



Association of
International Educators

Practice Advisory: The 12/31/07 Form I-539

February 22, 2008

The latest version of Form I-539 (Rev. 12/31/2007) has some new aspects that advisers should be aware of. As of the date this advisory was prepared, prior versions of Form I-539 were still acceptable to USCIS. Check the [USCIS web site](#) for the form.

1 New checkbox for “Reinstatement to student status”

The 12/31/2007 version of Form I-539 has an application type checkbox reserved for “Reinstatement to student status” at Part 2 Item 1.c. Prior versions of the form had an “Other” checkbox, requiring reinstatement filers to write out that the form was being filed in connection with a reinstatement application.

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Resource a Application Type on the 12/31/07 version

Part 2. Application type <i>(See instructions for fee.)</i>
1. I am applying for: <i>(Check one.)</i>
a. <input type="checkbox"/> An extension of stay in my current status.
b. <input type="checkbox"/> A change of status. The new status I am requesting is: _____
c. <input type="checkbox"/> Reinstatement to student status

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Resource b Application Type on prior versions

Part 2. Application type. <i>(See instructions for fee.)</i>
1. I am applying for: <i>(Check one.)</i>
a. <input type="checkbox"/> An extension of stay in my current status.
b. <input type="checkbox"/> A change of status. The new status I am requesting is: _____
c. <input type="checkbox"/> Other: <i>(Describe grounds of eligibility.)</i>

2 Stronger statement on providing information on prior participation as a J-1 or J-2 nonimmigrant

The 12/31/07 version of Form I-539 adds sterner language at Part 4 Item 3.h., the question that requires the applicant to disclose all prior status as either a J-1 exchange visitor or a J-2 dependent of an exchange visitor. The new form says “you must provide the dates you maintained status as a J-1 exchange visitor or J-2 dependent.” The prior form said “please provide the dates you maintained status as a J-1 exchange visitor or J-2 dependent.” The new form also adds the following statement to this J history question: “Willful failure to disclose this information (or other relevant information) can result in your application being denied.”

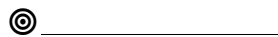
3 Greatly expanded applicant background questions

The 12/31/07 version of Form I-539 greatly expands the number and type of questions asked about the applicant's background in Part 4 Item 3.2 of the form.

Prior versions of the Form asked this simple question at Part 4 Item 3.d:

Have you, or any other person included in this application, ever been arrested or convicted of any criminal offense since last entering the U.S.?

The 12/31/07 version of the form, asks the following questions at Part 4 Item 3.d. Question d.1. is the same question asked on prior versions of Form I-539. Questions d.2. through d.5. on the 12/31/07 version are all new, and may be disconcerting to some applicants.



Resource c New background questions on the 12/31/07 version

- d. 1. Have you or any other person, included in this application, ever been arrested or convicted of any criminal offense since last entering the United States?
- d. 2. Have you EVER ordered, incited, called for, committed, assisted, helped with, or otherwise participated in any of the following:
 - (a) Acts involving torture or genocide?
 - (b) Killing any person?
 - (c) Intentionally and severely injuring any person?
 - (d) Engaging in any kind of sexual contact or relations with any person who was being forced or threatened?
 - (e) Limiting or denying any person's ability to exercise religious beliefs?
- d. 3. Have you EVER:
 - (a) Served in, been a member of, assisted in, or participated in any military unit, paramilitary unit, police unit, self-defense unit, vigilante unit, rebel group, guerrilla group, militia, or insurgent organization?
 - (b) Served in any prison, jail, prison camp, detention facility, labor camp, or any other situation that involved detaining persons?
- d. 4. Have you EVER been a member of, assisted in, or participated in any group, unit, or organization of any kind in which you or other persons used any type of weapon against any person or threatened to do so?
- d. 5. Have you EVER assisted or participated in selling or providing weapons to any person who to your knowledge used them against another person, or in transporting weapons to any person who to your knowledge used them against another person?
- d. 6. Have you EVER received any type of military, paramilitary, or weapons training?

4 Language competency statements

The 12/31/07 version of Form I-539 contains a new certification at Part 5, requiring the applicant to confirm that language was not a barrier in reading and understanding “each and every question and instruction on this form, as well my as answer to each question.” The applicant must attest either to his or her own competence in English, or indicate that he or she relied on an interpreter to read and understand the questions, instructions, and answers. If an interpreter was used, the interpreter must also confirm their role in a new “Interpreter’s Statement” at Part 6 of the form.

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Resource d Language competency choices at Part 5 of the 12/31/07 version

<p>Applicant's Statement (Check One):</p> <p><input type="checkbox"/> I can read and understand English, and have read and understand each and every question and instruction on this form, as well as my answer to each question.</p>	Or...	<p><input type="checkbox"/> Each and every question and instruction on this form, as well as my answer to each question, has been read to me by the person named below in _____, a language in which I am fluent. I understand each and every question and instruction on this form, as well as my answer to each question.</p>
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Resource e Interpreter’s Statement at Part 6 of the 12/31/07 version

Part 6. Interpreter's Statement		
Language used: _____		
I certify that I am fluent in English and the above-mentioned language. I further certify that I have read each and every question and instruction on this form, as well as the answer to each question, to this applicant in the above-mentioned language, and the applicant has understood each and every instruction and question on the form, as well as the answer to each question.		
Signature	Print Your Name	Date
Firm Name (If Applicable)	Daytime Telephone Number (Area Code and Number)	
Address	Fax Number (Area Code and Number)	E-Mail Address