Change of Status to F-1

Introduction

A student acquires F-1 status using the Form I-20, issued by the school they plan to attend, in one of two ways:

1. By entering the United States with the I-20 and an F-1 visa obtained at a U.S. consulate abroad (Canadian citizens are exempt from the visa requirement); or

2. By applying to USCIS for change of nonimmigrant status (if the student is already in the United States and cannot travel). In choosing the latter, you will not receive an F-1 visa, only F-1 status. This means that the first time you travel outside the U.S. while in F-1 status, you will have to apply for an F-1 visa at a U.S. consulate in order to be able to return to the U.S.

A person in any non-immigrant status except C, D, K, or M (and in some cases J), and except those who entered the United States under the terms of the Visa Waiver Program, can apply for a change to F-1 status if they have maintained lawful non-immigrant status up to the time of application. Those with J status who are subject to 212(e) two-year home country physical requirement may not change status in the U.S. unless a waiver has been granted. Non-immigrants in A, G, or NATO status must first complete Form I-566, and have it properly endorsed by the foreign mission to the U.S. and the Department of State.

Work With Your Adviser

Newly admitted students considering an application for a change of status must consult with their OISS adviser before submitting the application. Your I-20 must be issued for change of status not initial entry. Change of Status is a complicated process which in some cases can result in requests for further evidence or a denial. In order to submit the best possible application it is critical that you work with your OISS Adviser.

Documentation Needed to Apply for Change of Status to F-1

- G-1145, E-Notification of Application/Petition Acceptance
- A cover letter (one page) requesting the change of status from your current status to F-1. This letter should include a brief explanation as why you wish to change to F-1 status. You should also provide a checklist of the documentation you are including in your application.
- USCIS Form I-539 Application to Extend/Change Nonimmigrant Status, (paper application, not e-filing) including application fee of $370 (plus an $85 biometric services fee for you and any dependents who are filing with you.)
- Evidence of financial support (i.e., bank statement, assistantship letter, etc.). If you have been offered an assistantship from the department and therefore will need to start your on-campus job under F-1 employment authorization, you may want to request USCIS to expedite your change of status application. There is no guarantee that your application will be expedited, but there is no harm in asking. Please note that after your change of status to F-1 is approved, the earliest date you may start working on campus is 30 days before the first day of classes of your first term as F-1 student.
- Copy of the admission letter from the University.
- Copy of your entire F-1 I-20 (sign in “Student Attestation” section on page 1 of the form before making a copy). Do NOT send your original I-20. USCIS does not require the original and will not return it.
- Copy of the receipt indicating payment of the SEVIS fee. Please note that the $350 SEVIS fee is separate from the application fee; both fees must be paid if you are applying for the change of status within the U.S.
- Copies of all of the immigration documents (e.g. DS-2019, F-2 I-20, I-797, paper or print-out of electronic Form I-94, visa stamp, EAD card, etc.) showing that you are currently in lawful non-immigrant status.
• Copy of the biographical page of your passport, including the expiration date of your passport, and an explanation if the passport is expiring soon.
• If changing status from an employment based visa, such as J-1 Researcher or H-1B you should include three recent paystubs, or other evidence of employment.
• Copy of the waiver of the 212(e) Two-Year Foreign Residency Requirement (if you were previously in J status and subject to the requirement), if applicable.

We recommend that you make a copy of the entire application for your own record.

How and Where to File

There are two ways to submit this application to USCIS; the first is to mail in the complete application and the second option is to start the application electronically by e-filing. There are specific USCIS instructions on how to file electronically (e-file) found here. [6] There may be little difference in the USCIS adjudication time, both will take several months, but e-filing will give you a receipt sooner than mailing the application. In both instances you must make certain you are submitting all the required documents and fees.

If you are mailing your I-539 application, be sure to use a return address that will be valid for many months in the future. We do not recommend trying to change your I-539 mailing address once your application has been submitted to USCIS. If you know that you will be moving soon, we recommend using a friend or relative’s address in the U.S. If you select this option, make sure to include the name of your friend or relative on the line of the I-539 form that says “In care of.” Be sure to verify that their name is on their mail box.

The address that you use on your I-539 will determine to which USCIS Service Center you should mail your application. How to determine which USCIS office you should send your application to [7].

If your change of status is pending with USCIS and you later decide to leave the U.S., your change of status is considered to have been abandoned. You will need to get a new I-20 from OISS for your travels outside the U.S. so please let your OISS adviser know at least two weeks in advance of changing of your plans, if that is possible.

Important Things to Remember

The I-539 application is your personal application. While OISS advisers may give general guidance on how to prepare a successful application, we are not permitted to give detailed legal advice. In rare cases that are very complex in nature you may need to pay an immigration attorney for a consultation. Please coordinate use of any attorney before making payments or commitments.

If you are currently in B1/B2 status:

Source: 8 CFR § 214.2(b)(7) and §248.1(c)

• Individuals in B1/B2 status are prohibited from “enrolling in a course of study” until after USCIS approves their change of status application.

If you are currently in F-2 status:

Source: 8 CFR (Code of Federal Register) § 214.2(15)(ii)

• Individuals in F-2 status are eligible for part time study. Refer to F-2 Dependents for details. However, once your change of status to F-1 is approved, you are required to be enrolled full time. If your change of status has not been approved by the deadline for adding/dropping classes, your I-20 start date will be deferred until the start of the next semester and you must stay enrolled part time until the end of the current semester in order to maintain your F-2 status.
If you are currently in any other status (e.g., H, J, L, E, etc.):

- If your current status allows full-time studies in the U.S., you may start classes before your change of status application is approved. However, you are not allowed employment under F-1 status until after your application is approved. For example, if you have an assistantship, you won't be able to start it until after you receive your F-1 status.

Program Start Date

If the I-539 application is not adjudicated by the original start date on the I-20, the program start date will have to be amended to a later date. And if that new start date is more than 30 days from the expiration date of the nonimmigrant status (such as H-1B) from which the student or exchange visitor is applying, the applicant must file a separate bridge application to maintain status to within 30 days of the new start date.

Traveling and Reentering the U.S.

If you acquire your F-1 status through a change of status process, remember you will not receive an F-1 visa, only F-1 status. This means that the first time you travel outside the U.S. while in F-1 status, you will have to apply for F-1 visa at a U.S. consulate in order to be able to return to the U.S.

For further information about travel and re-entry and/or visa applications, refer to the U.S. Department of State [8] website and OISS Travel Guidance [9].

If you would like to discuss the risks and benefits of your strategy for change of status, or have questions about your options, please contact your OISS adviser [10].

Source URL: https://oiss.yale.edu/immigration/f-1-students/applying-for-a-visa/change-of-status-to-f-1

Links:
[1] https://oiss.yale.edu/node/1286
[7] https://www.uscis.gov/i539online
[10] https://oiss.yale.edu/about/contact-oiss