

Changing / Extending Nonimmigrant Status for Dependents

ISSS does not have authority to assist with any H-4 Applications. We are not attorneys; advising on a specific H-4 application could be construed as practicing law in the US without a license. Any questions should be addressed to an immigration attorney. You can find a list of referred attorneys at <https://iss.temple.edu/about-iss/working-immigration-attorney> or you can look for an attorney at <https://www.aialawyer.com/>. The attorney may charge you a fee to review the H-4 application.

We strongly advise you to contact an immigration attorney if your Dependent(s) receive a Request for Further Evidence (RFE).

Our office will include your dependents' H-4 application with our H-1B petition if you complete the Release of Liability Form below and upload it to your H-1B Application.

- I understand that ISSS cannot legally provide advice regarding my H-4 dependents and that I have the right to consult an immigration attorney regarding H-4 applications/status. I hereby release any liability on the part of ISSS in the matter of H-4 status and applications. I understand that ISSS cannot represent myself or my dependents in this or any follow-up matters before USCIS or any other government agency.
- I understand that ISSS may include an H-4 Application with Temple's H-1B petition for the principal beneficiary as a courtesy. ISSS bears no responsibility for the decision made by USCIS regarding that application and is not responsible for the completeness or accuracy of the H-4 Application, including supporting documentation and application fee.
- I understand that my I / my dependents should consult with an attorney should the USCIS issue any "requests for further evidence" if we need assistance in responding.
- I understand that ISSS is not responsible for lost documents, Notices of Action or any correspondence to or from USCIS. If my dependents do not receive a decision, a Request for Evidence or a Notice of Action, I understand that they must pursue the matter independently.

By signing below, I acknowledge that I / my dependents are responsible for maintaining continuous lawful immigration status in the U.S. Therefore, I release and hold harmless Temple University, its Board of Trustees, the University's faculty, staff, agents, and employees from any claim which could result from any failure on my/our part to maintain lawful immigration status.

Print Name:

Date:

Signature:

Only the dependents (spouse / children under age 21) of nonimmigrants can be granted Dependent status. The Form I-539 (and I-539A for each additional dependent) can accompany ISSS applications that include dependents who will change or extend status.

Form I-539 / I-539A (if applicable) must be completed and signed by the Dependent(s) themselves, not by the TU employee.

USCIS instructions are available at www.uscis.gov/i-539. Follow the USCIS instructions for completing the form(s) and for required documents.

Do not complete this form for:

- The H-1B / TU employee
- Dependents who are outside the U.S
- Dependents who have and wish to continue in an independent nonimmigrant status

A Complete I-539 Application includes:

Signed Form I-539	Visit www.uscis.gov/i-539 to fill out the most current version
Signed Form I-539A (if multiple dependents)	Supplemental Information for each additional dependent applicant
Form I-539 Filing Fee	Check for \$370 payable to U.S. Department of Homeland Security; The fee covers all filing fees for all dependents You can use Form G-1450, Authorization for Credit Card Transactions instead of checks. See www.uscis.gov/g-1450 for details.
Passport Page	Most recent passport biography page with date of expiration
Most Recent I-94 Record	Most recent I-94 admission record https://i94.cbp.dhs.gov/I94/#/home
Entry/Arrival Stamps	All U.S. entry/arrival stamps for each dependent
Visa Stamps	All U.S. visa stamps issued to dependents (Canadian nationals are exempt)
Other Immigration Documents (if any)	All prior I-20 Forms, DS-2019 Forms / All I-797 notices from USCIS for both H-1B and Dependents
EADs	Copies of any Employment Authorization Documents (EAD) issued to Dependents
Waiver Documents	If Dependent is/was subject to the J Exchange Visitor 2-year home residence requirement
Marriage Certificate	Proof of relationship to principal visa holder
Birth Certificate(s)	Proof of relationship to principal visa holder for children under age 21
Translation of Marriage/Birth Certificates	Certified English translation of Marriage / Birth certificates

Revised 05/03/2023

H-4 Dependents have a choice of including the H-4 Application with Temple University's H-1B Petition OR filing directly on USCIS' website if there is only one H-4 Dependent included in the application.

Effective January 25, 2023, USCIS has returned to a pre-Trump administration policy of adjudicating Form I-539, Application to Extend/Change Nonimmigrant Status and Form I-765, Application for Employment Authorization for H-4 and L-2 derivatives, along with the underlying Form I-129, Petition for Nonimmigrant Worker, when these forms are filed concurrently. This applies in cases filed using standard or premium processing. If these forms are filed separately, USCIS will not bundle the adjudication of the forms.

USCIS has extended the temporary suspension of the biometrics submission requirement for certain applicants filing [Form I-539, Application to Extend/Change Nonimmigrant Status](#), requesting an extension of stay in or change of status to H-4, L-2, or E nonimmigrant status. The [previously announced](#) suspension, which was initially in place until May 17, 2023, has been extended through Sept. 30, 2023. This means that you do not need to pay the \$85 Biometrics Fee until October 1, 2023 (unless USCIS extends this provision past September 30, 2023).

Either mail / drop off a complete H-4 Application to ISSS...

Mail a complete application including checks, all supporting documentation, a signed original I-539 (and I-539A Forms if applicable) to:

International Student and Scholar Services
Temple University
Attn: (List the Name of the Advisor Working on H-1B Petition)
1938 Liacouras Walk, #202
Philadelphia, PA 19122

...Or File the I-539 Online if there is only One H-4 Applicant

Temple can file the H-1B petition without the H-4 application. Once the H-1B applicant has a Receipt Notice from USCIS, the H-4 applicant can apply online directly. See <https://www.uscis.gov/i539online> for more information.

Note that USCIS will not adjudicate the H-4 application at the same time it is adjudicating the H-1B petition, so be prepared for a long delay.

USCIS does not mail paper biometric services appointment notices for electronically filed Forms I-539. The biometric services appointment notice will appear in the H-4's USCIS online account under "Documents" once the H-4 Applicant's appointment is scheduled. The H-4 Applicant is required to bring a printed copy of the biometric services appointment notice to the Application Support Center appointment.

Tips for H-4 Applicants Completing Certain Sections of the I-539 Form:

Part 1: Information about H-4

- Family Name: Enter the name of the spouse seeking a change or extension of status. If the spouse is not present in the U.S., or will continue in a separate immigration status, enter the information on the oldest dependent child seeking a change or extension of status.
- Alien Registration Number: An Alien Registration Number is typically associated with your Permanent Residency applications, if any. Leave it blank if you do not have one. This is not your USCIS# or card # listed on your EAD, or A# on I-94.
- U.S. Mailing Address: Enter the address where you receive your mail.
- U.S. Physical Address: Enter the address where you physically reside. This can be the same as your mailing address

Part 2: Application Type

If the nonimmigrant dependents wish to extend dependent status, choose item “2”

Part 2. Application Type

I am applying for (select **only one** box):

1. ☐ Reinstatement to student status.
2. ☒ An extension of stay in my current status.

If the nonimmigrant dependents hold some other immigration status, choose item “3.a.”, enter the H-1B Start date in 3.b., and enter “H-4” as the “change of status I am requesting” in 3.c.

For example, if Temple will file an H-1B petition with a start date of 07/01/2022, then you would complete the I-539 like this:

3.a. ☒ A change of status.

3.b. New status and effective date of change (mm/dd/yyyy)

07/01/2022

3.c. The change of status I am requesting is:

H4 - SPS OR CHLD OF H1 ,H2 ,H3 OR H2R

Part 3: Processing Information

1: The requested end date must be the primary visa holders' requested end date. The H-1B Petition End Date will match the Appointment Letter End Date for Faculty and Postdoctoral Fellow Research Associates.

For example, if the H-1B Applicant has appointment dates of 07/01/22 to 06/30/24 on her/his Faculty Appointment letter, then the H-4 Applicant would list 06/30/2024 as the requested end date.

Part 3. Processing Information

1. I/We request that my/our current or requested status be extended until (mm/dd/yyyy):

06/30/2024

#3.a: If ISSS will include the H-4 Application with the employee's petition, choose "Yes, filed with this I-539"

For example:

- 3.a. Is this application based on a separate petition or application to provide your spouse, child, or parent an extension or change of status?

☒ Yes, filed with this Form I-539. ☐ No

☐ Yes, filed previously and pending with U.S. Citizenship and Immigration Services (USCIS).

If the H-1B petition has already been submitted to USCIS, but has not yet been approved, choose "Yes, filed previously and pending with USCIS. USCIS receipt number:" Then enter the I-797 receipt number in # 3.b.

For example:

- 3.a. Is this application based on a separate petition or application to provide your spouse, child, or parent an extension or change of status?

☐ Yes, filed with this Form I-539. ☐ No

☒ Yes, filed previously and pending with U.S. Citizenship and Immigration Services (USCIS).

- 3.b. If pending with USCIS, provide USCIS Receipt Number.

▶ W A C 0 1 2 3 4 5 6 7 8 9

#4 and 5: Complete these sections ONLY if the H-1B's petition is already pending (submitted to USCIS but not yet approved). If applicable, then list the name of the Petitioner as indicated at the top left-hand corner of the H-1B Receipt Notice and the receipt date listed above it as "Date Filed". For example, if the H-1B's Receipt Notice looks like this:

Receipt Number WAC2119550614	
Received Date 04/14/2021	Priority Date
Notice Date 04/14/2021	Page 1 of 2
TEMPLE UNIVERSITY HOSPITAL INC c/o SHARON LOUGHRAN INTL STUDENT & SCH 1343 MARLBOROUGH ST PHILADELPHIA PA 19125	

Then you would indicate this:

If the petition or application is pending with USCIS, also provide the following information:

4. First and Last Name of Petitioner or Applicant

Temple University Hospital Inc

5. Date Filed (mm/dd/yyyy)

04/14/2021

Part 4: Additional Information

#14 If you answer "No", go to Part 8 on page 8 referencing Page 3 Part 4 Item 14, and describe how you are supporting yourself on page 7. You can indicate that you are supported by your spouse and include your spouse's TU salary.

For Example:

14. Have you, or any other person included in this application, been employed in the United States since last admitted or granted an extension or change of status?

☐ Yes ☒ No

If you answered "No" to **Item Number 14.**, fully describe how you are supporting yourself in **Part 8. Additional Information.** Include documentary evidence of the source, amount, and basis for any income.

- 3.a. Page Number 3.b. Part Number 3.c. Item Number

3

4

14

- 3.d. I am supported by my spouse's salary

from Temple University which is

\$60,000 per year.

If you answer “Yes”, go to Part 9 on page 7 referencing Page 3 Part 4 Item 14 and fully describe the employment on page 7. Include the name of the person employed, name and address of the employer, weekly income, and whether the employment was specifically authorized by the USCIS.

For Example:

- 14.** Have you, or any other person included in this application, been employed in the United States since last admitted or granted an extension or change of status?

☒ Yes ☐ No

If you answered "No" to **Item Number 14.**, fully describe how you are supporting yourself in **Part 8. Additional Information.** Include documentary evidence of the source, amount, and basis for any income.

If you answered "Yes" to **Item Number 14.**, fully describe the employment in **Part 8. Additional Information.** Include the name of the person employed, name and address of the employer, weekly income, and whether the employment was specifically authorized by USCIS.

3.a. Page Number	3.b. Part Number	3.c. Item Number
3	4	14

3.d. I (John Doe) previously held J-2 status. I was issued an Employment Authorization Document by USCIS with dates of 01/01/2021 to 12/31/2022. I was employed at X Employer, 125 W. 52st Ave, New York, NY as an Accountant for \$750/week.

Part 6 on Page 4: Applicant's Statement, Contact Information, Declaration, Certification and Signature

Must be that of the person listed in Part 1. **SIGN THE FORM IN BLACK INK.**

Parents or guardians may sign on behalf of children under 14. A legal guardian may also sign for a mentally incompetent person.

Applicant's Signature

6.a. Applicant's Signature



6.b. Date of Signature (mm/dd/yyyy)

General Information for Form I-539A

- This is completed and included ONLY if there are additional unmarried children under 21 of the primary applicant who wish to apply for dependent status. Do not use this form for the TU employee or the person listed in Part 1 of the Form I-539.
- Every co-applicant included on the primary applicant's Form I-539 must submit and sign a separate Form I-539A
- Parents or guardians may sign on behalf of children under 14. A legal guardian may also sign for a mentally incompetent person.