

USCIS Suspends Biometrics Requirements for Certain I-539 Petitions

On May 13, 2021, U.S. Citizenship and Immigration Services (USCIS) announced that it will temporarily suspend the biometrics requirements for certain I-539 applicants for a two-year period beginning on May 17, 2021. The biometrics suspension will apply to requests for 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 photographs.

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.

Despite this suspension, USCIS retains the discretion, on a case-by-case basis, to require biometrics for applicants who meet the above-mentioned criteria, which means 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.

Beginning on May 17, 2021, Form I-539 applicants meeting the above-mentioned criteria 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 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.

We will continue to monitor the situation and provide any updates as necessary.



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