

## **Information and Tips on H-4 Dependent Applications**

### **H-4 Dependents of H-1B Employees**

Legally married spouses and unmarried children (under the age of 21) of an H-1B employee are eligible for H-4 status. UAMS Immigration Services assists with securing H-1B status for employees, but is not involved in H-4 dependent matters. H-1B petitions are employer-sponsored matters requiring employer consent and signature. By contrast, H-4 applications are personal to the dependent applicants and are not employer-sponsored. Forms I-539 and I-539A are used to apply for a change to or extension of H-4 status. Form I-539/I-539A applications are considered the personal responsibility of the H-1B employee and the H-4 dependents themselves.

### **Options to File Form I-539/I-539A for H-4 Dependents**

If you have a spouse or children who require H-4 dependent status, you have several options to file their Form I-539/I-539A Application to Extend/Change Nonimmigrant Status.

1. Complete [Form I-539/I-539 A](#) and provide the signed form(s), filing fee, and supporting documents to UAMS Immigration Services to attach to your H-1B petition. See Page 2 for tips and recommended supporting documents. *The H-1B employee must sign the Form I-539/I-539A Consent and Statement of Understanding, found on Page 3, when choosing this option.*
2. E-file Form I-539 online at [USCIS File Online](#) if you are filing for a single individual. You must first [create a USCIS online account](#). You can easily complete Form I-539 by following the instructions and uploading the required documents and pay the filing fees online by credit card. After filing the I-539, you can conveniently track the status of your case online with your USCIS account. This option is not available if you will be filing for multiple H-4 dependents at the same time.  
*Tip: The filing fee is less if you file online (\$420) versus by mail (\$470).*
3. Retain an immigration attorney to file Form I-539/I-539A for your H-4 spouse and children. Form I-539 will be mailed separately from your H-1B petition.

Please note, for all of the options, any notice related to the H-4 petition from USCIS will be sent to your mailing address directly.

***If you choose Option 1 and wish for the I-539 to be mailed with your I-129 H-1B petition, you must read the Form I-539/I-539A Consent and Statement of Understanding on page 3, and return the signed form to UAMS Immigration Services.***

### **Tips and Suggestions for Preparing Form I-539 Applications**

If you choose to prepare Form I-539/I-539A without an immigration attorney, follow the tips below to assist you in completing these forms.

- Carefully read the Instructions for Form I-539 or I-539A, found on the [USCIS I-539 page](#).
- A completed and signed [Form I-539](#) is required for the H-4 spouse or child (if there is no spouse), marked for either a change to or extension of H-4 status.
- A completed and signed [I-539A Supplemental Form](#) is required for each additional co-applicant / child requesting H-4 status. Children under the age of 14 can have their legal guardian sign on their behalf.
- Type answers to Form I-539/I-539A in black ink, and sign/date by hand using black ink.
- All copies of required documents must be clear and legible, printed single-sided, and must not contain any staples.
- Make sure that the correct fees have been included.
- Obtain all necessary signatures, especially for Forms I-539 and I-539A. Failure to submit a required signature will result in USCIS rejecting the application.

### **Recommended Supporting Documents**

Form I-539/I-539A should be accompanied by supporting documents, including but not limited to the following. See the [I-539 Instructions](#) for complete document requirements.

- I-539 filing fee (currently US \$470 if filed by paper), paid by check or money order, made payable to "U.S. Department of Homeland Security". Click here for more information about [paying US Department of Homeland Security fees](#), including instructions on how to complete a US bank check.
- Copies of passport identification pages for each co-applicant
- Copies of [Form I-94](#) departure record for each co-applicant
- Copies of previously issued H-4 visas (if applicable) or approval notices
- Proof of family / marital relationship for each H-4 dependent, such as a marriage or birth certificate
- If seeking a change of status, evidence of valid current status (e.g., Form I-20, DS-2019, EAD cards, etc.)
- If any H-4 applicant was subject to the J-1 visa two-year home residence requirement, proof that the requirement was either satisfied or waived

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### **Form I-539/I-539A Consent and Statement of Understanding**

*Carefully read this Consent Form. A signed Consent and Statement of Understanding must be received by UAMS Immigration Services before your H-4 dependents' application forms will be added to your H-1B petition.*

By signing this form, I confirm that I have read the above information on H-4 status and application options, and thoroughly understand and agree to the following:

- Form I-539 is a personal application for my dependent(s) and is not employer-sponsored. H-4 dependents are responsible for compiling and submitting their own immigration documents to receive or continue receiving immigration benefits.
- I have read the Form I-539 and I-539A instructions thoroughly, and I and my dependent(s) have completed the forms as accurately and fully as possible.
- I may retain an immigration attorney to address any questions I and/or my dependents may have concerning the timing or content of my dependents' immigration materials and USCIS decisions about my dependents' cases.
- UAMS Immigration Services is providing *a courtesy service* to submit my I-539 application for my dependent(s) along with my H-1B petition, and that does not constitute legal advice from UAMS Immigration Services.
- UAMS Immigration Services does not review Forms I-539 and I-539A for accuracy as this is the responsibility of the applicant(s).
- Any notices from USCIS, such as requests for evidence (RFE), biometrics appointment notice, denial, or approval will be mailed to my mailing address provided on Form I-539, and it is my responsibility to respond or retain copies of notices.
- My H-4 dependent applicants will be required to attend their individual biometrics screening appointment, when applicable, or rescheduling said appointment if necessary.

Name of H-1B employee: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_