Change of Non-immigrant Status to F-1 Status

The issuance of an I-20 does not give someone F-1 status. If you are currently in the US in another status and you wish to change to F-1 or F-2 status you can accomplish this change in one of two ways:

1. Leave the US, apply for an entry visa for the new status at a US Consulate abroad and reenter the US with the appropriate documentation for the new status, OR
2. File an application for a change of non-immigrant status with US Citizenship and Immigration Services (USCIS). Note: Because a change of status does not grant the applicant a new visa, during your next trip abroad, you will need to obtain an F-1 visa stamp from a US Consulate in order to reenter the US in F-1 status.

This handout contains information about how to change non-immigrant status within the US by filing a change of status application with the USCIS. While a change of status application allows someone to change their status without traveling, sometimes travel and re-entry in the new status can be the better option. OIE recommends that you consult with an advisor in the Office of International Education (OIE), to discuss your specific situation prior to filing a change of status application.

Conditions and Limitations

Your non-immigrant status should always accurately reflect your primary purpose for being in the US. For most full-time students, that means F-1 student status. If you have any questions about the proper status for your activity, you may make an appointment to speak with an OIE advisor, even prior to your enrollment at CMU.

Special note for people changing from F-2 to F-1 status
Non-immigrants in F-2 status (spouses and minor children of F-1 students) are prohibited by law from studying full time towards a degree at the post-secondary (university) level while in F-2 status. F-2s who will study full-time in a degree program at CMU are strongly encouraged to proceed with the change of status process described herein and are discouraged from beginning their studies until the change of status has been approved. Failure to do so in a timely manner may jeopardize legal non-immigrant status. Questions may be directed to an OIE advisor.

Special note for people in B-1/B-2 status or Visa Waiver status
Non-immigrants in B status are prohibited by law from beginning a course of study prior to receiving an approved change of status to a student status. Change of status applications from non-immigrants in B status who do not have “prospective student” notation on their visa are commonly denied. Students without this notation will likely need to leave the US, apply for a student visa at a US Consulate abroad, and re-enter the US in student status prior to beginning their program. People who entered the US using the Visa Waiver program cannot change status within the US and should consult with an OIE advisor regarding making a new entry.

Special note for people in J-1/J-2 status
Non-immigrants in J-1 or J-2 status who are subject to the two-year home residence requirement, and who have not received a waiver of that requirement, are not eligible to apply for a change to F-1 status within the US but are eligible to apply for an F-1 visa at a US Consulate abroad and re-enter the US in F-1 status.

Timing the application
Discuss the appropriate time to file the change of status request with your OIE advisor. Applications submitted too early may be returned or rejected. However, applications submitted too late may not
be processed prior to the start of classes. Additionally, processing times may vary. As of January 2016, change of status applications were taking over a year to be processed. Students may begin their studies while the application is pending except for students changing from F-2 to F-1 or B-1/B-2 to F-1 as indicated above. Students with a pending change of status may not work on campus. Applicants in H-1B status need to pay particular attention to timing of the application both to insure they are in legal status when they file the application and to be able to work until their preferred employment end date.

SEVIS Fee Payment Comes First
Before completing the application to change status to F-1 status, you must pay the SEVIS I-901 fee. Read the SEVIS I-901 Fee Frequently Asked Questions at www.ice.gov/sevis/i901/faq.htm. Note: If changing to F-2 status, the SEVIS fee is not required.

The application to change status within the US requires the submission of Form I-539, along with the required fee and documentation, to USCIS. The SEVIS fee is paid separately from and in addition to the fee for the I-539 application and must be processed before USCIS will take action on the application. The Form I-539 form and fee information can be found at www.uscis.gov.

CHANGE OF STATUS APPLICATION PROCESS

FILING FORM I-539 (Application to Change Status):

WRITE A COVER LETTER. THE LETTER SHOULD:

- Be addressed “Dear Immigration Services Officer”
- Explain what you are applying for (e.g. change from H-1B to F-1 status)
- Explain why you are applying
- List all of the contents of your application
- Include your contact information and original signature on the I-539 (see below) and on the I-20

COMPLETE FORM I-539 (FOLLOW PAPER FILING INSTRUCTIONS):

- Download and complete Form I-539 Application to Change or Extend Non-immigrant Status from the USCIS website at www.uscis.gov
- OIE recommends that you use a Pittsburgh address on the application. Use your residential address if you are currently living in Pittsburgh or use the OIE address (5000 Forbes Ave, Int’l Education, Pittsburgh, PA 15213) if you are not currently in Pittsburgh
- Complete all questions and attach all required documents (below)

PREPARE A COMPLETE APPLICATION:

- I-539 fee. Check or money order made payable to “US Department of Homeland Security.” Place the check on top of the complete application and staple or clip the entire packet together for mailing
- Form G-1145. This form is not mandatory; however, you may file it if you wish to receive email or text confirmation of your receipt number from the Lockbox facility. Find the form at: www.uscis.gov
- Cover letter (see above)
- Form I-539 (see above)
- Photocopy of I-20 signed by student in item 11 (and photocopies of I-20s for each dependent included in the application)
- Photocopies of all previous immigration documents (front & back)
- Photocopies of your I-94 record (paper form or electronic record at www.cbp.gov/i94) and passport ID pages. USCIS instructions for the I-539 may advise applicants to send the original I-94, however a copy is acceptable and recommended
- Photocopies of financial information in English showing proof of necessary funds to cover all costs of tuition plus expenses. This can include 1) bank statement or letter in your name, 2) a letter from your academic department stating the amount of funding you will receive or, 3) a letter from another financial sponsor stating the amount they are giving you, plus supporting financial documents such as bank statements or salary statements
- Proof of SEVIS fee payment
If you are applying for a change to or from a dependent status (F-2), then you will also need to include photocopies of:

1. your spouse's I-94 (paper form or electronic record at www.cbp.gov/i94)
2. his/her I-20 (front and back)
3. proof of marriage (in English or translated into English)
4. documentation of financial support
5. copies of current and previous I-20s

SUBMIT APPLICATION FOR MAILING
Prior to the expiration of your current non-immigrant status and when you have completed the entire application, make a complete copy for your files, organize the materials neatly, and if you have indicated a Pennsylvania address on the application, mail them to:

For Express and courier deliveries
(e.g. UPS, Fed Ex):
USCIS
ATTN: I-539
2501 S. State Highway 121 Business, Suite 400
Lewisville, TX 75067

For U.S. Postal Service
(including US Postal Service Express mail):
USCIS
P.O. Box 660166
Dallas, TX 75266

It is best to send the form via express mail so that you have proof of delivery. Within one month of sending the application to USCIS, you should get a standard receipt notice stating that USCIS has received the application. The case number in the top left corner of this receipt notice can be used to check on your case by calling USCIS or visiting their website at www.uscis.gov, but be aware that the system is not updated frequently. If you have a particular problem or need to change the mailing address on your application, you should call USCIS.

NOTE: If you choose to use a mailing address on the I-539 that is not in Pennsylvania, refer to the USCIS application filing instructions to determine where to mail the application.

OTHER IMPORTANT REMINDERS

TRAVEL
Important: Once the application has been filed, you cannot leave the US while the application is pending without cancelling the application. If you must travel, consult an OIE advisor.

PROCESSING
The change of status may take 6-14 months to be approved; unfortunately, it is not possible to expedite the process. After USCIS approval, you will receive an approval notice and attached I-94 in the mail.

REQUIRED CHECK IN WITH OIE

New students changing to F status must attend an international orientation and immigration check in, even if the change of status has not yet been approved. If the change of status is approved after the orientation dates, you will also need to see an OIE advisor as soon as you receive the approval notice. To schedule an appointment, call OIE at 412-268-5231.

Please note: OIE cannot provide letters for the purpose of applying for a US Social Security number to students who have a pending change of status application. Once your change of status has been approved and you have completed the mandatory immigration check-in with OIE, you can complete and submit “OIE Request for Services” if you are eligible and wish to submit a request for a Social Security application letter. Consult the OIE handout “Social Security Number (SSN) Application Instructions for International Students, Scholars and Visitors” (http://www.cmu.edu/oie/forstu/pdf/ssdirect.pdf) to determine eligibility for a Social Security number.