

Related Services

Immigration

Biometrics Requirement Temporarily Suspended

Legal Update

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This article was prepared with the assistance of ABIL, the Alliance of Business Immigration Lawyers, of which Loan Huynh, Fredrikson Immigration Department Chair, is a member.

Effective May 17, 2021, U.S. Citizenship and Immigration Services (USCIS) will temporarily suspend 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, and E nonimmigrant status. USCIS will allow adjudications for those specific categories to proceed based on biographic information and related background checks, without capturing fingerprints and a photograph. This suspension will apply through May 17, 2023, subject to affirmative extension or revocation of the suspension period by the USCIS director, the agency said.

This temporary suspension will apply to applicants filing Form I-539 requesting:

- Extension of stay in or change of status to H-4, L-2, or E-1 nonimmigrant status;
- Extension of stay in or change of status to E-2 nonimmigrant status (including E-2C (E-2 CNMI Investor)); or
- Extension of stay in or change of status to E-3 nonimmigrant status (including those selecting E-3D).

This suspension will apply only to the above categories of Form I-539 applications that are either:

- Pending as of May 17, 2021, and have not yet received a biometric services appointment notice; or
- New applications postmarked or submitted electronically on or after May 17, 2021.

USCIS noted that it retains discretion on a case-by-case basis to require biometrics for applicants who meet the criteria above, and any applicant may be scheduled for an Application Support Center (ASC) appointment to submit biometrics.

Form I-539 applicants who have already received a biometric services appointment notice should still attend their scheduled appointment, USCIS said.

Effective May 17, 2021, Form I-539 applicants meeting the criteria above are not required to submit the \$85 biometric services fee for Form I-539 during the suspension period. USCIS will return a biometric services fee if submitted separately from the base fee. USCIS will allow a short grace period during which USCIS will not reject Form I-539 filed with the biometric services fee. USCIS will begin rejecting paper Form I-539 applications postmarked May 27, 2021, or later (while this suspension of the biometrics requirement is in effect), if applicants meeting the above criteria submit a single payment covering both the filing fee and the \$85 biometrics services fee. If USCIS rejects the paper application because the applicant included the \$85 biometrics service fee after the grace period, the applicant will need to re-file Form I-539 without the biometric services fee.