures that all service centers should follow. However, this does not invalidate all local requirements and procedures. Local procedures that do not conflict with this SOP (i.e., procedures that are above and beyond the SOP) may still be required, as determined by management at each service center. Additionally, recommendations or advice in this SOP may become requirements at the service center at the discretion of each center's management.

**Introduction** This section outlines the procedure to be followed after an officer makes a determination on an I-539 case. The determination as to who (officer, clerk or contractor) will perform these functions is left to local management discretion.

Section 7: Table of Contents	Page
Part 1: Updating CLAIMS	7-4
Part 1a: Processing Approvals	7-6
Part 1b: Processing Split Decisions	7-10
Part 1c: Processing RFEs or ITDs	7-12
Part 1d: Processing RFEs or ITDs at the TSC	7-13
Part 1e: Processing Denials	7-14
Part 1f: Processing Service Motions to Reopen	7-16
Part 1g: Processing Motions to Reopen or Reconsider	7-17
Part 2: Producing Notices	7-18
Part 2a: Producing a Manual Notice	7-18
Part 2b: Updating CLAIMS after Manual Notices are Sent	7-19
Part 3: Distributing Work After Updating CLAIMS	7-20

## **Part 1: Updating CLAIMS**

---

**Description** CLAIMS must be updated for all adjudicative decisions, including the processing of:

- Approvals
- Split Decisions
- Requests for Evidence and Intentions to Deny
- Denials
- Service Motions to Reopen
- Motions to Reopen or Reconsider

**Requirements** Review the CLAIMS data pertaining to the case and edit or enter any data that may be incorrect or missing as compared to the application, including entering changes notated by the officer. Additionally, update cases to reflect the action or decision taken in the case.

**Standards** Complete the standards below to meet the requirements above. Press <F4> to save any changes.

No.	Standard
1.1	If the file has been moved, receive the file in RAFACS/NFTS.
1.2	Access the case in CLAIMS.  <b>Advice:</b> Log into CLAIMS LAN. Select “Adjudicate a Case.” At the “Enter a receipt or A-number” prompt, wand the case’s barcode.
1.3	Review the applicant’s data for accuracy. Make and save changes, if necessary.  <b>Keep in mind the following:</b> <ul style="list-style-type: none"> <li>• Ensure that the I-94 # is entered.</li> <li>• For applicants in a status that does not entitle them to an I-94 #, such as EWI or TPS, a string of eight zeros may be entered. If you see zeros entered, ensure that the applicant is not supposed to have an I-94 #, rather than that he/she simply did not include it.</li> <li>• If the applicant’s country of citizenship (COC) is captured on the Form I-539, ensure that it is entered as the COB in CLAIMS.</li> </ul>

**Standards** (continued)

1.4	Verify that the classification information in Parts 1 and 2 of the screen matches the application and save any changes made.
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1.5	<p>If the application is for more than one person, access the Beneficiary Information screen and review the data for accuracy. If the beneficiary's COC is captured on the form, ensure that it is entered as the COB in CLAIMS until such time as CLAIMS captures the COC separately. Save any changes made.</p> <p><b>Advice:</b> Double-click on the number of applicants to access the Beneficiary Information screen. When finished, press &lt;Esc&gt;.</p>																
1.6	<p>If there is a valid G-28, review the attorney/representative data for accuracy, make changes if necessary, save any changes made, and exit the form.</p> <p><b>Advice:</b> If there is a "Y" in the G-28 field, press &lt;Enter&gt;, review for accuracy, and make changes if necessary. If there is an "N" in the field, type "Y" and enter the G-28 information.</p>																
1.7	<p>Press &lt;F10&gt; and continue appropriately.</p> <p><b>Advice:</b> Follow the table below to determine how to proceed.</p>																
	<table border="1"> <thead> <tr> <th>IF...</th> <th>THEN go to...</th> </tr> </thead> <tbody> <tr> <td>Processing an approval</td> <td>Part 1a.</td> </tr> <tr> <td>Processing a split decision</td> <td>Part 1b.</td> </tr> <tr> <td>Processing a RFE or ITD</td> <td>Part 1c.</td> </tr> <tr> <td>Processing a RFE or ITD at the TSC</td> <td>Part 1d.</td> </tr> <tr> <td>Processing a denial</td> <td>Part 1e.</td> </tr> <tr> <td>Processing a Service Motion to Reopen</td> <td>Part 1f.</td> </tr> <tr> <td>Processing a Motion to Reopen or Reconsider</td> <td>Part 1g.</td> </tr> </tbody> </table>	IF...	THEN go to...	Processing an approval	Part 1a.	Processing a split decision	Part 1b.	Processing a RFE or ITD	Part 1c.	Processing a RFE or ITD at the TSC	Part 1d.	Processing a denial	Part 1e.	Processing a Service Motion to Reopen	Part 1f.	Processing a Motion to Reopen or Reconsider	Part 1g.
IF...	THEN go to...																
Processing an approval	Part 1a.																
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Processing a denial	Part 1e.																
Processing a Service Motion to Reopen	Part 1f.																
Processing a Motion to Reopen or Reconsider	Part 1g.																

## Part 1a: Processing Approvals

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### Approval Phrases

The following table describes the most commonly used I-539 approval phrases and when they should be used.

If...	Then select...
The request is for an extension (of non-Employment Based cases) regardless of classification,	Extension/Reinstatement Approved: General
The request is for an extension of dependents of employment-based cases (E, H, L, O, P, Q, R),	Extension approved for dependents of E-H-L-O-P-Q-R
The applicant is changing status to A-1, A-2, G-1, G-2, G-3 or G-4,	COS Approved to A or G
The applicant is changing status to A-3 or G-5,	COS Approved to A-3 or G-5

The applicant is changing status to B-1, B-2, J-2, F-2, M-2, V-1, V-2, or V-3,	COS Approved: General COS
The applicant is changing to F-1 or M-1,	COS Approved to F1 or M1
The applicant is changing to J-1, and is not subject to 212(e),	COS Approved to J1
The applicant is changing to J-1 and is subject to 212(e),	Select the phrase that applies to the particular situation (see section 212.7(c) for the details of the criteria for each phrase): COS Approved to J1; foreign residence--financing COS Approved to J1; foreign residence--skills list COS Approved to J1; foreign residence--medical

**Description** Processing approvals is completed in CLAIMS. Some approvals have multiple beneficiaries that may involve approval of the principal applicant and all dependents, but may require that more than one classification be assigned amongst the beneficiaries. For example, this would occur when the principal applicant is requesting a change of status to F-1, J-1, or M-1 and the dependents would be classified as F-2, J-2, and M-2, respectively.

**Requirement** Process all approvals, including approvals for multiple beneficiaries with different classifications, in CLAIMS.

**Standards** Complete the standards below to meet the requirement above.

No.	Standard
1a.1	Select "Approve the Case" and press <Enter> twice.
1a.2	At the "Approval Data" screen, select the action phrase "Approve-Order Notice" and press <Enter>.
1a.3	Enter the classification that the applicant is extending or changing to in the "Class" field.
1a.4	Enter the dates of validity, as noted by the adjudicator in the "FOR U.S. CIS USE ONLY" box on the front of the Form I-539.

1a.5	<p>Advance to the “Send to Clerical? (Y/N)” field. Leave the “N” (the system default) unless the instructions below for selecting the action phrase direct otherwise.</p> <p><b>Keep in mind the following:</b></p> <ul style="list-style-type: none"> <li>• If you leave the “N,” the system will automatically generate the notice and batch print it, and then it will be sent out. Once mailed, the case will be automatically updated to reflect that the notice has been sent.</li> <li>• If the applicant has provided means for expedited delivery of the approval notice, original documents, etc. (e.g., FedEx envelope) or it is your center’s practice to return original documents with the system-generated notice, you must select “Y” and generate a manual notice.</li> </ul>
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**Standards** (continued)

1a.6	<p>Save any changes, change the case status, and exit the form.</p> <p><b>Advice:</b> Press &lt;F4&gt;, select “Yes” at the “Save Changes?” prompt, select “Yes” at the “Change Case Status?” prompt, press &lt;Esc&gt; at the “Press escape to continue” prompt and at the application main screen, and select “Yes” at the “Exit Form?” prompt.</p>														
1a.7	<p>If processing approvals for multiple beneficiaries with different classifications, enter the approval data for each of the beneficiaries.</p> <p><b>Advice:</b> Follow the steps below to enter the beneficiary approval data.</p> <table border="1" data-bbox="397 1205 1214 1887"> <thead> <tr> <th data-bbox="397 1205 500 1241">Step</th> <th data-bbox="500 1205 1214 1241">Action</th> </tr> </thead> <tbody> <tr> <td data-bbox="397 1241 500 1310">1a.7 A</td> <td data-bbox="500 1241 1214 1310">Press &lt;F10&gt;, select “Approve the Case” and press &lt;Enter&gt; twice.</td> </tr> <tr> <td data-bbox="397 1310 500 1379">1a.7 B</td> <td data-bbox="500 1310 1214 1379">At the “Approval Data” screen, select the action phrase “Approve-Order Notice” and press &lt;Enter&gt;.</td> </tr> <tr> <td data-bbox="397 1379 500 1449">1a.7 C</td> <td data-bbox="500 1379 1214 1449">Access the beneficiary screen. <b>Advice:</b> Press &lt;Esc&gt; to access this screen.</td> </tr> <tr> <td data-bbox="397 1449 500 1549">1a.7 D</td> <td data-bbox="500 1449 1214 1549">Highlight the principal as the applicant to whom you will not be making changes, press &lt;F5&gt;, and press &lt;Enter&gt;.</td> </tr> <tr> <td data-bbox="397 1549 500 1619">1a.7 E</td> <td data-bbox="500 1549 1214 1619">Enter the beneficiary’s approval data.</td> </tr> <tr> <td data-bbox="397 1619 500 1887">1a.7 F</td> <td data-bbox="500 1619 1214 1887"> <p>Save any changes, change the case status, and exit the form.</p> <p><b>Advice:</b> Press &lt;F4&gt;, select “Yes” at the “Save Changes?” prompt, select “Yes” at the “Change Case Status?” prompt, press &lt;Esc&gt; at the “Press escape to continue” prompt and at the application main screen, and select “Yes” at the “Exit Form?” prompt.</p> </td> </tr> </tbody> </table>	Step	Action	1a.7 A	Press <F10>, select “Approve the Case” and press <Enter> twice.	1a.7 B	At the “Approval Data” screen, select the action phrase “Approve-Order Notice” and press <Enter>.	1a.7 C	Access the beneficiary screen. <b>Advice:</b> Press <Esc> to access this screen.	1a.7 D	Highlight the principal as the applicant to whom you will not be making changes, press <F5>, and press <Enter>.	1a.7 E	Enter the beneficiary’s approval data.	1a.7 F	<p>Save any changes, change the case status, and exit the form.</p> <p><b>Advice:</b> Press &lt;F4&gt;, select “Yes” at the “Save Changes?” prompt, select “Yes” at the “Change Case Status?” prompt, press &lt;Esc&gt; at the “Press escape to continue” prompt and at the application main screen, and select “Yes” at the “Exit Form?” prompt.</p>
Step	Action														
1a.7 A	Press <F10>, select “Approve the Case” and press <Enter> twice.														
1a.7 B	At the “Approval Data” screen, select the action phrase “Approve-Order Notice” and press <Enter>.														
1a.7 C	Access the beneficiary screen. <b>Advice:</b> Press <Esc> to access this screen.														
1a.7 D	Highlight the principal as the applicant to whom you will not be making changes, press <F5>, and press <Enter>.														
1a.7 E	Enter the beneficiary’s approval data.														
1a.7 F	<p>Save any changes, change the case status, and exit the form.</p> <p><b>Advice:</b> Press &lt;F4&gt;, select “Yes” at the “Save Changes?” prompt, select “Yes” at the “Change Case Status?” prompt, press &lt;Esc&gt; at the “Press escape to continue” prompt and at the application main screen, and select “Yes” at the “Exit Form?” prompt.</p>														

	1a.7 G	<p>If there are any other beneficiaries with a different classification that need to be updated, repeat this standard.</p> <p><b>Keep in mind the following:</b> Make sure to mark all individuals that have already been updated, so as to not change their classifications again.</p>
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**Standards** (continued)

1a.8	If the original I-94 was submitted, place it in the file; a new I-94 will be mailed to the applicant with the approval notice.
1a.9	If the application is for a student, mail him or her the stamped I-20 I/D (student) and route the I-20 A/B school copy to STSC.
1a.10	If the application is for an exchange visitor, mail him or her the stamped DS-2019 and route the DOS copy appropriately.
1a.11	<p>If the applicant sent in original documents that are difficult to replace, such as a NATZ certificate, passport or birth certificate, then:</p> <ul style="list-style-type: none"> <li>• Make a copy of each original document.</li> <li>• Place the copies in the file.</li> <li>• Mail the original documents back to the applicant.</li> </ul>
1a.12	Remove the top, colored portion of the SWIP label to expose the transparent label below.
1a.13	<p>Continue appropriately.</p> <p><b>Advice:</b></p> <ul style="list-style-type: none"> <li>• If “N” was selected at the “Send to Clerical” prompt, then continue processing by completing the standards for “Distributing Work After Updating CLAIMS.”</li> <li>• If “Y” was selected at the “Send to Clerical” prompt, then continue processing by completing the standards for “Producing a Manual Notice.”</li> </ul>

## **Part 1b: Processing Split Decisions**

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<b>Description</b>	In some instances, cases with multiple beneficiaries may require approval of some and denial of others. If a case involves at least one approval and at least one denial, such as when one of the children has aged out, the case should be processed as a Split Decision.
<b>Requirements</b>	Process split decisions in CLAIMS and mail the denial and approval notices together.

**Standards** Complete the standards below to meet the requirements above.

No.	Standard
1b.1	Select "Split decision on case for more than one person."
1b.2	Mark the applicants in the case to be denied by pressing <F5> on each one and press <Enter>.
1b.3	Select the phrase "Deny for some."
1b.4	Update as a standard denial, following the "Processing Denials" standards.
1b.5	Select "Split decision on case for more than one person."
1b.6	Mark the applicants in the case to be approved by pressing <F5> on each one and press <Enter>.
1b.7	Select "Approve for some – order notice."
1b.8	Fill in the "Approval Data" screen by completing the classification, validity dates and selecting "Y" at the "Send to Clerical? Y/N" field.
1b.9	Save changes and change case status. <b>Advice:</b> Press <F4>, select "Yes" at the "Save Changes?" prompt, and select "Yes" at the "Change Case Status?" prompt.
1b.10	Press "Esc" at the Information screen.

**Standards** (continued)

1b.11	At the "Approval Complete?" prompt, select "No" if there are additional applicants that need to be updated and repeat standards 1b.6 to 1b.12. Otherwise, select "Yes."						
1b.12	When finished, exit the form. <b>Advice:</b> Press <Esc> and then select "Yes" at the "Exit Form?" prompt.						
1b.13	Continue processing. <table border="1" style="margin-left: 20px;"> <thead> <tr> <th style="text-align: center;">For...</th> <th style="text-align: center;">Do the Following...</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Approved applicants</td> <td>Place the original I-94 in the file. If the application is for a student, mail him or her the stamped I-20 I/D (student) and route the I-20 A/B school copy to STSC. If the application is for an exchange visitor, mail him or her the stamped DS-2019 and route the USIA copy appropriately.</td> </tr> <tr> <td style="text-align: center;">Denied applicants</td> <td>Notate the following on the reverse of the original I-94, if submitted: "Denied EOS" or "Denied COS," location, date and officer number, and then return the I-94 to the applicant.</td> </tr> </tbody> </table>	For...	Do the Following...	Approved applicants	Place the original I-94 in the file. If the application is for a student, mail him or her the stamped I-20 I/D (student) and route the I-20 A/B school copy to STSC. If the application is for an exchange visitor, mail him or her the stamped DS-2019 and route the USIA copy appropriately.	Denied applicants	Notate the following on the reverse of the original I-94, if submitted: "Denied EOS" or "Denied COS," location, date and officer number, and then return the I-94 to the applicant.
For...	Do the Following...						
Approved applicants	Place the original I-94 in the file. If the application is for a student, mail him or her the stamped I-20 I/D (student) and route the I-20 A/B school copy to STSC. If the application is for an exchange visitor, mail him or her the stamped DS-2019 and route the USIA copy appropriately.						
Denied applicants	Notate the following on the reverse of the original I-94, if submitted: "Denied EOS" or "Denied COS," location, date and officer number, and then return the I-94 to the applicant.						

1b.14	<p>If the applicant sent in original documents that are difficult to replace, such as a NATZ certificate, passport or birth certificate, then:</p> <ul style="list-style-type: none"> <li>• Make a copy of each original document.</li> <li>• Place the copies in the file.</li> <li>• Mail the original documents back to the applicant.</li> </ul>
1b.15	<p>Continue appropriately.</p> <p><b>Advice:</b> Proceed to “Producing a Manual Notice.”</p>

## **Part 1c: Processing RFEs or ITDs**

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**Requirement**      Process Requests for Evidence (RFE) or Intents to Deny (ITD) in CLAIMS.

**Standards**          Complete the standards below to meet the requirement above.

No.	Standard						
1c.1	Select “Case Review.”						
1c.2	Select “Place in Suspense.”						
1c.3	<p>Determine the proper action phrase.</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>IF...</th> <th>THEN select the phrase...</th> </tr> </thead> <tbody> <tr> <td>Processing a Request for Evidence</td> <td>“Order Initial Evidence Request Notice.”</td> </tr> <tr> <td>Processing an Intent to Deny</td> <td>“Intent to Deny Notice Ordered.”</td> </tr> </tbody> </table>	IF...	THEN select the phrase...	Processing a Request for Evidence	“Order Initial Evidence Request Notice.”	Processing an Intent to Deny	“Intent to Deny Notice Ordered.”
IF...	THEN select the phrase...						
Processing a Request for Evidence	“Order Initial Evidence Request Notice.”						
Processing an Intent to Deny	“Intent to Deny Notice Ordered.”						
1c.4	Press <Enter> twice.						
1c.5	<p>Continue appropriately.</p> <p><b>Advice:</b> Proceed to “Updating CLAIMS After Manual Notices are Sent.”</p>						

## **Part 1d: Processing RFEs or ITDs at the TSC**

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**Description**          Due to differences in staffing at the Texas Service Center (TSC), U.S. CIS staff at the TSC should complete the following to process a RFE or ITD.

No.	Standard
1d.1	Access the CLAIMS main menu.

1d.2	Select "Batch Case Status Update."						
1d.3	Select "Batch Off System Notice Sent Update."						
1d.4	Select the appropriate phrase. <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">IF...</th> <th style="text-align: center;">THEN...</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Processing a Request for Evidence</td> <td style="text-align: center;">Select the phrase, "Request for Evidence Sent."</td> </tr> <tr> <td style="text-align: center;">Processing an Intent to Deny</td> <td style="text-align: center;">Select the phrase, "Notice of Intent to Deny Sent."</td> </tr> </tbody> </table>	IF...	THEN...	Processing a Request for Evidence	Select the phrase, "Request for Evidence Sent."	Processing an Intent to Deny	Select the phrase, "Notice of Intent to Deny Sent."
IF...	THEN...						
Processing a Request for Evidence	Select the phrase, "Request for Evidence Sent."						
Processing an Intent to Deny	Select the phrase, "Notice of Intent to Deny Sent."						
1d.5	Press <Enter>.						
1d.6	Wand each receipt number to be updated with the selected phrase.						
1d.7	Press <Esc> three times.						
1d.8	Select "RAFACS."						
1d.9	Select "USERS."						
1d.10	Place a call-up sticker with the officer number and call-up date on the back of the file.						
1d.11	RAFACS each file (receipt number) to the designated file room holding area.						

## Part 1e: Processing Denials

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**Requirement**      Process denials in CLAIMS.

**Standards**          Complete the standards below to meet the requirement above.

No.	Standard				
1e.1	Ensure that the phrase "Denied," the date, and the officer number are notated in the Action Block of the I-539.				
1e.2	Select "Deny the Case."				
1e.3	Determine the proper action phrase. <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">IF...</th> <th style="text-align: center;">THEN...</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Processing a "Regular Denial"</td> <td style="text-align: center;"></td> </tr> </tbody> </table>	IF...	THEN...	Processing a "Regular Denial"	
IF...	THEN...				
Processing a "Regular Denial"					

	<table border="1"> <tr> <td>Processing a “Denial Based on Fraud”</td> <td></td> </tr> <tr> <td>Processing an “Abandonment Denial”</td> <td></td> </tr> <tr> <td>Processing a “Withdrawn Case”</td> <td></td> </tr> </table>	Processing a “Denial Based on Fraud”		Processing an “Abandonment Denial”		Processing a “Withdrawn Case”	
Processing a “Denial Based on Fraud”							
Processing an “Abandonment Denial”							
Processing a “Withdrawn Case”							
1e.4	<p>If denying a “Previously Approved Case,” then follow the procedures below.</p> <table border="1"> <thead> <tr> <th>IF...</th> <th>THEN...</th> </tr> </thead> <tbody> <tr> <td>The approval notice has <b>not</b> gone out</td> <td>Update CLAIMS with “Previous Action Cancelled,” exit out of the record, and determine the proper action phrase, as referenced above. <b>Important:</b> Retrieve the erroneous approval notice in accordance with local policy.</td> </tr> <tr> <td>The approval notice <b>has</b> gone out</td> <td>Continue appropriately. <b>Advice:</b> Proceed to “Processing Denials on Service Motions to Reopen.”</td> </tr> </tbody> </table>	IF...	THEN...	The approval notice has <b>not</b> gone out	Update CLAIMS with “Previous Action Cancelled,” exit out of the record, and determine the proper action phrase, as referenced above. <b>Important:</b> Retrieve the erroneous approval notice in accordance with local policy.	The approval notice <b>has</b> gone out	Continue appropriately. <b>Advice:</b> Proceed to “Processing Denials on Service Motions to Reopen.”
IF...	THEN...						
The approval notice has <b>not</b> gone out	Update CLAIMS with “Previous Action Cancelled,” exit out of the record, and determine the proper action phrase, as referenced above. <b>Important:</b> Retrieve the erroneous approval notice in accordance with local policy.						
The approval notice <b>has</b> gone out	Continue appropriately. <b>Advice:</b> Proceed to “Processing Denials on Service Motions to Reopen.”						

**Standards** (continued)

1e.5	Press <Enter> twice.
1e.6	<p>Release supervisory hold and update CLAIMS with “Denial Notice—Sent.”</p> <p><b>Advice:</b> Press &lt;Alt&gt; &amp; &lt;F8&gt;, type your user ID and password and press &lt;F4&gt;.</p>
1e.7	<p>If the applicant sent in original documents that are difficult to replace, such as a NATZ certificate, passport or birth certificate, take the following steps:</p> <ul style="list-style-type: none"> <li>• Make a copy of each original document.</li> <li>• Place the copies in the file.</li> <li>• Mail the original documents back to the applicant.</li> </ul>
1e.8	If submitted, notate the following on the reverse of the original I-94: “Denied EOS” or “Denied COS,” location, date and officer number and return the I-94 to the applicant.
1e.9	Once the denial letter is in the file, remove the top, colored portion of the SWIP label to expose the transparent label below.

1e.10	Continue appropriately. <b>Advice:</b> Proceed to “Updating CLAIMS After Manual Notices are Sent.”
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## Part 1f: Processing Service Motions to Reopen

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**Description** Occasionally, following the processing of a case, it comes to the Service's attention that the case was approved or denied in error, or the U.S. CIS discovers evidence that reverses the decision. When this happens, the case can be opened and either denied or approved on a service motion. Examples of reasons to open a service include: a case was approved in error and the notice has gone out, derogatory information was received, an erroneous abandonment denial was processed, etc.

**Requirement** Update CLAIMS to process approvals and denials on a service motion to reopen.

**Standards - Approval** Complete the following to process approval on a service motion to reopen.

No.	Standard
1f.1A	Select “Appeal and Motion Decisions” and press <Enter>.
1f.2A	Select “Reopen or Reconsider on Service Motion – No Appeal” and press <Enter>.
1f.3A	Choose “Y” at the “Change Status?” prompt and press <Enter>.
1f.4A	Select “Approve the case” and press <Enter>.
1f.5A	At the “Approval Data” screen, press <Insert> twice, select the appropriate action phrase, and press <Enter>.
1f.6A	Continue appropriately. <b>Advice:</b> Proceed to “Processing Approvals” standard 1a.3.

**Standards - Denial** Complete the following to process a denial on a service motion to reopen.

No.	Standard
1f.1B	Select “Appeal and Motion Decisions” and press <Enter>.
1f.2B	Select “Reopen or Reconsider on Service Motion – No Appeal” and press <Enter>.
1f.3B	Choose “Y” at the “Change Status?” prompt and press <Enter>.
1f.4B	Continue appropriately. <b>Advice:</b> Proceed to “Processing Denials” Standard 1e.2.

## **Part 1g: Processing Motions to Reopen or Reconsider**

**Requirement** If a case that was previously denied has now been approved on a Motion to Reopen or Reconsider, process this in CLAIMS.

**Standards – Approval** Complete the standards below to process an approval on a Motion to Reopen or Reconsider.

No.	Standard
1g.1A	Select “Appeal and Motion Decisions” and press <Enter>.
1g.2A	Select “Reopen or Reconsider on U.S. CIS Motion with Appeal.”
1g.3A	Select “Yes” to change the case status and press <F10>.
1g.4A	Continue appropriately. <b>Advice:</b> Proceed to “Processing Approvals.”

**Requirement** If a denial was upheld after the review of a Motion to Reopen or Reconsider, process this denial in CLAIMS.

**Standards – Denial** Complete the standards below to process a denial on a Motion to Reopen or Reconsider.

No.	Standard
1g.1B	Select “Deny the Case” and press <Enter>.
1g.2B	Select “Order Denial of Motion notice” and press <Enter>.
1g.3B	Select “Yes” to change the case status and press <Enter>.
1g.4B	Release supervisory hold and update CLAIMS with “Denial Notice—Sent.” <b>Advice:</b> Press <Alt> & <F8>, type your user ID and password and press <F4>.
1g.5B	If the applicant sent in original documents that are difficult to replace, such as a NATZ certificate, passport or birth certificate, take the following steps: <ul style="list-style-type: none"> <li>• Make a copy of each original document.</li> <li>• Place the copies in the file.</li> <li>• Mail the original documents back to the applicant.</li> </ul>
1g.6B	Continue appropriately. <b>Advice:</b> Proceed to “Updating CLAIMS After Manual Notices are Sent.”

## Part 2: Producing Notices

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### Part 2a: Producing a Manual Notice

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**Description** A manually-generated CLAIMS notice may be generated when:

- Returning documents in the same envelope as the CLAIMS-generated notice
- Sending an amended notice
- Special circumstances warrant it

**Requirement** Produce a manual system generated notice in CLAIMS.

**Standards** Complete the standards below to produce a manual notice.

No.	Standard
2a.1	Access the CLAIMS Clerical main menu.
2a.2	Select “Printing menu.”
2a.3	Select “Print Notices” or “Print Amended Notices” as appropriate.

2a.4	Wand the file's barcode label and press <F4>. <b>Keep in mind the following:</b> Ensure that an asterisk (*) appears before the applicant or representative's name. The notices to be printed will be indicated by an asterisk. If no asterisk appears, the notice will not print at the printer, even though it will print in ADP.
2a.5	Insert the correct paper – I-797A paper with the perforated I-94 card at the bottom – into the printer. <b>Keep in mind the following:</b> Ensure that you remember to add or feed enough I-797A paper for each beneficiary, as the printer may not prompt you for more paper.
2a.6	When finished printing, press <Esc> to return to the desktop.
2a.7	Put the system-generated notice and the word processing-generated notice(s), if any, together and follow outgoing mail procedures. <b>Advice:</b> If there is a note or form providing clerical processing instructions, place it on the right side of the file.

## **Part 2b: Updating CLAIMS After Manual Notices are Sent**

**Description** Once the word processing-generated denial, the Request for Evidence, or the Intent to Deny correspondence has been produced, update the case to show that the notice(s) has/have been sent.

**Requirement** Update CLAIMS to reflect that manual notices were sent.

**Standards** Complete the standards below to update CLAIMS.

No.	Standard
2b.1	Access the CLAIMS Clerical main menu.
2b.2	Select "Batch status update."
2b.3	Select "Batch Off-System Notice Sent Update."
2b.4	Select the appropriate phrase depending on the decision made.

## **Part 3: Distributing Work After Updating CLAIMS**

**Requirement** Distribute work after CLAIMS has been updated to reflect the action or decision taken in the case.

**Standards** Complete the standards below to distribute work.

No.	Standard						
3.1	If the case was approved, route the file to be staged for 30 days, pending any inquiry into the case. After that period, the file will be sent to Harrisonburg for storage.						
3.2	If a RFE was sent in the case, route the file to the appropriate file room to be placed in the 87-day hold area grouped with others files that had RFEs sent on the same date. If there is no response after that period, route the file for abandonment processing.						
3.3	If an ITD was issued in the case, route the file to the appropriate file room to be placed in the 33-day hold area grouped with others files that had an ITD sent on the same date. If there is no response after that period, route the file for denial processing.						
3.4	<p data-bbox="391 722 1203 785">If the case was denied, hold it for 33 days pending receipt of a motion.</p> <table border="1" data-bbox="386 821 1208 1062"> <thead> <tr> <th data-bbox="386 821 797 856">IF...</th> <th data-bbox="797 821 1208 856">THEN...</th> </tr> </thead> <tbody> <tr> <td data-bbox="386 856 797 957">No motion is filed after that period and the case has an A-file</td> <td data-bbox="797 856 1208 957">Route the file to the National Records Center (NRC).</td> </tr> <tr> <td data-bbox="386 957 797 1062">No motion is filed after that period and the case does not have an A-file</td> <td data-bbox="797 957 1208 1062">Route the file to Harrisonburg.</td> </tr> </tbody> </table>	IF...	THEN...	No motion is filed after that period and the case has an A-file	Route the file to the National Records Center (NRC).	No motion is filed after that period and the case does not have an A-file	Route the file to Harrisonburg.
IF...	THEN...						
No motion is filed after that period and the case has an A-file	Route the file to the National Records Center (NRC).						
No motion is filed after that period and the case does not have an A-file	Route the file to Harrisonburg.						

## SECTION 8: GLOSSARY MODULE

## **I-539 National SOP Introduction**

This Standard Operating Procedure (SOP) has been created for the purpose of standardizing operational policies and procedures between all service centers in the processing of the I-539, Application to Extend/Change Nonimmigrant Status. This SOP is in response to the processing differences that have developed at the service centers over time. To support the goal of standardizing procedures, this SOP seeks to improve the production efficiencies through the application of best practices from all service centers. While it is acknowledged that the centers may have different demands and physical layouts, a standard process will assist in ensuring that our customers receive consistent processing regardless of jurisdiction.

This SOP has been developed as a modular document. The modules (listed below) are stand-alone documents that can be used individually as training and daily reference documents. Each module describes a stage in the processing of an I-539 application. Below is a brief description of each module:

- **Mailroom-** The process by which the service center receives I-539 applications, reviews them for acceptability and assembles them for data entry.
- **Data Entry-** The process by where fees are receipted and case information is keyed into CLAIMS.
- **U.S. CIS Review-** The process by which U.S. CIS verifies all reasons for rejection cited by the contractor.
- **A-files-** The process by which CIS is searched, multiple A #s or A #s with violations are resolved, and A-files are either created or requested.
- **File Room-** The process by which files are sorted and staged. Workload Distribution is the process of staging, routing and distributing files.
- **Adjudications-** The process by which an application is examined for determination of whether the application is approvable or deniable.
- **Post-Adjudications-** The procedure to be followed after an officer makes a determination on an I-539 case.

Recommendations for changes to this document should be sent to the Headquarters Office of Service Center Operations (HQSCO).

**Important:** This SOP is not intended to be, and should not be taken as, an authoritative statement of the rules of decision for Form I-539 visa application cases. This SOP is a guide for the consistent processing of Form I-539 visa application cases. The Service bases the actual decision in a particular case on the record of that particular case and on the Act, regulations, precedent administrative and judicial decisions, and general statements of Service policy relating to the case. Thus, nothing in this SOP creates any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

## **I-539 Table of Contents**

The following is a table of contents, which serves as a guide for all of the modules of the I-539 SOP. Each module contains its own table of contents that will help to guide through the individual sections of the SOP.

Table of Contents: I-539 National SOP	Page
Section 1: Mailroom Module	1-1
Section 2: Data Entry Module	2-1
Section 3: U.S. CIS Review Module	3-1
Section 4: A-files Module	4-1
Section 5: File Room Module	5-1
Section 6: Adjudications Module	6-1
Section 7: Post-Adjudications Module	7-1
Section 8: Glossary	8-1

**Note:** This SOP establishes the required minimum standard for the operational procedures that all service centers should follow. However, this does not invalidate all local requirements and procedures. Local procedures that do not conflict with this SOP (i.e., procedures that are above and beyond the SOP) may still be required, as determined by management at each service center. Additionally, recommendations or advice in this SOP may become requirements at the service center at the discretion of each center's management.

## Glossary

<b>212(e)</b>	The section of the Act that pertains to the waiver of the 2-year foreign residency requirement.
<b>A-file</b>	Alien registration file. The file containing all data and documentation relating to a given applicant, identified by an A-number. All aliens with green cards have A-files, but nonimmigrant aliens usually do not.
<b>Age out</b>	When a "child" beneficiary reaches the age of 21, he or she is said to have reached his or her age out date and has ceased to be a child for immigration purposes. When a child turns 21, he or she loses entitlement to some immigration derivative benefits.
<b>AILA</b>	American Immigration Lawyers Association
<b>Alien</b>	Any person who is not a citizen or national of the United States.
<b>AOS</b>	Adjustment of Status. The procedure allowing certain aliens already in the U.S. to apply for immigrant status.
<b>Application</b>	A form filed by the person(s) receiving the immigration benefit sought.

<b>ASC</b>	Application Support Center. The office responsible for fingerprinting applicants.
<b>Asylee</b>	An alien in the United States or at a port of entry who is found to be unable or unwilling to return to his or her country of nationality, or to seek the protection of that country because of persecution or a well-founded fear of persecution. Persecution or the fear thereof must be based on the alien's race, religion, nationality, membership in a particular social group, or political opinion. For persons with no nationality, the country of nationality is considered to be the country in which the alien last habitually resided. Asylees are eligible to adjust to lawful permanent resident status after one year of continuous presence in the United States. These immigrants are limited to 10,000 adjustments per fiscal year.
<b>Batch</b>	A group of files of no more than 25 that are bundled together through processing.
<b>BCC</b>	Border Crossing Card. A card issued to a Mexican national, which allows him or her to enter the U.S. as a visitor for business or pleasure, without applying for a visa, for 72 hours as long as he or she remains within 25 miles of the border.
<b>U.S. CIS</b>	Bureau of Citizenship and Immigration Services.
<b>Beneficiary</b>	Alien on whose behalf a U.S. citizen, lawful permanent resident, or employer has filed a petition to receive immigration benefits from the U.S. CIS. Beneficiaries generally receive a lawful status as a result of their relationship to a U.S. citizen, lawful permanent resident, or U.S. employer.
<b>Biometrics</b>	Biometrics allow for automated methods of recognizing a person based on a physiological or behavioral characteristic. U.S. CIS scans photos, fingerprints and signatures from applications and then stores this biometric data in the graphical user interface (GUI) for identification.
<b>Blanket Petition</b>	The blanket petition process was created to accommodate the needs of large businesses that desired to transfer key personnel to the U.S. An L-1 Blanket Petition approves an employer's L-1 relationship to its branches, subsidiaries, and affiliates for companies that plan to transfer managers, executives, or specialized knowledge employees to the U.S.
<b>CDC</b>	Center for Disease Control

<b>CFR</b>	Code of Federal Regulations. U.S. CIS rules and regulations describing how the agency will implement the laws passed by Congress are published in Title 8 of the CFR.
<b>Change of Status</b>	See <b>COS</b> .
<b>CIS</b>	Central Index System. The national computer system containing information relating to A-files.
<b>Civil Surgeon</b>	A physician authorized by the U.S. CIS to conduct medical examinations of applicants.
<b>CLAIMS</b>	Computer Linked Application Information Management System. Case processing system in which petitions/applications are data-entered, receipted, and electronically updated.
<b>COA</b>	Class of Admission. Classification code given to an alien upon admission to the U.S.
<b>COB</b>	Country of Birth. The country in which a person is born.
<b>COC</b>	Country of Citizenship. The country in which a person is born (and has not renounced or lost citizenship) or naturalized and to which that person owes allegiance and by which he or she is entitled to be protected.
<b>Concurrent Filing</b>	<p>Petitions and/or applications may accompany I-539 applications. The acceptable forms include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Form I-102, Application for Replacement/Initial Nonimmigrant Arrival/Departure Document;</li> <li>• Form I-765, Application for Employment Authorization (most classifications);</li> <li>• Form I-129, Petition for Nonimmigrant Worker.</li> </ul>
<b>Congressional Interest</b>	A case in which a Congressional office has expressed interest. The case will <b>NOT</b> necessary need to receive <b>priority processing</b> (see definition).
<b>Consulate</b>	A U.S. government office located in a foreign country that assists American citizens traveling or living abroad and issues visas to foreign nationals who wish to visit or reside in the U.S.

<b>COS</b>	Change of Status. Involves changing from one nonimmigrant status to another once an individual is in the U.S. and has been assigned a nonimmigrant category.
<b>COTR</b>	Contracting Officer Technical Representative. A U.S. CIS representative that functions as a liaison between the contractor and U.S. CIS.
<b>Cover letter</b>	A letter often submitted with an application or petition describing the benefit sought, any special requests and/or any other information about the case.
<b>CSC</b>	California Service Center
<b>D/S</b>	Duration of Status. The length of time an applicant is legally allowed to remain in the U.S. as defined by his or her nonimmigrant status.
<b>DACS</b>	Deportable Aliens Control System
<b>Dependent Filing</b>	<p>Petitions and/or applications are dependent on I-539 applications. The acceptable forms include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Form I-765, Application for Employment Authorization (Es, Ls, and LIFE Act cases)</li> </ul>
<b>Derivative Benefit</b>	An applicant receives a derivative benefit when he or she is granted a benefit based on a principal applicant who is the beneficiary of an immigrant visa petition even though the derivative beneficiary is not named on the immigrant visa petition.
<b>DOE</b>	Date of Entry (into the U.S.)
<b>DOL</b>	Department of Labor
<b>DOS</b>	Department of State
<b>DS-2019</b>	Certificate of Eligibility for Exchange Visitor Status

<b>DSO</b>	Designated School Official. An employee of an educational institution that is certified by the U.S. CIS to serve as the institution's point of contact for immigration issues. DSOs assist students with immigration questions and some forms processing.
<b>EAC</b>	Eastern Adjudications Center. The three-letter code that identifies Vermont as the service center that received a given file. Vermont also uses FCO in CIS.
<b>EAD</b>	Employment Authorization Document. The card that allows aliens to legally work in the U.S.
<b>EOS</b>	Extension of Stay. The process whereby an alien prolongs his or her lawful immigrant status.
<b>EWI</b>	Entry Without Inspection. The terms used to refer to aliens who enter the U.S. surreptitiously across land borders.
<b>Expedite</b>	<p>Expedites can either be automatic, discretionary or Congressional.</p> <p><u>Automatic expedites</u> are cases that receive <b>priority processing</b> based on the visa classification or another reason, which is identified by local management.</p> <p><u>Discretionary expedites</u> are cases in which the petitioner requests expeditious handling of the case either via telephone or letter. These cases require a decision to be made by U.S. CIS staff as to whether or not the case should receive priority processing prior to the actual adjudication of the case.</p> <p><u>Congressional expedites</u> are cases for which a Congressional office has requested expeditious handling. These cases also require a decision to be made by U.S. CIS staff as to whether or not the case should receive priority processing prior to the actual adjudication of the case.</p> <p>Handle expedite cases in accordance with locally-issued policy and procedures.</p>
<b>Extension of Stay</b>	See <b>EOS</b> .
<b>FCO</b>	Files Control Office. An Immigration and Naturalization Service field office – either a district (including U.S. CIS overseas offices) or a sub-office of that district – where alien case files are maintained and controlled.

<b>FCU</b>	File Coordination Unit
<b>FD-258</b>	A fingerprint document (card) that captures all ten digits, which is submitted by an applicant or beneficiary after being scheduled for fingerprints.
<b>Fee Waiver Request</b>	A written request submitted by an applicant or representative asking to be exempt from paying the filing fee. A decision on the request must be made by U.S. CIS staff prior to receipting the application.
<b>File Maintenance</b>	File maintenance is the process by which files from Data Entry are sorted and staged before the process of workload distribution.
<b>Filing Date</b>	The date the application/petitions was received by the Service Center (this is usually, though not always, the same date as the priority date).
<b>FMU</b>	File Maintenance Unit. Unit at TSC responsible for staging, routing and distributing files.
<b>FRE</b>	Fee Receipted Elsewhere. Signifies that the fee was accepted at another U.S. CIS location.
<b>G-28</b>	Notice of Entry of Appearance as Attorney or Representative. This form is used to provide notice that an attorney or representative is acting on behalf of the applicant.
<b>HBG</b>	Harrisonburg. The location that houses all adjudicated files from all service centers.
<b>HQSCO</b>	Headquarters Office of Service Center Operations
<b>I-20 A/B</b>	Certificate of Eligibility for Nonimmigrant (F-1) Student Status - for Academic and Language Students.
<b>I-20 M/N</b>	Certificate of Eligibility for Nonimmigrant (M-1) Student Status - for Vocational Students.

<b>I-89</b>	Data Collection Form
<b>I-94</b>	Arrival/Departure Record
<b>I-94W</b>	Nonimmigrant Visa Waiver Arrival-Departure Record
<b>I-102</b>	Application for Replacement/Initial Nonimmigrant Arrival/Departure Document
<b>I-129</b>	Petition for a Nonimmigrant Worker
<b>I-485</b>	Application to Register Permanent Residence of Adjust Status
<b>I-539</b>	Application To Extend/Change Nonimmigrant Status
<b>I-566</b>	Interagency Record of Individual Requesting Change/Adjustment to or from A, G, or NATO Dependent Status
<b>I-601</b>	Application for Waiver of Ground of Excludability
<b>I-612</b>	Application for Waiver of the Foreign Residence Requirement of Section 212(e) of the Immigration and Nationality Act, as amended
<b>I-693</b>	Medical Examination of Aliens Seeking Adjustment of Status
<b>I-765</b>	Application for Employment Authorization
<b>I-797</b>	Notice of action generated by the Service (e.g., notice of approval, denial, request for evidence, initial receipt, etc.)
<b>ID #</b>	Unique number assigned to service center employees for accountability (such as a contract employee's two-digit, four-number identifier).
<b>IIRIRA</b>	The Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. 104-208, 110 Stat. 3009 (September 30, 1996)

<b>IMMACT 90</b>	Immigration Act of 1990. Public Law 101-649 (Act of November 29, 1990), which increased the limits on legal immigration to the United States, revised all grounds for exclusion and deportation, authorized temporary protected status to aliens of designated countries, revised and established new nonimmigrant admission categories, revised and extended the Visa Waiver Pilot Program, and revised naturalization authority and requirements.
<b>Immigrant</b>	Every alien except an alien who is within one of the nonimmigrant classes
<b>INA</b>	Immigration and Nationality Act. The Act, which along with other immigration laws, treaties, and conventions of the U.S., relates to the immigration, temporary admission, naturalization, and removal of aliens.
<b>ITD</b>	Intent to Deny. Notice to the applicant that the Service intends to deny the application and requesting that the applicant provide any additional evidence that he or she can submit to overcome the potential grounds for denial.
<b>JIT</b>	Just in Time. Unit at CSC responsible for staging, routing and distributing files.
<b>Jurisdiction by Geography</b>	Most applications are subject to jurisdiction based upon geography. An applicant is under the geographic jurisdiction of a service center if the applicant is located in a state over which the service center has jurisdiction.
<b>LIFE</b>	Legal Immigration Family Unity Equity (Act)
<b>LIN</b>	Lincoln. The three-letter code that identifies Nebraska as the service center that receipted a given file.
<b>LPR</b>	Legal Permanent Resident. The status of having been lawfully accorded the privilege of residing and working permanently in the U.S. as an immigrant in accordance with the immigration laws, such status not having changed.
<b>Manual Reject</b>	An application rejected for reasons other than incorrect fee amount, unsigned or missing remittance, or unsigned application.
<b>MSC</b>	Missouri Service Center. Also the three-letter code that identifies Missouri as the service center that receipted a given file.

<b>NAFSA</b>	National Association of Foreign Student Advisors, now known as the Association of International Educators. An organization that represents foreign students in the U.S.
<b>NAFTA</b>	North American Free Trade Agreement. Establishes a special reciprocal trading relationship between the U.S. and Canada, and establishes a similar relationship with Mexico.
<b>NIIS</b>	Nonimmigrant Information System. NIIS is an U.S. CIS database that tracks the admissions of nonimmigrant aliens into the U.S.
<b>Nonimmigrant</b>	An alien who seeks temporary entry to the U.S. for a specific purpose.
<b>NRC</b>	National Records Center. NRC houses inactive A-files from all service centers and district offices.
<b>NSC</b>	Nebraska Service Center
<b>OFL</b>	Office of Fingerprint Liaison
<b>Parolee</b>	A parolee is an alien, appearing to be inadmissible to the inspecting officer, allowed into the United States for urgent humanitarian reasons or when that alien's entry is determined to be for significant public benefit. Parole does not constitute a formal admission to the United States and confers temporary status only, requiring parolees to leave when the conditions supporting their parole cease to exist.
<b>Petitioner</b>	The person or company submitting a business or relative petition to the U.S. CIS.
<b>POE</b>	Port of Entry. A designated location to enter the U.S., such as an airport, ship port or border crossing.
<b>PRC</b>	Permanent Resident Card (a.k.a. Green Card or Lawful Permanent Resident Card)
<b>Principal Alien</b>	The primary beneficiary of a petition or application.
<b>Priority Date</b>	Date on which a benefit begins.

<b>Priority Processing</b>	For the purposes of this SOP, the expeditious handling of a case, whether as a result of an automatic, discretionary or Congressional expedite, or of a response to an RFE.
<b>Properly Filed Application</b>	Refers to an I-539 that is filed with the correct fee and properly signed. If the applicant is under 14 years of age, the parent or guardian may sign the application.
<b>RAFACS</b>	Receipt and A-File Accountability and Control System. The system that reports a file's location and maintains a history of file movement.
<b>RAP Sheet</b>	Record of Arrest and Prosecution
<b>Receipt Date</b>	The date that the application information is data-entered into <b>CLAIMS</b> (see definition). This date is <b>NOT</b> the filing date and is <b>NOT</b> used in determining the application's processing order.
<b>Received Date</b>	The date the petition is physically received by the Service. For properly filed petitions, this is the date that is used to determine the processing order, processing times, etc. For all legal purposes and statistics, this is the Service's date of record. The received date may also be referred to as the filing date.  <b>*Note:</b> This term is referred to as the <b>receipt date</b> in 8CFR 103.287.
<b>Reconstruction</b>	When a file is recreated due to the original having been lost or misplaced.
<b>Refugee</b>	An individual who has not been admitted to the U.S., but who presents him or herself for entry claiming persecution.
<b>Representative</b>	A person authorized to appear before the Service on behalf of someone else. The Service will not recognize the person unless the person has filed a form G-28 signed by the client.
<b>RFE</b>	Request for Evidence
<b>Riding Application</b>	An application that accompanies another form.
<b>RO</b>	Responsible Officer

<b>ROP</b>	Record of Proceeding. The order in which documents in a file are assembled for legal purposes.
<b>Secondary Review</b>	A review done if a case only has a simple fee and/or signature deficiency. The review, which may be done by any other individual who is a supervisor, U.S. CIS employee, contractor personnel, or another skilled individual, helps to eliminate the number of items being referred to U.S. CIS Review.
<b>SEVIS</b>	Student & Exchange Visitor Information System. A tracking system for nonimmigrant students.
<b>SOP</b>	Standard Operating Procedures
<b>Special Handling</b>	A case or class of cases that is/are outside of routine processing, as established by service center management. Handle special handling cases in accordance with locally issued policy and procedures.
<b>SRC</b>	Southern Regional Center. The three-letter code that identifies Texas as the service center that received a given file.
<b>Staging</b>	The process by which files are organized and prepared during workload distribution.
<b>Status</b>	A classification assigned to a person who has entered the U.S.
<b>STSC</b>	Student Schools Information System. A tracking system for nonimmigrant students.
<b>System Reject</b>	An electronic rejection for incorrect, unsigned or missing remittance, and/or unsigned petition.
<b>TECRO</b>	Taiwan Economic Cultural Representative Office (see "Requesting EOS as an E-1 or E-2 Dependent")
<b>TSC</b>	Texas Service Center
<b>TWOV</b>	Transit Without a Visa

<b>Unlawful Presence</b>	An alien is deemed to be unlawfully present in the United States if the alien is present in the United States after the expiration of the period of stay authorized by the Attorney General or is present in the United States without being admitted or paroled.
<b>USC</b>	United States Citizen
<b>USIA</b>	United States Information Agency. Formerly the Agency in charge of the J program.
<b>VIOPP</b>	Visa in Other Passport
<b>Visa</b>	The foreign consular stamp indicating the classification granted in an alien's passport.
<b>VSC</b>	Vermont Service Center
<b>VWPP</b>	Visa Waiver Pilot Program
<b>WAC</b>	Western Adjudications Center. The three-letter code that identifies California as the service center that receipted a given file.
<b>WB/WT</b>	Waiver for Business/Waiver for Tourism
<b>Workload Distribution</b>	Workload distribution is the process of staging, routing and distributing files.
<b>WDU</b>	Work Distribution Unit