



**NAFSA: Association of  
International Educators**

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August 5, 2013

Department of Homeland Security  
U. S. Citizenship and Immigration Services  
Office of Policy and Strategy  
Chief, Regulatory Coordination Division  
20 Massachusetts Avenue, NW  
Washington, DC 20529-2140

RE: OMB Control Number 1615-000  
Docket ID USCIS—2007-0038  
Application to Extend/Change Nonimmigrant Status, Form I-539

Via E-mail: [USCISFRComment@uscis.dhs.gov](mailto:USCISFRComment@uscis.dhs.gov)

Dear Sir or Madam:

I write today on behalf of NAFSA: Association of International Educators with respect to the notice published at 78 *Fed. Reg.* 35639 (June 13, 2013) concerning the Application to Extend/Change Nonimmigrant Status, Form I-539. NAFSA is the world's largest nonprofit association for international education professionals, with nearly 10,000 members at approximately 3,500 colleges and universities throughout the United States and around the world. Our membership includes many professionals at U.S. institutions of higher education who use Form I-539 and advise international students and scholars who use Form I-539. For this reason, NAFSA is well situated to provide comments addressing the effectiveness of the form and the burden on its users.

The paper and electronic versions of Form I-539 should be revised to accommodate the "duration of status (D/S)" period of admission. Part 1 of the form, "Information About You," includes a box labeled "Expires on," referring to the applicant's nonimmigrant status. Notation in the box indicates that the proper format for the information to be submitted is "(mm/dd/yyyy)." Since some nonimmigrants, including those classified F and J, are admitted into the United States for "duration of status" or "D/S," the notation should indicate "mm/dd/yyyy or D/S." Part 3 of the form, "Processing Information," item one, should also be revised in the same manner to allow an applicant to request an

extension of status for the period “duration of status” or “D/S.”

The instructions to Form I-539 must be more thoroughly revised to recognize that Form I-94 Arrival Departure Record has been automated [78 Fed. Reg. 1847 (March 27, 2013)], and nonimmigrants arriving to the United States by air and sea are no longer issued a paper Form I-94. Although the word “original” will be removed from references to Form I-94 in the instructions specific to the F, J, and M classifications, both these classification-specific instructions and the general instructions should be revised to state explicitly that acceptable evidence includes a photocopy of an admission stamp from the applicant’s passport or a print-out from the U. S. Customs and Border Protection “Admission (I-94) Number Retrieval” web site ([www.cbp.gov/i94](http://www.cbp.gov/i94)).

The Service should take advantage of this opportunity to resolve inconsistencies in its Forms I-539 and I-765 instructions concerning M-1 students. The regulations, at 8 C.F.R. § 214.2(m)(14)(ii), state only that “An M-1 student must apply for permission to accept employment for practical training on Form I-765, with fee . . . , accompanied by a Form I-20 that has been endorsed for practical training by the designated school official.” The instructions to Form I-765 vary from the regulation, stating that Form I-539 must be submitted with Form I-765 when applying for M-1 OPT:

M-1 student seeking practical training after completing studies--(c)(6). File your EAD application with a completed Form I-539, Application to change/Extend Nonimmigrant Status and Form I-20 M-N, Certificate of Eligibility for Nonimmigrant (M-1) Student Status--For Vocational Students endorsed by the Designated School Official within the past 30 days.

The proposed Form I-539 instructions add a reference to M-1 practical training as a basis for submitting Form I-539, but this addition should be further revised to specify: “You are applying for post-completion optional practical training, and your current period of M-1 status will expire before the requested period of practical training.”

Applicants are not expected to know every regulation pertaining to a Service form or process, and Form instructions provide the Service the opportunity to apprise applicants of such key factors. Two such additions, one concerning a regulation and another concerning a Service practice, would greatly improve the instructions. The “Multiple Applicants” section of the instructions should be amended to inform applicants that, pursuant to 8 CFR § 214.1(c)(2), “extensions granted to members of a family group must be for the same period of time [and] the shortest period granted to any member of the family shall be granted to all members of the family.” Also, USCIS officials have stated informally that applicants for a change of status to the F or J classification will not be granted the requested change of status if the prior status expires more than 30 days before the start of the requested status. This is not stated in the regulations or the form instructions, though some officials have indicated that this practice is based on 8 C.F.R. § 214.2(f)(5)(i), which states that an F-1 student may be admitted to the United States for a period up to 30 days before the indicated report date or program start date

listed on the Form I-20. If this is, in fact, the agency's practice, then it should be clearly stated in the instructions to Form I-539.

Form I-539 requires the applicant to list her or his "A-Number (if any)," but the instructions do not address this item. This leaves many applicants to wonder if they have an A-number and, if so, where they might find it. The instructions should at least define A-number, and the Service has provided such a definition in other contexts. For example, the U. S. Citizenship and Immigration Services web site offers a glossary with this definition:

**Alien Registration Number ("A" Number) or Alien Number**

A unique seven-, eight- or nine-digit number assigned to a noncitizen at the time his or her A-file is created. The 9-digit U.S. Citizenship and Immigration Services number listed on the front of Permanent Resident Cards (Form I-551) issued after May 10, 2010, is the same as the Alien Registration Number. The A-number can also be found on the back of these Permanent Resident Cards.

This clarification would improve the instructions and provide more consistency in Service processes.

Thank you for the opportunity to submit these comments. NAFSA looks forward to further engagement with the Department as it updates and improves Form I-539 and its instructions.

Sincerely,

A handwritten signature in black ink that reads "Judy Judd-Price". The signature is written in a cursive, flowing style.

Judy Judd-Price  
Deputy Executive Director  
Professional Development Services  
NAFSA: Association of International Educators