



EXTENSION OF STATUS FOR B1/B2 VISA HOLDERS DURING COVID-19

I am in the United States as a visitor and I cannot return home. Do I need to extend my stay?

If you are in the United States in B1/B2 visitor status and cannot return to your home country due to COVID-19 travel restrictions, you may want to apply to extend your stay. When you are admitted to the United States with a B1/B2 visitor's visa, you are granted a stay for a temporary period of time. For a B1/B2 visitor, usually these stays last 6 months, although they can be shorter. To determine when your period of authorized stay expires, you should refer to the admission stamp in your passport and/or a copy of your I-94, the Nonimmigrant Arrival-Departure Record, which can be accessed online.* If you remain in the United States past the expiration date of your temporary stay, you begin to accrue "unlawful presence," which can cause immigration consequences in the future. If you believe that COVID-19-related travel restrictions will cause you to remain in the United States past this expiration date, you should file to extend your stay. You can contact your consulate in the United States if you are unsure of or have questions about travel restrictions in your country.

Those who did not obtain a visitor's visa and entered under the Visa Waiver Program (VWP) are not eligible to file to extend their stay. If you arrived under VWP, learn more about your options on page 2.

What must I do to extend my B1/B2 visitor status?

Any individual interested in extending their B1/B2 visitor status must submit Form I-539 to USCIS and pay the associated fee of \$370 plus an \$85 biometric services fee for the applicant and each co-applicant. USCIS must **receive** your I-539 form and payment prior to the expiration of your authorized period of stay. The form can be submitted either by mail or electronically, and must be accompanied by:

- A copy of Form I-94 for each person included in your application
- A written statement that explains in detail the reasons you need an extension of your B1/B2 visitor status, such as the inability to leave due to airport closures or travel restrictions imposed due to COVID-19.
- Optional: Other documents showing why you need to remain in the United States (proof of health conditions, proof that there are no flights to your home country, proof that you have accommodations arranged for an extended stay)

Where do I find the I-539 form, and how do I submit it?

Form I-539, and more information regarding eligibility for an extension of stay, can be found on the [USCIS website](https://uscis.gov).** If you are filing just for yourself, you can file online. If you have any co-applicants, you must file by mail. Filers by mail must send the I-539 form and the filing fee via money order, personal check, cashier's check, or by credit card using Form G-1450 to the following address:

For U.S. Postal Service (USPS):
USCIS
P.O. Box 660166
Dallas, TX 75266

For FedEx, UPS, and DHL deliveries:
USCIS
ATTN: I-539
2501 S. State Highway 121 Business, Suite 400
Lewisville, TX 75067

* <https://i94.cbp.dhs.gov/i94/#/home>

** <https://www.uscis.gov/i-539>



THE VISA WAIVER PROGRAM AND COVID-19

What is the Visa Waiver Program?

The Visa Waiver Program (VWP) allows most citizens or nationals of 39 participating countries to travel to the United States for stays of up to 90 days for tourism or business without acquiring a visa. To determine when your period of authorized stay expires, you should refer to the admission stamp in your passport and/or an electronic copy of your I-94, the Nonimmigrant Arrival-Departure Record.* If you remain in the United States past the expiration date of your temporary stay, you begin to accrue “unlawful presence”, which can cause immigration consequences in the future.

The Visa Waiver Program is not the same as a B1/B2 visa. If you entered the United States using a B1/B2 visa, then you have different rights and options as someone who entered under the Visa Waiver Program. Unlike someone who entered with a visa, an individual who entered under the Visa Waiver Program does not have the option to apply to extend their stay.

What can I do if I entered as part of the Visa Waiver Program and cannot leave before my period of stay expires?

You can legally remain in the US past the expiration of your authorized stay if you obtain special permission to remain in the United States called “satisfactory departure.” In normal circumstances, satisfactory departure cannot be granted for a period longer than 30 days.

How do I apply for satisfactory departure?

To request satisfactory departure, any Visa Waiver Program traveler should contact either:

1. Any local CBP Port of Entry or Deferred Inspection Site**; or
2. The U.S. Citizenship and Immigration Services Contact Center***.

If you are in Michigan, the local Deferred Inspection Site is at Detroit Metropolitan Airport. Customs and Border Protection is analyzing all applications on a case-by-case basis. All requests for satisfactory departure should be directed to: DTWI94corrections@cbp.dhs.gov. To submit a request, you must email a copy of your passport ID page, your current I-94, and a declaration that explains why you cannot leave the US within the 90-day ESTA approved stay. This statement must offer a compelling reason, e.g. COVID-19 symptoms, a COVID-19 diagnosis, a report demonstrating your inability to return to your home country, etc., and provide documentation. If you are in the United States on VWP and your country is not accepting flights include that evidence in your request for satisfactory departure. Other supporting documentation may include medical documentation, airline reservations/cancellation notices and anything relevant that you believe CBP would need to make a decision. Your travel information should mention what happened to your original itinerary and when/how you plan to return home, such as a revised flight itinerary. You may also contact the Deferred Inspections Office for clarification by calling: (734) 247-4901. If you already received satisfactory from CBP at DWI but need an additional 30 days of satisfactory departure due to COVID-19, the office is following the same guidelines and processes as the initial application.

The USCIS also has the authority to provide an additional 30-day period of satisfactory departure for individuals who entered under VWP and were already granted satisfactory departure but cannot depart the United States within the allotted period due to COVID-19 related issues. To request satisfactory departure from USCIS you should call the USCIS Contact Center at 1-800-375-5283.

If you have further questions, please call the Michigan Immigrant Rights Center at 734-239-6863.

*<https://i94.cbp.dhs.gov/i94/#/home>

**<https://www.cbp.gov/contact/ports/deferred-inspection-sites>

***<https://www.uscis.gov/contactcenter>