Change of Status to F-1: Instructions and Checklist

Guidelines and information for students wishing to change visa status to an 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?
If you are in the United States in valid nonimmigrant status for a purpose other than to attend school and wish to change your nonimmigrant status to a student status while remaining in the United States, you must meet the criteria below and submit an application with USCIS to change your status.

In general, you may apply to change your nonimmigrant status while remaining in the United States if:

- you were lawfully admitted to the United States in a nonimmigrant status;
- your nonimmigrant status remains valid;
- you have not violated the conditions of your status; and
- you have not committed any crimes or engaged in any other actions that would make you ineligible for change of status.

Not all nonimmigrant classifications are allowed to change to student status. 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 to F-1 on an Elgin Community College (ECC) issued I-20 will generally be required to work with a licensed immigration attorney. The College reserves the right to require any student requesting a change of status to F-1 to work with a licensed immigration attorney based on the student's unique situation.

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.

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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 progressing 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.

ECC will assist students in B-1/B-2 status through the change of status process <u>only if the student will remain in status and eligible for the requested benefit until the date that the new status is requested to begin.</u> This may require the student to request an extension from USCIS of their B-1 or B-2 status. Please note that Elgin Community College does not provide assistance or advice on filing such extension requests. Due to the complexity of some change of status cases, ECC recommends all nonimmigrants changing to F-1 work with a licensed U.S. immigration attorney. The Center for International Education and Programs can recommend a licensed U.S. immigration attorney. Certain change of status applications 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; each student's situation is handled on a case-by-case basis.

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Biometric Services Appointment

USCIS requires that you appear for an interview or provide biometrics (fingerprints, photograph, and/or signature) at any time to verify your identity, obtain additional information, and conduct background and security checks, including a check of criminal history records maintained by the Federal Bureau of Investigation (FBI), before making a decision on your application or petition. After USCIS receives your application and ensures it is complete, they will inform you in writing if you need to attend a biometric services appointment. If an appointment is necessary, the notice will provide you the location of your local or designated USCIS Application Support Center (ASC) and the date and time of your appointment or, if you are currently overseas, instruct you to contact a U.S. Embassy, U.S. Consulate, or USCIS office outside the United States to set up an appointment.

If you are required to provide biometrics, at your appointment you must sign an oath reaffirming that:
1. You provided or authorized all information in the application;
2. You reviewed and understood all of the information contained in, and submitted with, your application; and
3. All of this information was complete, true, and correct at the time of filing.

If you fail to attend your biometric services appointment, USCIS may deny your application. Starting March 22, 2019, USCIS will accept only the new (02/04/2019) version of Form I-539 and Form I-539A, which require each applicant and co-applicant to pay an additional $85 biometrics fee, and attend an appointment that will be scheduled at a USCIS ACS where biometrics such as fingerprints will be collected. The new Form I-539A takes the place of the Form I-539 Supplement A of prior versions, for applications involving multiple individuals such as family members. The new forms became available on March 8, 2019. Form I-539 is used by certain nonimmigrants to apply for extension of stay or change of status, and by F-1 and M-1 students to apply for reinstatement.

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.

How can I apply?

There are two ways to apply for a change of status. The first option is to complete a paper copy of the I-539 and mail it along all supporting documents and payments to USCIS. The second option is to complete the I-539 online by visiting https://www.uscis.gov/i539online. You can apply online only if the following applies:

- You are a single applicant with no dependents.
- You will not require legal or accredited representation at any point in your request.

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If you choose to file online, you will:

- Pay your filing fee online.
- Submit your application to USCIS.
- Receive a near-instant notification in your USCIS online account when we receive your application.
- Receive your biometrics appointment notice.
- Receive status updates about your case.
- Respond to any correspondence in which USCIS asks you to submit evidence.
- Update your contact information if it changes.

For a list of instructions on how to apply online, please visit the website above.

Copies. You should submit legible photocopies of documents requested, unless the instructions specifically state that you must submit an original document. USCIS may request an original document at the time of filing or at any time during processing of an application or petition. If USCIS requests an original document from you, it will be returned to you after USCIS determines it no longer needs your original.

NOTE: If you submit original documents when not required or requested by USCIS, your original documents may be immediately destroyed by USCIS.

Translations. If you submit a document with information in a foreign language, you must also submit a full English translation. The translator must sign a certification that the English language translation is complete and accurate, and that he or she is competent to translate from the foreign language into English. The certification must include the translator's signature. The Department of Homeland Security (DHS) recommends the certification contain the translator's printed name, the signature date, and the translator's contact information

Please note that Elgin Community College recommends all potential F-1 students apply for an F-1 visa at the U.S. embassy or consulate in their home country.

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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: _____   Student ID: _____
            Last   *First*   *Middle*

Address: _____   Phone: _____

City: _____   State _____   Zip Code: _____

Anticipated Program of Study: _____

Current Non-Immigrant Visa: _____

End Date on I-94 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:

❑ Form 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 and biometrics service fee by check or money order to "U.S. Department of Homeland Security." Check www.uscis.gov for the most current filing fee and biometrics service 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. Note that a biometrics fee is required for each I-539 application you file for you and your dependents.

❑ Copy of I-94

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

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❑ 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 (if being sponsored by a U.S. sponsor) or ECC Affidavit of Sponsorship.

❑ 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 required to work with a licensed immigration attorney, 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 if you are required to work with an attorney. *Note: Please note that any individual applying for a change of status to F-1 on an Elgin Community College (ECC) issued I-20 will generally be required to work with a licensed immigration attorney. The College reserves the right to require any student requesting a change of status to F-1 to work with a licensed immigration attorney based on the student's unique situation.*

❑ Pay the 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 Center for International Education and Programs 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. If you are filing a paper copy, mail by certified/registered mail to USCIS. Check www.uscis.gov/i-539-addresses for the most current address. If you file online, please visit https://www.uscis.gov/i539online for full instructions.

This information is subject to change without notice. For individual questions, please contact the Center for International Education and Programs for an appointment.

For office use only:

Date entered into SEVIS: _____

Date I-20 given to student: _____   DSO Signature: _____

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