

I-539 Instructions for H-4 Dependents

The I-539 must be filled out by a prospective H-1B employee's dependents who are in the US in another status and wish to change to H-4 status (H-1B dependent). Submit the I-539 and supporting documents with the H-1B Application Packet.

Dependents who are not in the US in another status do not need to file an I-539. H-4 applicants outside of the US will apply for an H-4 visa at a US Consulate abroad, proving the H-1B has received an H-1B approval, and proving the H-4's relationship to the H-1B. Each US Consulate has its own procedures for applying for a visa. The dependent should check the H-4 visa application procedures on the website for the US Consulate at which the dependents will apply.

Form I-539 can be downloaded at the website listed below:

<http://www.uscis.gov/files/form/i-539.pdf>

The following must be submitted to ISFS with the I-539:

- DHS I-539 fee of \$290. The fee is a flat fee for the entire family. The fee should be made payable to the Department of Homeland Security, and must be paid by a check or money order drawn on a bank or other institution located in the US and payable in US currency. The fee may also be paid by international money order or foreign draft drawn on a financial institution in the US. Please include the following information on the check: the primary dependent's name, date of birth, and "I-539".
- Immigration Documents for all family members included on the I-539. The immigration documentation for dependents is the same as documentation required for the H-1B applicant. Please see the list of required H-1B immigration documentation listed on page 2 of the "H-1B Application Checklist" sheet (passport, I-94, current visa, and documentation of current status).
- Proof of Relationship to the H-1B applicant. For spouses, a marriage certificate; or for children, birth certificates showing the H-1B applicant as a parent. If the documents are in a foreign language, they must be accompanied by a certified, full English translation. Contact ISFS to find out about translation certification requirements.

Prospective H-1B employees with any questions regarding the I-539, should contact an International Faculty & Scholar Advisor at International Scholar & Faculty Services.

Part 1. Information about you (Page 6)

Part 1 should provide information about the spouse of the H-1B applicant (or oldest child if a spouse will not be filing for H-4 status), information about the H-1B applicant should NOT be included.

- Social Security #: Leave blank if the H-4 does not currently have a Social Security #
- A #: Leave blank unless an Immigrant Petition (I-140 or I-130) has been filed on behalf of the H-4
- Date of Last Arrival: "Admitted" date stamped on the I-94 (small white paper stapled into the passport near the US visa)

If the H-4 has changed status inside the US, a new I-94 was issued with the change of status approval. The new I-94 is in the lower left hand corner of the I-797 change of status approval.

The "Date of Last Arrival" actually means the start date of the most recent I-94. The start date of the most recent I-94 is the "Valid From" date listed on the most recent (change of status) I-94

- I-94 #: Number on the upper left hand corner of the most recent I-94
 - Current Nonimmigrant Status: "Class" handwritten on the most recent I-94 (or typed for I-94s that were issued with an I-797 change of status approval)
 - Expires on: "Until" date handwritten on the most recent I-94 (or typed for I-94s that were issued with an I-797 change of status approval)
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If D/S is written on your I-94, the "Expires on" date is the end date listed on the most recent I-20 or DS-2019

Part 2. Application type (Page 6)

- 1. I am applying for: b. A change of status. The new status I am requesting is: H-4
- 2. Number of people included in this application:
Check "I am the only applicant" if only one person is requesting H-4 status.
Check "Members of my family..." if more than one person is requesting H-4 status. "The total number of people in the application" is the number of people listed on the application including the person listed in Part 1, but NOT including the H-1B applicant.

Part 3. Processing information (Page 6)

- 1. I request... status be extended until: The same end date as that listed on the H-1B applicant's H-1B Application. The H-1B applicant should contact his/her departmental sponsor (or ISFS) if he/she does not know the end date listed on the H-1B application
- 2. Is...already granted to your spouse: NO
- 3. Is...separate petition to give your spouse: Yes: filed with this I-539
- 4. ...give the name of the petitioner...: Oregon State University, H-1B applicant's name

Part 4. Additional information (Page 6-7)

Provide information for the person listed in Part 1.

- 2. Foreign Address: If you are not currently living abroad you may either leave the "Foreign Address" blank, or provide a permanent foreign address
- 3. Answer questions in part 3 depending on the H-4's history. If the H-4 does not understand a question, he/she should contact ISFS for clarification

Part 5. Signature (Page 7)

- The H-4 should sign Part 5. If the H-4 beneficiary is less than 14 years of age, the parent or guardian should sign the I-539. Sign name and include word "parent" after your signature.

Part 6. Signature of person preparing form, if other than above (Page 7)

- Leave blank

Part 4. Additional information (Page 8)

Provide answers to the questions on page 8 depending on the answers on page 7, Part 4.

- If you answered "No" to Question 3g...: State how you are supported. If the H-4 is supported by the H-1B, state that the H-4 is supported by the H-1B applicant and provide H-1B applicant's name, current visa status, employer, position, and salary.
- If you answered "Yes" to Question 3g...: State the H-4's name, name and address of employer, weekly income, and visa status that authorized the employment. Copies of employment authorization documents should be turned into ISFS with the I-539.

Supplement -1 (Page 9)

Provide information for all additional H-4 applicants. See instructions for Part 1.
