

§ Sec. 214.1 Requirements for admission, extension, and maintenance of status.

c) Extension of stay –

(1) Filing on Form I-129. An employer seeking the services of an E-1, E-2, H-1B, H-2A, H-2B, H-3, L-1, O-1, O-2, P-1, P-2, P-3, Q-1, R-1, or TN nonimmigrant beyond the period previously granted, must petition for an extension of stay on Form I-129. The petition must be filed with the fee required in [§ 103.7](#) of this chapter, and the initial evidence specified in [§ 214.2](#), and on the petition form. Dependents holding derivative status may be included in the petition if it is for only one worker and the form version specifically provides for their inclusion. In all other cases dependents of the worker should file on Form I-539. (Amended 10/16/08; [73 FR 61332](#)) (Amended 6/11/01; [66 FR 31107](#)) (Amended 3/17/00; [65 FR 14774](#))

(2) Filing on Form I-539. Any other nonimmigrant alien, except an alien in F or J status who has been granted duration of status, who seeks to extend his or her stay beyond the currently authorized period of admission, must apply for an extension of stay on Form I-539 with the fee required in [§ 103.7](#) of this chapter together with any initial evidence specified in the applicable provisions of [§ 214.2](#), and on the application form. More than one person may be included in an application where the co-applicants are all members of a single family group and either all hold the same nonimmigrant status or one holds a nonimmigrant status and the other co-applicants are his or her spouse and/or children who hold derivative nonimmigrant status based on his or her status. Extensions granted to members of a family group must be for the same period of time. The shortest period granted to any member of the family shall be granted to all members of the family. In order to be eligible for an extension of stay, nonimmigrant aliens in K-3/K-4 status must do so in accordance with [§ 214.2\(k\)\(10\)](#). (Amended 8/14/01; [66 FR 42587](#))