

GENERAL
INFORMATION

Obtaining or Extending Dependent Status for Family of FTE Scientists

As an NIH Full-time Equivalent (FTE) employee, if you extend or change your non-immigrant status to H-1B, O-1, E-3, or TN, your spouse and unmarried children under age 21 may be eligible to extend or change to the relevant dependent status: H-4, O-3, E-3D and TD, respectively.

Dependent applications are personal applications; you are responsible for confirming the information on all application forms is correct and all required evidence is provided. The guidance below does not take the place of **U.S. Citizenship & Immigration Services (USCIS) instructions** for these applications. You should review USCIS instructions before submission of any application.

Consult a qualified immigration attorney if you or your family members have ever violated your status in the United States or have other reasons to believe there may be problems with obtaining or extending dependent status.

APPLICATION FORMS AND TIMELINES

If your family members are in the United States when DIS files a petition for your FTE employment, your dependents may complete the **Form I-539** to extend/change their status. The Form I-539 is completed for the first dependent, and the I-539A is completed for each additional dependent.

DIS can include your dependents' application forms with your I-129 petition as a courtesy. We strongly urge applicants to review all USCIS instructions and answer questions carefully before providing the completed dependent forms to DIS.

Check the USCIS website to confirm you are using the newest version of the form. USCIS does not accept older versions, unless explicitly stated.

USCIS must receive your dependents' applications to extend/change status **before** the expiration date of their current Form I-94 in order to be eligible to remain in the U.S. while the application is pending.

USCIS processing times for applications change frequently. Check the **USCIS website** for updates.

If your family members are abroad when DIS files your I-129 petition, they do not need to submit the Form I-539. After your petition is approved, your family members can apply at a **U.S. Embassy or Consulate** for the relevant dependent visa.

It is possible to **file online** with USCIS. If you choose to e-file, consult the DIS Immigration Specialist. Additional consideration will apply.

FILING FEES

- I-539 Filing Fee(s) – credit card (**Form G-1450**), check or money order in U.S. Dollars, from a U.S. financial institution, payable to **U.S. Department of Homeland Security**. Review the **USCIS fee guide**. Use the **USCIS fee calculator** to determine the correct total amount for all fees. Fee checks must be drawn on a U.S. bank payable in U.S. dollars.
- Form G-1145** (Optional) – The Form G-1145 initiates e-notification updates regarding your application.

FILING SUGGESTIONS

- Make a copy of the entire application and supporting documents for your own records.
- If you are filing a dependent application directly with USCIS (separately from your NIH I-129 petition), verify the correct **USCIS filing address**. We recommend submitting applications to USCIS using Certified Mail, FedEx, or UPS.

REMINDERS AFTER FILING

- USCIS will send all correspondence about your dependent application – including receipt and approval notices – to the home address provided on the Form I-539. Make sure to **update your address** with USCIS if necessary.
- DIS will not receive any information from USCIS on the status of your dependents' applications. It is your responsibility to ensure that the fees are processed and to check the **USCIS case status** regularly.
- Notify your DIS Immigration Specialist about any correspondence from USCIS related to dependent applications.

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DOCUMENT CHECKLIST

- Completed **Form I-539** and, if applicable, **Form I-539A**
- I-539 filing fees – credit card (**Form G-1450**), check, or money order in U.S. Dollars, from a U.S. financial institution, payable to **U.S. Department of Homeland Security**
- (Optional) – **Form G-1145** to request application updates via text or email
- Copy of passport biographical page for all applicants
- Copy of visa for all applicants
- Copy of current immigration enabling document for all applicants (e.g., Form I-20, Form DS-2019, or I-797 Approval Notice)
- Most recent **Form I-94** (electronic record or copy of Form I-797) for all applicants
- Most recent **Form I-94** (electronic record or copy of Form I-797) of FTE employee
- Copy of marriage certificate and/or birth certificates to prove the applicant's relationship to the FTE employee. Include certified translations if original documents are not in English
- If filing separately from the NIH I-129 petition:
 - Copy of FTE employee's I-797 Receipt Notice or Approval Notice
 - Copies of the FTE employee's two most recent Leave and Earnings Statements as evidence that the employee is maintaining nonimmigrant status

FORM I-539 TIPS

- The Form I-539 should be completed by the oldest dependent. Complete Form I-539A for all other dependents. NIH FTE employees are covered by the I-129 petition and do not complete the Form I-539.
- Applicants 14 years and older should sign their own application form. The parent/guardian should sign the form for children under 14.
- Most dependent applicants will not have an "Alien Registration Number" (A-Number).
- A travel document is given to individuals who are not able to obtain a passport (e.g., asylee). This is uncommon. Most applicants will have passports instead.
- Duration of Status (D/S): Check your most recent I-94 to see if it indicates "D/S". This often applies to those currently in F or J status. Those in other statuses will generally have a specific end date on the most recent I-94, whether that is noted on an electronic I-94 or I-797 Approval Notice.
- The requested start and end date should match the proposed dates on NIH's I-129 petition filed on behalf of the FTE employee. Confirm this date with DIS if you are not sure. If the FTE employee's I-129 petition has already been approved, the requested end date on the Form I-539 should match the end date of the I-797 Approval Notice.
- If the dependent application will be included with the NIH I-129 petition for the FTE employee, then answer "Yes, filed with this I-539" in the appropriate box. If the NIH I-129 petition has already been filed with USCIS, then answer "Yes, filed previously and pending with USCIS" in the appropriate box.
- Provide a detailed response to all applicable requests for additional information on the form (e.g., provide explanation and evidence regarding dependents' employment, or lack thereof, and how they are supporting themselves financially).
- Answer all questions fully and accurately. If an item is not applicable or the answer is "none," leave it blank, unless otherwise directed.