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PRACTICE AREAS

BUSINESS

L-1 Visas

H-1B

H-1B Transfers

Visas

TN Visas (NAFTA)

Special Visas for Other Countries

Australia

Chile / Singapore E-1

E-1 Visas

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PERM Labor Certification

HOSPITALS /HEALTHCARE

H-1C Visas

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FAMILY

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Within U.S.

Naturalization / Citizenship

AMNESTY

WEDNESDAY, JANUARY 20 2010

E-Newsletter

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Extending Your Stay in the United States

Individuals entering the US with nonimmigrant visas are provided an Arrival-Departure Record (commonly referred to as the I-94 card) that lists the type of visa they were admitted to the country with and the date they are required to leave the US and return home. Individuals who fail to leave by their departure date face serious penalties, including deportation.

In some cases, however, individuals on nonimmigrant visas can apply for an extension that will allow them to remain in the US for a longer period of time. Whether an extension will be granted depends on several factors, including the type of nonimmigrant visa and whether the individual is in good status. The length of time of the extension is also dependent on the type of nonimmigrant visa.

Some types of nonimmigrant visas do not permit the visa holder to apply for an extension. These include:

- C (alien in transit visa)
- D (crewman visa)
- K-1 and K-2 (fiancé(e) and dependent of fiancé(e) visa)
- TWOV (transit without visa)
- WT and WB (visa waiver program)

Even if an individual belongs to a class of nonimmigrant visas eligible for an extension, the person can become ineligible for an extension if he or she has:



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- Broken any conditions of the nonimmigrant visa (such as unauthorized working)

- Broken any US immigration or other laws resulting in ineligibility for immigration status

- Stayed past the expiration date on the I-94 card

It is vitally important that anyone seeking an extension of their stay in the US file the application prior to their departure date. Currently, applications can be filed as early as six months before the departure date. At the very least, the application should be filed no later than 60 days before the departure date. Once the I-94 card expires, a nonimmigrant falls out of status and his or her stay cannot be extended. Moreover, by falling out of status, an individual may not be able to secure another visa to return to the US in the future.

Those seeking to extend their stay should file an Application to Extend/ Change Nonimmigrant Status (Form I-539) with the US Citizenship and Immigration Services (USCIS). If the individual is in the US on a temporary worker visa, his or her employer will need to file the extension on his or her behalf.

It is necessary to be aware of the filing deadlines for extensions and to provide all of the requested information to the USCIS in order to avoid delays in processing. Just because you are in a class of nonimmigrant visas eligible for an extension and are in good status does not mean your application will be approved. If your application is not approved, you will be required to leave the country on your scheduled departure date.

If your application for an extension has been denied or you have questions about completing the form, contact an experienced immigration attorney in your area.

Getting Ready To Apply for a Visa

To read and print out a copy of the checklist, please follow the link below.

[Getting Ready to Apply for a Visa](#)

DISCLAIMER: This site and any information contained herein are intended for informational purposes only and should not be construed as legal advice. Seek competent counsel for advice on any legal matter.