

Change of Status to F-1: Information and Application

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 full-time and wish to change your nonimmigrant status to a student status while remaining in the United States, you must meet the criteria below and apply to USCIS to change your status. Remember: USCIS officers adjudicate applications for change to F-1 status can refer to the same standards that consular officers use in determining eligibility for an F-1 visa. Although you could be generally eligible for issuance of an I-20, but if you are not eligible for a change of status, a change of status application will not be approved.

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 when you file the COS application.
- You have not violated the conditions of your status.
- You have not committed any crimes or engaged in any other actions that would make you ineligible for change of status.
- You did not have a "preconceived intent" to study when you acquired your current nonimmigrant status.
- You have a residence abroad that you do not intend to abandon; USCIS may, in a change of status application, inquire into your residence abroad, as do consular officers when evaluating an applicant's eligibility for an F-1 visa.
- You must show that you have not received certain public benefits.

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, K, and S 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 CFR 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 be required to work with a licensed immigration attorney.

You must live within the local area and provide a local address where you will reside in order to be eligible for a change of status supported by ECC.

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, USCIS will usually approve 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 F-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.

Please note that Elgin Community College does not aid or advise on filing change of status requests with USCIS. Due to the complexity of some change of status cases, ECC requires all nonimmigrants changing to F-1 work with a licensed U.S. immigration attorney. The Center for Global Engagement can recommend a licensed U.S. immigration attorney. Change of status applications to F-1 will not be considered or supported unless the student shows proof of working with a licensed U.S. immigration attorney. Additionally, once you have filed your application with USCIS, you are required to send a copy of your receipt notice to ECC within 30 days of filing. ECC will defer your program start date in SEVIS until your change of status is adjudicated. By applying for a change of status, you understand that you are required to enroll at the next available start date at ECC once your change of status is approved – no exceptions. **The College reserves the right to cancel a student's change of status request in SEVIS due to lack of communication or response to repeated requests for information when no response has been received after 30 days from the student.**

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 deciding 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:

- You provided or authorized all information in the application;
- You reviewed and understood all of the information contained in, and submitted with, your application; and
- 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.

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., they 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 their 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.

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 F-1 applicants apply for an F-1 visa at the U.S. embassy or consulate in their home country.

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 Center for Global Engagement to review your application.

Name: _____ Student ID: _____
Last First Middle

Address: _____

City: _____ State _____ Zip Code: _____ Phone: _____

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.

Before ECC is able to issue you a Change of Status I-20, you must submit the following:

- ☐ The Change of Status to F-1 Application and Checklist.
- ☐ 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.

Once you have been issued a Change of Status I-20, you need to prepare the following documents to file for a change of status with USCIS:

- ☐ Form I-539 (Application to extend or change nonimmigrant status)
- ☐ 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.

- ☐ Pay the I-901 SEVIS fee. Pay online using a credit card at www.fmjfee.com. You must provide proof of payment of the SEVIS I-901 fee with your application.
- ☐ Copy of I-94
- ☐ Copy of valid and properly executed Form I-20. Don't forget to sign!
- ☐ Copies of current immigration status documents, visa stamp, and passport ID pages.
- ☐ Cover letter identifying why you want to change your status to F-1 and study at ECC. The letter should be addressed to "Dear 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 sponsor indicating how they will be financially supporting you.
- ☐ Copies of financial support documents, including three most recent itemized bank statements from your sponsor and Form I-134 Affidavit of Support (if being sponsored by a U.S. sponsor) or ECC Affidavit of Sponsorship.
- ☐ Make file copies of all documents before sending 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. Use a receipt-based mailing option such as certified mail, so that there will be evidence that the documents were received by USCIS. 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 Global Engagement for an appointment.