

**Ministry of Foreign Affairs, Trade  
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**PRESS RELEASE**

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**COVID-19 DELAYS IN EXTENSION/CHANGE OF STATUS FILINGS**

**KINGSTOWN, SAINT VINCENT AND THE GRENADINES, April 17, 2020** – The Ministry of Foreign Affairs, Trade and Commerce wishes to inform the general public and Vincentians currently visiting the United States of America of measures implemented by the Department of Homeland Security (DHS) related to immigration challenges in light of the COVID-19 pandemic. The DHS has outlined the following options for persons who are at risk of overstaying in the United States as a result of this issue.

The Department of Homeland Security (DHS) recognizes that there are immigration-related challenges as a direct result of the coronavirus (COVID-19) pandemic. We continue to carefully analyze these issues and to leverage our resources to effectively address these challenges within our existing authorities. DHS also continues to take action to protect the American people and our communities, and is considering a number of policies and procedures to improve the employment opportunities of U.S. workers during this pandemic.

Generally, nonimmigrants must depart the United States before their authorized period of admission expires. However, we recognize that nonimmigrants may unexpectedly remain in the United States beyond their authorized period of stay due to COVID-19. Should this occur, the following options are available for nonimmigrants:

**Apply for an Extension.** Most nonimmigrants can mitigate the immigration consequences of COVID-19 by timely filing an application for extension of stay (EOS) or change in status (COS). U.S. Citizenship and Immigration Services continues to accept and process applications and petitions, and many of our forms are available for online filing.

**If You File in a Timely Manner.** Nonimmigrants generally do not accrue unlawful presence while the timely-filed, non-frivolous EOS/COS application is pending. Where applicable, employment authorization with the same employer, subject to the same terms and conditions of the prior approval, is automatically extended for up to 240 days after I-94 expiration when an extension of stay request is filed on time.

**Flexibility for Late Applications.** USCIS reminds petitioners and applicants that it can consider delays caused by the COVID-19 pandemic when deciding whether to excuse delays in filing documents based on extraordinary circumstances.

Under current regulations and as noted on our Special Situations page, if a petitioner or applicant files an extension of stay or change of status request (on Forms I-129 or I-539) after the authorized period of admission expires, USCIS, in its discretion, may excuse the failure to file on time if it was due to extraordinary circumstances beyond their control, such as those that may be caused by COVID-19. The length of delay must be commensurate with the circumstances. The petitioner or applicant must submit credible evidence to support their request, which USCIS will evaluate on a case-by-case basis. These special situations have been used at various times in the past, including for natural disasters and similar crises.

Please see 8 CFR 214.1(c)(4) and 8 CFR 248.1(c) for additional information on late requests to extend or change status. In addition, please see our Form I-129 and Form I-539 pages for specific filing and eligibility requirements for extensions of stay and changes of status.

Persons who are at risk of overstaying in the US as a result of the aforementioned measures are **strongly advised** to take the necessary steps, as outlined above, to avoid the loss/cancellation of US visas.

Persons applying for the Extension of Stay and the Fee Waiver together are asked to note that these documents will not be able to be filed online. It is recommended that these documents be submitted via courier (Fed Ex, UPS etc.) or via regular mail. However, persons who opt to pay the application fee for the extension of stay may file online.

For more information following the links below:

I- 539, Application to Extend/Change Non-immigrant Status  
<https://www.uscis.gov/i-539>

A humanitarian fee waiver: Form I-912  
<https://www.uscis.gov/humanitarian/special-situations>

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For further information, please contact the Ministry of Foreign Affairs, Trade and Commerce at telephone number 456 2060.