CHANGE OF STATUS TO F-1

If you are currently on a nonimmigrant status (except C, D, J subject to two-year home residency, or K visa status), you have the ability to change your status to F-1. U.S. Citizenship and Immigration Services (USCIS) grants changes of status to thousands of applicants each year. However, the USCIS also says no to thousands of applicants each year. This packet will help you understand what is necessary to change status and what the chances of success might be for your particular application.

Any person classified as a dependent spouse, unmarried child under the age of 21, or member of a principal’s immediate (except F-2 or M-2) family, may remain in the U.S., as long as the principal is in status and is specifically authorized by immigration regulations to attend college full-time. Those individuals should consider that F-1 students must study full-time. Are you ready to accept that responsibility? In addition, nonimmigrants in A, E, G, H, I, and L, NATO, O-1, O-3, R, and S status may be eligible for in-state tuition at public institutions, while F-1 students are not. This requirement is a financial factor, and you should take it into account. F-2 or M-2 spouses or children wishing to attend college must change status to F-1 prior to enrolling.

Changing to F-1 status also has important advantages. When you have your own status, you can be sure your studies will not be disrupted if your spouse or parent retires, changes status, or is transferred to another country. F-1 students can work on campus and have a year of practical training or curricular (cooperative education) employment, or nearly a year of each. Only persons in J-2 or L-2 status have access to all these privileges, though obtaining work permissions is not a certainty. Work permission for dependents in A and G status depends on age and country and obtaining it can be very time-consuming. Dependents in most other statuses cannot work at all.

A dependent child in E, F-2, H-4, I, J-2, L-2, M-2, O-3, P-4, R-2, or TD status, must change status in order to remain lawfully in the U.S. after the 21st birthday, after marriage, or after moving out of the parents’ household. Dependent children in A and G status may remain in status after age 21, but not after marriage or becoming independent of the principal.

In order to process a change of status to F-1, you will need the following documents:

- Completed I-539 Form
- Proof of Financial Support
- Copy of I-94 Card (front and back)
- Copy of I-94 Card (front and back) for spouse/parent (if currently on dependent status)
- Copies of Visa and Passport
- Copies of Visa and Passport for spouse/parent (if currently on dependent status)
- Copies of Certificates of Eligibility (I-20, DS-2019, I-797) for spouse/parent
- Check for $300.00 made out to “The Department of Homeland Security”
- Proof that you have paid the $200 SEVIS Fee

Union Institute & University (UI&U) will help you submit your change of status request. You will need to call the Designated School Official at the UI&U campus you plan to attend and make an appointment and bring all the documents listed above. PLEASE MAKE SURE YOU COMPLETE THE I-539 FORM AND THE INTERVIEW SHEET (ATTACHED) PRIOR TO YOUR APPOINTMENT AND BRING ALL REQUIRED DOCUMENTS. We will create your I-20 form during this appointment.
Important SEVIS Fee Information for Students

Prior to applying for your Change of Status to F-1 or J-1 student, you must pay a $200 SEVIS fee to the U.S. Department of Homeland Security (DHS). You can pay the SEVIS fee in two ways: by credit card over the Internet, or by check or money order. Please read these instructions fully before attempting to pay the fee.

To pay the SEVIS fee, you will need to know your SEVIS ID Number. If you live within driving distance of the campus and will be meeting with a UI&U Staff member to process your change of status, we recommend that you use payment option #2. Bring a credit card to your appointment, and we will complete the I-901 together. If you will be processing your change of status by mail, or cannot pay the SEVIS fee by credit card, please let us know, and we will provide you with your SEVIS number so that you can pay the fee. You will need to forward your SEVIS fee receipt to us with your other change of status materials.

OPTION #1: PAYMENT BY CREDIT CARD

DHS has set up a Web site on the Internet to accept electronic submission of Form I-901 and payment of the SEVIS fee using a credit card. Go to www.fmjfee.com. We strongly recommend that you use this option if possible. Follow the online instructions. Print out the payment screen to verify your payment. Take the payment verification printout with you to your visa interview.

OPTION #2: PAYMENT BY CHECK OR MONEY ORDER

Two options available when paying by check or money order:

a. Internet-generated coupon. Students can go to the fee payment Web site (http://www.fmjfee.com), enter basic information, print out a coupon, and then mail a check or money order with the coupon to a lock-box address in Missouri. Once the information and fee are processed, SEVIS would then be updated with the fee payment information.

b. Paper option. Students can download or otherwise obtain Form I-901, fill it in, and mail it, with a check or money order, to the specified address in Missouri. Once the information and fee are processed, SEVIS would then be updated with the fee payment information.

In both cases, a receipt notice will be issued when the fee is processed. The mailing addresses for paying by check or money order using the coupon or the paper Form I-901 are:

P.O. Box Address:
I-901 Student/Exchange Visitor Processing Fee
P.O. Box 970020
St. Louis, MO 63197-0020

Street Address for Courier/Express Delivery:
I-901 Student/Exchange Visitor Processing Fee
1005 Convention Plaza
St. Louis, MO 63101

Check Specifics:
All checks and money orders must be:
Payable to the “I-901 Student/Exchange Visitor Processing Fee”.
Only checks and money orders may be used when paying by mail.
The check or money order must be made in U.S. dollars and drawn on a bank located in the United States.

Payment of the SEVIS fee is not limited to you, the student. DHS will accept fee payment from a third-party individual or institution, either in the United States or abroad, using either option #1 or #2 above.

*PLEASE READ THE SECTION BELOW FOR THE STATUS YOU ARE IN NOW*

A (A-1, A-2, or A-3): Before you submit an application for change of status to the Immigration Service, you must complete Form I-566 and send it to the U. S. Department of State (DOS) for a recommendation. The recommendation must be enclosed with your change of status application when it is sent to Immigration. If the DOS does not recommend approval, USCIS will not approve it. Form I-566 must be signed by an official of the diplomatic mission employing you or your parent or spouse and submitted to: Office of Protocol, U.S. Department of State, Washington, D.C. 20520. As long as you are accredited or listed by the DOS as entitled to diplomatic status, you may not change to F-1 status.

B (B-1, B-2, and B-1/B-2): Applicants changing from B status must take special care to show that they did not intentionally apply for the wrong visa or intentionally enter the U.S. in the wrong status. If you knew you were going to enter school when you applied for entry into the U.S., you cannot change your status unless you stated to the USCIS port-of-entry official that you wanted to go to school or investigate different schools. If you entered after April 12, 2002, and if you made this declaration, the notation “prospective student” will be written on your I-94 card. If you entered the U.S. after April 12, 2002 and your I-94 card does not have this notation, you will not be allowed to change your status to F-1 from within the U.S. You will have to take a Form I-20 to apply for an F-1 visa at a U.S./Consulate Embassy overseas.

If you entered in B-2 status prior to April 12, 2002, use your application to describe the tourism, family visits, or medical treatment in which you engaged. If any evidence is available, take care to include it. If you are a Canadian who was not issued a Form I-94 by the Immigration Inspector when you crossed the border, you are in B-1/B-2 status, and you may not apply for a change of status. If you are a Canadian and have an I-94 showing a B status, you may apply for a change of status. Usually, the easiest procedure is to go to Canada and come back with a Form I-20 and proof of financial support.

The questions below should be answered on a separate sheet of paper to help facilitate the change of status application if you are on B status:

1. Give the date and location of issuance of your visitors’ visa. Please make a photocopy of the visa page in your passport and submit the copy with your application.

2. Please explain specifically what information was given to the American Consulate when you obtained your tourist visa as to the purpose of your trip to the United States.

3. When you arrived at the port of entry into the United States and applied for entry as a visitor, what did you tell the Inspector as to the purpose of your visit in the United States?

4. Did you indicate to the American Consulate Official or to the admitting Immigration Inspector that you might want to study in the United States?
5. Explain how and on what date you arrived at your decision to study in the United States.

6. How and on what date did you first contact the school or university as to your desire to enroll as a foreign student?

7. On what date were you informed by the school or university that you had been accepted for admission?

8. Did you bring the documents necessary for admission to the school, i.e., transcripts from previous schools, with you, or were they mailed to the school from abroad by you?

9. If your intent to attend school in the United States was prior to your entry into this country, why didn’t you apply for the appropriate student visa from the American Consulate in your home country rather than getting a tourist visa?

10. Have you been in the United States before? If yes, please state when, for what purpose, and how long did you stay?

11. Do you have any relatives in the United States and if so, what type of visa are they here on?

C (C-1, C-2, or C-3): Persons in C status are not permitted to change to any other status.

D (D-1 or D-2): Persons in D status are not permitted to change to any other status.

E (E-1 or E-2): Changes from E status to F-1 are usually granted to dependents as long as the principal is still employed as a treaty trader or investor at the time the application is submitted. Proof of this employment should be included with the application.

F-2: If an F-2 spouse or child wishes to begin an academic program, he/she must change to F-1 status prior to enrollment. The F-2 should show that he/she is going to attend school full-time and that he/she has very definite career plans for which a degree is necessary. The original F-1 spouse should submit proof that he/she continues to be in status at the time of the application. All applications for F-1 (from F-2) status must submit proof of the relationship to the F-1 (birth or marriage certificate). F-2 dependents must also include a copy of his/her SEVIS I-20 form.

G (G-1, G-2, G-3, G-4, or G-5): Before applying for a change of status, you must complete Form I-566 and submit it to the U.S. Department of State (DOS) for a recommendation. When the Department returns the form to you, it must be enclosed with your change of status application. If the Department recommends against approval, the USCIS will not approve your change of status. You may not change from any G status as long as you or your principal spouse or parent is accredited as a diplomat. Form I-566 must be signed by an official of the diplomatic mission employing you or your parent or spouse. If the employer is the United Nations or a mission to the UN, the I-566 is submitted to the United States Mission to the UN, 799 UN Plaza, New York, NY 10017. Otherwise, the application should go to the Office of Protocol, U.S. Department of State, Washington, DC 20520. All applicants in G status must take care to show the Immigration Service that they intend to return to their home country after completion of studies.

H (H-1, H-2, H-3, and H-4): Changes from H-4 status to F-1 are easily made when the application includes proof that the principal is still employed by a sponsoring employer. Principle H-1, H-2, and H-3 visa holders may apply for changes while in status, but extra care must be taken in answering Questions #2, #3, and #5 on the I-539 attachment. The USCIS must be
convincing that the applicant is not simply trying to postpone return to the home country, that the
original H activity was genuine, and that a valid professional or academic objective is connected
to the plan for study. Stating clearly that you will return to the home country after studies is
important.

I. Changes from I status to F-1 status are not difficult when the principal can show clearly that
he / she is still employed by the media sponsor. Convincing the USCIS that the applicant
intends to return to the home country when studies are completed is very important.

J (J-1 or J-2): A foreign medical graduate who entered the U.S. in a status other than J and
then changed to J status to obtain graduate medical education or training may not change to F-
1 status. Other J-1 or J-2 applicants must obtain waivers of the two-year home residency
requirement, if subject, before applying for a change, and must maintain J status at all times
until the waiver is granted and the change of status application is submitted. When a waiver is
not needed, applicants do not need permission or approval of the U.S. Department of State or
program sponsors to change to F-1. Persons in J-1 or J-2 status are considered to be in-status
for 30 days after completion of studies or after completion of academic training, and may apply
for a change of status during the 30-day grace period.

K (K-1 or K-2): Persons in K-status may not change to any other nonimmigrant status.

L (L-1 or L-2): Changes from L-2 to F-1 are easily made as long as there is evidence that the L-
1 principal continues to work for the sponsoring company. An L-1 may change to F status when
the application is submitted while he/she is still working for the sponsoring company and when it
is shown that there is a valid academic or professional objective. All L applicants should be
careful to show that they intend to return to the home country when studies are completed.

M (M-1 or M-2): A student in M-1 status may not apply to change to F-1 status unless it can be
shown that the USCIS mistakenly admitted the student in M-1 status when it should have
admitted him/her in F-1 status. Changes from M-1 to J-1 are permitted. No rules are against
changes from M-2 to F-1 or M-1 to F-2. M status is valid until the expiration date on Form I-94,
plus 30 days. M-1s and M-2s are also in status while awaiting a USCIS decision on an
application for practical training that was submitted before the end of 30 days after completion of
studies, during any authorized practical training, and for 30 days after the completion date on
the Form I-20 submitted with the application for practical training approval.

NATO statuses: Though both principals and dependents in the seven NATO statuses are often
eligible for changes of status to F-1, many exceptions and special rules apply.

N (N-8 and N-9): Persons in N-8 and N-9 status are special immigrants to the United States and
are not eligible to change to F-1, J-1, or any other temporary nonimmigrant status. After certain
time requirements have been met, persons in N statuses are expected to adjust to permanent
resident status.

O (O-1, O-2, or O-3): Though no rule prevents a change to F-1 status by an O-1, convincing the
USCIS of the need for additional education may be difficult. Persons in O-2 status should show
that they engaged in the activities for which the status was granted. Students in O-3 status
should have no difficulty in making the change to F-1 as long as the O-1 or O-2 principal is still
in lawful status at the time the change application is filed. A person in O status is considered to
be in valid status for 10 days after the authorized stay is expired.

P (P-1, P-2, P-3, or P-4): Same as O, above. Principals in P-1 status may also find convincing
the USCIS of the need for an academic program difficult. Changes from P-4 to F-1 should be
easily made, as long that the principal is still in status. Persons in P status are also in valid status for 10 days after expiration of the authorized stay.

**Q:** When evidence is provided that a person in Q status has engaged in the activities for which he/she was admitted to the U.S., a change of status to F-1 should not be difficult. Q status is valid for 30 days past the authorized stay.

**R (R-1 or R-2):** There should be no obstacle to a change to F-1 status for a person in one of the R statuses, especially if the planned education will enhance a religious vocation for the principal or provide a career in the home country for the dependent, though both should meet a high standard of convincing the USCIS of the intent to return to the home country.

**S (S-1 or S-2):** Persons in the S statuses may not change to other nonimmigrant statuses.

**TN or TD status:** Persons in these statuses, when the principal is employed or doing business required under the terms of the North American Free Trade Agreement should encounter little difficulty in changing to F-1 status, though returning to Canada and reentering with a Form I-20 may be faster, easier, and simpler than applying for a status change through the USCIS.

**WB or WT status:** Persons admitted under the Visa Waiver Program may not extend or change status under any circumstances.

**NOTE:** A change of status is not a change of visa. F-1 visas are not issued in the U.S. If U.S. Citizenship and Immigration Services grants your change of status application, you may stay in the U.S. and study for as long as you follow the rules such as studying full-time. Your visa does not matter. However, if you travel to your home country or most other countries, you must apply for an F-1 visa in order to return to the U.S.
ATTACHMENT

TO FORM I-539 – APPLICATION FOR CHANGE TO F-1 STATUS

Name of applicant ___________________________________________________________
(Family, or last)           (First)          (Middle)

QUESTION #1: EXPLAIN WHY YOU DID NOT ENTER THE U.S. IN THE F-1 STATUS
YOU NOW SEEK.
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________

QUESTION #2: HAVE YOU BEEN ENGAGING IN THE ACTIVITIES FOR WHICH YOU
WERE ADMITTED TO THE UNITED STATES BY THE DEPARTMENT OF
HOMELAND SECURITY (DHS)?
___YES  ___NO
PLEASE EXPLAIN ___________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________

QUESTION #3: THIS QUESTION IS FOR PERSONS WHO ENTERED THE U.S. IN B
STATUSES (B-1 OR B-2). THOSE WHO ENTERED IN ANOTHER
STATUS MAY SKIP THIS QUESTION.

DID YOU ENTER THE U.S. WITH THE INTENT TO BECOME A STUDENT?
___YES  ___NO

IF YES, DID YOU DECLARE TO THE DHS PORT-OF-ENTRY OFFICIAL THAT YOU
INTENDED TO STUDY?
___YES  ___NO

IF YES, DOES YOUR I-94 CARD HAVE THE NOTATION “PROSPECTIVE STUDENT”
WRITTEN ON IT?
___YES  ___NO

(Continued on back of this page)
QUESTION #3 – CONTINUED

WHAT INFORMATION OR OTHER FACTORS LED YOU TO MAKE THE DECISION TO ATTEND SCHOOL? PERSONS IN B STATUSES WHO TOLD THE CONSULAR OFFICER THAT THEY INTENDED TO ATTEND SCHOOL, OR WHO WROTE ABOUT THE INTENTION ON THE VISA APPLICATION, SHOULD EXPLAIN HERE.

____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________

QUESTION #4: IN WHAT COUNTRY DO YOU INTEND TO LIVE/STUDY AFTER YOU HAVE COMPLETED YOUR STUDIES IN THE UNITED STATES?

____________________________________________________________________________

QUESTION #5: EXPLAIN HOW YOUR COURSE OF STUDY WILL HELP YOU ACADEMICALLY OR PROFESSIONALLY AFTER YOU LEAVE THE UNITED STATES?

____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________

(Signature)