

Changing to F-1 Student Status

WHAT IS A CHANGE OF STATUS?

When you came to the United States you had a particular reason or purpose. Maybe you came in as a tourist, for business, or to accompany another family member. That purpose is called your “principal activity” or “status.” When you arrived at the airport, the Immigration inspector recorded your purpose (status) and a date to depart (or D/S) on a white card (Form I-94) that was stapled in your passport near your visa, or entered into an electronic system by U.S. Customs and Border Protection.

Now, however, your purpose for being here may have *changed*. Perhaps your aunt or friend told you that you should think about going to school here, or you completed your company’s business and are thinking about getting a graduate degree. Or your “principal activity” *may be ending* because you’re thinking about leaving your job and returning to school.

If your principal activity, reason or purpose for being in the U.S. has changed or ended, and you want to stay in the U.S. because you have a specific educational or professional objective you want to pursue full-time, you will need to apply to change your status to F-1 student in order to remain here lawfully.

WHAT ARE THE RULES?

1. You must have a status that the law allows you to change. U.S. law does not allow persons who hold the following statuses to change status to F-1: C, D, some J’s, K, M-1, N, S, WB, and WT. A and G statuses must first complete a Form I-566 and get approval from the Department of State before a change of status application can be sent to USCIS.

B visitors who have begun a course of study in the U.S. are not eligible for a change to F-1 status.

2. You must be here lawfully:

a. The date of departure on your Form I-94 must be valid up to 30 days before you begin your program of study. *A late application will only be accepted if the lateness is due to “extraordinary circumstances” which were beyond your control. Immigration’s standards are very difficult to meet and every day of lateness makes the application more difficult.*

b. You may not have ended the *activity* you are/were engaging in within the U.S. earlier than 30 days before your program of study begins. You will be required to present documents to prove that activity has not ended.

c. B visitors must prove they have not begun a course of study prior to applying for a change to F-1 student status.

3. You must be accepted for a full course of study and have the financial ability to support the costs of living and studying in the U.S. For more information about the requirements for getting a Form I-20, visit www.jjay.cuny.edu/flstudent.

4. B statuses must show that they did not intentionally apply for the wrong visa or deliberately enter the U.S. in the wrong status. If you knew that you were going to go to school when you applied for the visa or entered the U.S. you will not qualify to change to F-1 status.

5. You must be able to prove that you have a permanent residence in your home country that you do not intend to abandon.

A CHANGE OF STATUS IS NOT A VISA!

A change of status is not a change of visa. You can only get a visa at the American embassy or consulate in your home country.

If USCIS approves your application, you may stay in the U.S. as long as you follow the F-1 rules, the most important of which is studying full-time every term. The next time you want to go home, you will have to apply for an F-1 visa in your home country in order to re-enter the U.S.

COMPLETING THE APPLICATION FOR A CHANGE OF STATUS

If you decide to file for a change of status, either on your own, or with an attorney's assistance, the information below will outline what is required for filing the application. The information below does not guarantee the success of your Change of Status application. **You are completely responsible for properly filing the Change of Status application with USCIS.**

1. The first step in the process is to meet with a Designated School Official (DSO) at John Jay College in order to be issued an I-20. You must have been accepted to your program of study and the Application for a Form I-20 has been approved.

2. The next step is to pay your \$200 SEVIS fee. You may do this with a credit card on the web at www.fmjfee.com. You will be required to enter your SEVIS ID number, which is found on your Form I-20 in the box with the barcode on page 1. It begins with an "N". This fee is nonrefundable under any circumstances. You will make a copy of your payment receipt and attach it to your application.

3. Complete the Application to Extend/Change Nonimmigrant Status (Form I-539). Go to www.uscis.gov and print the most current Form I-539. In Part 3, number 1, enter "D/S" instead of a date. Complete according to the directions and sign in BLUE ink.

4. Place all the following documents in an envelope to send to USCIS.

a. Form I-539

b. Form I-20, properly signed by the DSO and you in BLUE ink on page 1

c. Photocopy of SEVIS fee receipt

d. Evidence of lawful status: Attach any evidence you have that you are maintaining lawful status in the US. Visitors should attach evidence of where they've visited or business activities; employment statuses (H, E, L) should provide a letter certifying their employment and a current pay stub; dependents should provide evidence that the principal is maintaining status.

e. Letter drafted from the "Attachment to I-539" questionnaire*

f. Photocopy of I-94 arrival/departure record. If you hold a dependent status, attach a photocopy of your spouse or parent's I-94 arrival/departure record as well.

g. \$290 fee in the form of a check or money order. Make it payable to U.S. Citizenship and Immigration Services. (USCIS fees are subject to change at any time. Visit. www.uscis.gov for the latest fee schedule.)

h. Proof that you have a permanent residence in your home country. This may be a copy of a rental agreement or proof of ownership.

i. A and G statuses only: Attach your approved I-566.

5. Make a copy of everything for your records.

6. Send your application to USCIS immediately by Certified U.S. Mail, Return Receipt requested. The address is located within the I-539 instructions.

7. When your application is received at the Service Center, you will receive a Receipt Notice which will have an application tracking number, or EAC Number. You may track the progress of your application's adjudication through USCIS's Case Status Service at www.uscis.gov.

8. Your application may take from 1-3 months to process.

9. If your application is properly filed (within the required time lines and with all necessary documents), you are in a period of "authorized stay" even if your immigration status expires while you are waiting for an answer.

10. Leaving the U.S. before your application is adjudicated will cancel your application.

***ATTACHMENT TO FORM I-539**

When writing your letter that is to be attached to your application, you will want to consider the areas below. This form is intended to help you prepare your answers in the most complete way possible.

1. Why did you come to the U.S.? (It is important that you show you did not intentionally apply for the wrong visa or deliberately entered the U.S. in the wrong status.)

2. What have you been doing since you arrived? Attach evidence that proves you have been engaging in the activities that brought you here. (Describe your tourist or business activities. If a dependent, describe how you've been here with your family. Employment statuses: describe your employment.)

3. B Statuses Only: After you arrived in the U.S., what happened that caused you to decide to study at this school? (Clearly describe, step by step, what and who influenced you to wish to become a full-time student after you arrived in the U.S. Attach any evidence you have that would prove what you say.)

4. All Other Statuses: Why do you want to change your status to F-1?

5. If you were employed back home, describe how your studies here will not affect returning to that employment. Also, explain how your career will benefit from your U.S. Education. (Please attach a letter from your foreign employer that establishes that an extended stay in the U.S. will not affect your employment).

6. If you were NOT employed back home, describe how your studies here will help prepare you for a career back home.

7. Describe your intention to return home permanently following the completion of your studies. (What is “pulling” you back there and why? Explain that you have a permanent residence there to which you plan to return. Attach proof of this residence).

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