CHANGE OF STATUS TO F-1

If you are currently on a non-immigrant status (except C, D, J subject to the two-year home residency requirement or K visa status) you may 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.

To be eligible to change status in the U.S., your current status must not expire any earlier than 30 days prior to start date of classes for the semester you will begin your studies. 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 or part-time. Those individuals should consider that F-1 students must study full-time. Are you ready to accept that responsibility? In addition, non-immigrants 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 is a financial factor you should take into account. F-2 or M-2 spouses or children wishing to attend college must change status to F-1 prior to enrolling.

There are important advantages to changing your status. 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, for nearly a year of each. Persons in J-2 or L-2 status have access to all of these privileges, though there is no certainty for them that work permission will be given. Work permission for dependents in A and G status depends on age and country, and can be very time-consuming to get. 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 lawfully remain in the U.S. after the 21st birthday, after marriage, or after moving out of their 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 to complete the following steps:

Step 1
Obtain Form I-20 to attend the University of Cincinnati issued for the purpose of “Initial-Change of Status”. In order to obtain an I-20 you must have been admitted to the University of Cincinnati, confirmed (accepted) your offer of admission, and provided our office with proof of financial support for your program of study. You should use the “Sources of Financial Support” eForm in your iStart record to upload your sources of financial support at https://ioffice.uc.edu. Click on the “Limited iStart Services” link. The “Sources of Financial Support” eForm is linked under the “Pre-Arrival Checklist” and the “Admission and Orientation” menu. If you reside in Cincinnati, your I-20 can be issued during your change of status appointment.

Step 2
Submit proof that you have paid the $200 SEVIS Fee. Please read the “Important SEVIS Fee Information For Students” section below. Once your I-20 is issued, you will have to follow these instructions to pay the SEVIS fee.

Step 3
Print and complete the I-539 Form found on the USCIS website at www.uscis.gov. There is a $290 application fee associated with the I-539 form. You will need to bring a check made out to the Department of Homeland Security in that amount to your appointment with us.
Step 4
Submit a copy of your current I-94 Card (front and back); your visa stamp; your passport biographical page and extension page if applicable; and any previous certificates of eligibility (I-20, DS-2019) or USCIS approval notices (I-797) you have. If you are a dependent spouse or child you will need to provide copies of these documents for the spouse or parent your immigration status is dependent upon. Depending on your status, you may also be required to provide additional supporting documents. Please read the “Additional Documents Required for Certain Statuses” section below to ensure you have obtained the appropriate supporting documents necessary for approval.

Step 5
You must submit these documents to UC International Services. If you reside in Cincinnati, call 513-556-4278 to schedule an appointment with us for review and I-20 issuance. If you don’t live in Cincinnati, mail all documents to us at: 47 W. Corry St., 3134 Edwards Center One, University of Cincinnati, Cincinnati, OH 45221-0640.

Step 6
You will mail the I-539 change of status application and all supporting documents to the USCIS for adjudication.

FINAL NOTES: Once your application to change your status to F-1 is approved you will receive an I-797 approval notice from USCIS. You must provide UC International Services with a copy of the approval notice when you get it. Use the “Notification of Change of Immigration Status” eForm found in the Biographical Information section of your iStart record to notify us.

In addition, you must complete the “Pre-Arrival Checklist” found in the Limited iStart Services section of iStart prior to the semester you are scheduled to begin your study at UC. This will include attending an Immigration Check-in and the New International Student Conference for the semester in question.

Students applying for a change of status from F-2, M-2 or B-2 should not begin study until the change of status is approved. All other status holders should begin study as indicated on the I-20, whether or not the change of status to F-1 is approved prior to the beginning of classes.

Additional required documents and SEVIS fee payment instructions follow below!

*ADDITIONAL DOCUMENTS REQUIRED FOR CERTAIN STATUSES*

A (A-1, A-2, or A-3): Before you submit an application for change of status to the USCIS, you must complete Form I-566 and send it to the Department of State for a recommendation. The recommendation must be enclosed with your change of status application when it is sent to USCIS. If the State Department does not recommend approval, USCIS is not going to say “yes.” 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 Department of State 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 the 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 there is any evidence available, take care to include it. If you are a Canadian citizen 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 may not apply for a change of status. If you are a Canadian citizen 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 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 visitor's 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 the entry in the United States and applied for entry as a visitor, what reason for your visit did you give the Inspector?

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 before your entry in to 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 Department of State for a recommendation. When the State Department returns the form to you, it must be enclosed with your change of status application. If the Department of State 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. The 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, D.C. 20520. All applicants in G status must take care to show the Immigration Service that they intend to return to the 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 convinced that the applicant is not simply trying to postpone return to the home country, that the original H activity was genuine, and that there is a valid professional or academic objective connected to the plan for study. It is important to state clearly that you will return to the home country after studies.

I. Changes from I status to F-1 status are not difficult when it is shown that the principal is still employed by the media sponsor. It is very important to convince the USCIS that the applicant intends to return to the home country when studies are completed.

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 there is no need for a waiver, applicants do not need permission or approval of the 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. There are no rules against changes from M-2 to F-1 or M-1 to F-2. M status is valid until the expiration date on the Form I-94, plus 30 days. M-1's and M-2's 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, there are many exceptions and special rules.

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 there is no rule preventing a change to F-1 status by an O-1, it may be difficult to convince the USCIS of the need for additional education. 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 of status 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 it difficult to convince the USCIS of the need for an academic program. Changes from P-4 to F-1 should be easily made, as long as the principal is still in status. Persons in P status are also in valid status for 10 days after the expiration of authorized stay.

Q: When there is evidence 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 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.

IMPORTANT SEVIS FEE INFORMATION FOR STUDENTS

Prior to applying for your Change of Status to F-1, you must pay a $200 SEVIS fee to the U.S. Department of Homeland Security (DHS). There are two ways you can pay the SEVIS fee, by credit card over the internet or 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. We recommend that you
use payment option #1 and pay by credit card (unless you are from a country that is ineligible to use a credit card). Students from the following countries are not able to use the credit card option and must use option #2 or #3 below: Cameroon; Ghana; Kenya; Nigeria.

OPTION #1: PAYMENT BY CREDIT CARD

DHS has set up a website 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 on-line instructions. Print out the payment screen to verify your payment and send it to us as part of your supporting documentation. Do not leave that screen until you have printed the payment receipt. You will not be able to return to that screen.

OPTION #2: PAYMENT BY CHECK OR MONEY ORDER

When paying by check or money order, there are two options:

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 will 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 will 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 one or two above.