



Change of Status from Nonimmigrant Status to H-4 or H-4 Extension of Stay (rev. 03/30/2023)

You may prepare and file Form I-539 yourself, hire the law firm that prepared the H-1B petition or hire another law firm. The information below is for filing Form I-539 yourself.*

REQUIRED DOCUMENTS AND FORMS

- [USCIS filing fee](#)
USCIS will accept a money order, personal check, cashier's check or [credit card payment](#) using [Form G-1450, Authorization for Credit Card Transaction](#). If you pay by check, the check must be payable to the U.S. Department of Homeland Security.
- [Form I-539](#) which can be filed online or mailed to USCIS
- Letter from applicant (the dependent spouse or child is the applicant) explaining need for the change of status.
- Photocopy of evidence of relationship between applicant and H-1B visa holder:
 - For a spouse, provide an official marriage certificate.
 - For a child, provide the official birth certificate.
 - These documents must be translated into English if the original is in another language.
- Photocopy of spouse's/parent's current H-1B immigration documents: I-797 receipt or approval notice; I-94 record; H1B visa stamp; passport ID page; and most recent pay statement.
- Photocopy of applicant's current and any previous immigration documents.
- Applicant's [I-94](#).
- If applicant is in H-1B status or other employment status, including F-1 OPT, most recent pay statement as evidence that applicant is maintaining current status at the time application is filed.
- Photocopy of applicant's most recent entry visa and the identity page from a valid passport.

FILING THE APPLICATION

Make a copy of all documents before filing the application with USCIS.

If mailing the application, find the I-539 addresses at <https://www.uscis.gov/i-539-addresses>.

NEXT STEPS

USICS will send a Form I-797C, Notice of Action, via U.S. Postal Service within approximately two weeks to the address provided by the applicant in Form I-539. The notice will provide a receipt number and the date that USCIS received the application.

If USCIS has any questions about your application or the evidence you provided, you may receive a Request for Evidence, which you should respond to before the date due.

TRAVEL and CHANGE OF STATUS

You must be in the United States when you file Form I-539. If you travel abroad while your Form I-539, Change of Status (COS) application, is pending, USCIS will consider the application to be abandoned and will deny the COS application.

If you are eligible for [H-4 employment authorization](#), which is only available under certain circumstances, and filed Form I-765, Application for Employment Authorization, and travel abroad before your COS is approved, USCIS will consider the application to be abandoned and will deny the application.

If re-admitted as an H-4 nonimmigrant, you will need to file a new Form I-765, with a new filing fee, to apply for employment authorization.

Note that approval of a change of status to H-4 does not provide an H-4 entry visa in the passport. You must apply for an H-4 entry visa at a U.S. consulate the first time you choose to travel abroad. There is an exception for some travel to Canada and Mexico called [automatic revalidation](#). Read the conditions carefully to see if you qualify.

TRAVEL and EXTENSION OF STAY

You must be in the United States when you file Form I-539. If you travel abroad while the extension is pending, you may reenter only while your current H-4 status is valid. If you travel abroad after your current H-4 status expires or remain abroad after your current H-4 status expires, you will need the H-1B or H-4 approval notice to return to the U.S.

Note that approval of an extension of stay does not provide an H-4 entry visa in the passport. If you do not have an H-4 entry visa or it is expired, you must apply for an H-4 entry visa at a U.S. consulate the first time you choose to travel abroad. There is an exception for some travel to Canada and Mexico called [automatic revalidation](#). Read the conditions carefully to see if you qualify.

**Please note that International Student & Scholar Services staff members are able to provide only this very general guidance. We cannot and do not guarantee that your application will be approved by the US Citizenship and Immigration Services. We advise you to use the services of an immigration attorney in preparing immigration-related applications and petitions.*

See ISSS' [Guide to Hiring an Immigration Attorney](#) for information about working with an immigration attorney.