

Change of Status to F-1: Instructions and Checklist

Guidelines and information for students wishing to change visa status to F-1 visa

What is a change of status?

A change of status is the process of a nonimmigrant changing to a different class of admission. Generally, nonimmigrants who have filed a timely application for change of status to a different nonimmigrant status or have filed an application for extension of stay can remain in the United States while their application is being adjudicated by USCIS.

Who can apply for a change of status to F-1?

Certain nonimmigrants are not permitted to change status to F-1 while in the United States. Such nonimmigrants may still be eligible for F-1 status, but the only way they can get F-1 status is through obtaining an F-1 visa and re-entering the United States. The following nonimmigrants are not permitted to change status to F-1 in the United States (8 C.F.R. § 248.1 and § 248.2):

- M-1 students
- C, D, and K nonimmigrants
- J-1 physicians admitted to receive graduate medical education or training
- J nonimmigrants subject to the 212(e) 2-year foreign residence requirement
- Aliens admitted as visitors under 8 C.F.R. § 212.1(e)
- WT and WB visitors admitted under the Visa Waiver Program.

Please note that any individual applying for a change of status from a B-1/B-2 to F-1 on an Elgin Community College issued I-20 is required to work with an immigration attorney.

What additional restrictions are there on changing to F-1 status?

A nonimmigrant's current status must be valid until the start date requested in the change of status application. However, some Service Centers have approved change of status applications if the prior status is valid until 30 days before the I-20 program start date. ECC will sponsor change of status applications for initial admission if a student's current status is valid within 30 days of the anticipated program start date. However, students filing a change of status to F-1 whose change of status application is dated after their current status has expired should note there is a possibility that USCIS will deny the change of status request.

An applicant for change of nonimmigrant status to F-1 may start attending school even before the application has been approved by USCIS, except for the following, who must wait until their change of status application is approved by USCIS:

- Nonimmigrants changing to F-1 from B-1 or B-2 status; and
- Nonimmigrants changing to F-1 from F-2 dependent status.

Special note on B-1/B-2 non-immigrant visa holders

If an individual currently holds B-1 or B-2 nonimmigrant status and would like to enroll in a course of study, the individual may apply to change to either F-1 or M-1 student status if:

- The individual has not yet enrolled in classes;
- The individual's current status has not expired; and
- The individual has not worked in the United States without employment authorization.

According to USCIS, nonimmigrants must maintain their B-1 or B-2 status while their Form I-539 is pending. An individual will need to file a second Form I-539, with a separate fee, to request an extension of the B-1 or B-2 status if:

- *The current status will expire more than 30 days before the initial F-1 or M-1 program start date. USCIS may approve the Form I-539 change of status request only if the individual is maintaining B-1/B-2 status up to 30 days before the program's initial start date. If the status will expire more than 30 days before the F-1 or M-1 program's initial start date, the individual must file a second Form I-539 requesting to extend the B-1 or B-2 status. If the individual does not file this extension request on time, USCIS will deny the Form I-539 request to change to F-1 or M-1 status. Please check USCIS processing times to determine if there is a need to file a request to extend a B-1/B-2 status.*
- *The F-1 or M-1 program start date is deferred to the following academic term or semester because USCIS did not make a decision on the Form I-539 change of status application before the originally intended F-1 program start date. The nonimmigrant must file a second Form I-539 in order to bridge the gap in time between when the current status expires and the 30 day period before the new F-1 program start date.*

Because extending an individual's current stay in B-1 or B-2 status and changing from B-1 or B-2 to F-1 or M-1 status are two distinct benefits, the nonimmigrant must pay a separate filing fee for each request. See the User Fee Statute, 31 U.S.C. 9701.

Due to the complexity of some change of status cases, Elgin Community College requires all nonimmigrants in B-1 or B-2 status changing to F-1 to work with a licensed U.S. immigration attorney. The Center for International Education and Programs can recommend a licensed U.S. immigration attorney. Change of status applications from B-1/B-2 to F-1 will not be considered or supported unless the student agrees to and shows proof of working with a licensed U.S. immigration attorney.

What is the difference between applying for a change of status to F-1 within the U.S. and applying for F-1 status outside the U.S.?

Applicants should note that applying for a change of status to F-1 in the U.S. does not give the bearer an F-1 visa in his/her passport. The student will receive F-1 status if the change of status is approved by USCIS; however, if the student travels outside the U.S., he/she will need to reapply for an F-1 visa to reenter the U.S. A student who applies for and is granted F-1 status outside the U.S. is given an F-1 visa in his/her passport.

A nonimmigrant requesting F-1 status from within the U.S. does not receive F-1 benefits (e.g. working on campus, CPT, etc.) until USCIS has approved his/her application, even if the nonimmigrant has been attending classes while the change of status application is pending. Additionally, as of June 1, 2012, for both ELIS and paper filings, USCIS will no longer return a stamped I-20 to the applicant after a change of status application is approved.



Change of Status to F-1 Application and Checklist

Please complete the following information and collect all documents for your change of status request and make an appointment with the International Office to review your application.

Name: _____
Last First Middle

Student ID: _____

Address: _____

Phone: _____

City: _____ State _____ Zip Code: _____

Anticipated Program of Study: _____

Current Non-Immigrant Visa: _____

End Date on I-93 Card: _____

I certify I have read this form and the instructions and certify that all information is correct to the best of my knowledge.

Student Signature

Date

To apply for a change of status, you must be in the United States in a valid nonimmigrant status. USCIS will adjudicate the application. If denied, you must be prepared to exit the United States. If approved, you will receive an approval notice and be issued an updated Form I-94.

In order to apply for a change of status, prepare the following documents:

- I-539 (Application to extend or change nonimmigrant status)
 - Make file copies of all documents before sending to USCIS
 - Use a receipt-based mailing option such as certified mail, so that there will be evidence that the documents were received by USCIS
- Pay the filing fee by check or money order to "U.S. Department of Homeland Security." Check www.uscis.gov for the most current application fee. Personal checks must be pre-printed with the name of the bank and the account holder. Also, the account holder's address and phone number must be pre-printed, typed or written in ink on the check. All checks must be typed or written in ink. **Important note:** Write the date of the check in the U.S. style of month/day/year.
- Copy of I-94



- Cover letter identifying why you want to change your status to F-1 and study at ECC. Letter should be addressed to USCIS Officer. Explain the following points in your letter:
 - Why do you want to change your status?
 - After you arrived in the U.S., what happened that caused you to decide to become a student at Elgin Community College?
 - How will your studies at Elgin Community College help prepare you for a career back home?
 - What are your plans concerning returning home permanently?
 - What have you been doing since you arrived in the U.S.?

- Letter from you about how you are financially supporting yourself. Letter should be addressed to USCIS Officer.

- Form I-134 Affidavit of Support.

- Three most recent itemized bank statements of sponsor.

- Letter from sponsor indicating how they will be financially supporting you. Letter should be addressed to USCIS Officer.

- If you are a B-1/B-2 visa holder, you must submit proof in the form of a letter or email from a licensed U.S. attorney who has agreed to support your case.

- I-20 original – don't forget to sign it.

- Pay the \$200.00 USD I-901 SEVIS fee. Pay online using a credit card at www.fmjfee.com.

- Photocopy of current immigration status documents, visa stamp, and passport ID pages.

- Make an appointment with the International Office to review your application. We will make a copy of your application and supporting documents prior to submission to USCIS.

- File the application with USCIS in a timely fashion. Mail by certified/registered mail to USCIS. Check www.uscis.gov/i-539-addresses for the most current address.