

OFFICE OF INTERNATIONAL STUDENT SERVICES (OISS)

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CHANGING TO F-1 STUDENT STATUS

We will be happy to assist you with applying to United States Citizenship and Immigration Services (USCIS) for a change of your nonimmigrant status to F-1 student. An adviser is available to advise you if changing your status is the right thing for you and about USCIS's requirements and procedures.

WHAT IS A CHANGE OF STATUS?

When you came to the U.S. 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.

Now, your purpose for being here may have changed. Perhaps your relative 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. If this is the case, you will need to change your status to F-1 Student to remain here lawfully.

WHAT ARE THE RULES?

1. **You must have a status that the law allows you to change.** United States law does not allow persons who hold the following statuses to change status to F-1: C, D, some J's, K, M, N, S, WB, 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.** (Forms can be downloaded at: <http://www.uscis.gov/graphics/formsfee/forms/index.htm>)

B Visitors and F-2 dependents who have begun a course of study in the United States are **not** eligible for a change to F-1 status.

2. **You must be here lawfully:**
 - The date of departure on your Form I-94 must be valid up to 90 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.
 - You may not have ended the activity you are/were engaging in within the United States earlier than 30 days before your program of study begins. You will be required to present documents to prove that activity has not ended.
 - B visitors and F-2 dependents 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 United States.**

4. **B statuses must show that they did not intentionally apply for the wrong visa or deliberately enter the United States in the wrong status.** If you knew that you were going to go to school when you applied for the visa, you will only be able 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.**

HOW TO APPLY FOR A CHANGE OF STATUS TO F-1 STUDENT VISA

1. Complete Form I-539

- Complete the application to extend/change nonimmigrant status (Form I-539) you can download from the web www.uscis.gov, [click on forms](#), [select Form I-539](#).
- Complete the Application to Change to F-1 Student Status Attachment form. If you are changing from a B status other than B-2 “Prospective Student,” it is very important that you show in **Question #1**, that you did not intentionally apply for the wrong visa or deliberately enter the United States in the wrong status. If you told the consul on your visa application that you intended to go to school or explained this to USCIS when you arrived, say so on the attachment.

Question #2: Describe how you have been fulfilling your purpose for being in the United States. As a B-2 or B-1 visitor describe your tourist or business activities. As a dependent describe how you’ve been here with your family. Employment statuses: describe your employment.

Question #3: B Visitors only: Clearly describe, step by step, what and who influenced you to become a full-time student after you arrived in the United States. Attach any evidence you have that would prove what you say.

Question #4: All others statuses: Explain why you want to change your status.

Question #5: If you were employed back home, explain how your studies will not affect returning to your job and how your career will benefit from your United States education. Attach a letter from your foreign employer that establishes that an extended stay in the United States will not affect your employment.

Question #6: If you were not employed back home, describe how your studies will help prepare you for a career back home.

Question #7: Describe your intention to return home permanently following the completion of your studies. What is “pulling” you back there and why?

2. Attach the following documents to your application:

- **Your complete Application For a Form I-20 signed by you** and all necessary evidence of financial/room & board support (F-1 Student Financial Statement and/or Affidavit for Room and Board forms) and/or assistantship award letter; if your assistantship covers less than 100% of your estimated costs, please submit the F-1 Student Financial Statement form. (you can get the required forms on our international affairs website under “prospective students”)
- **ATTACHMENT TO FORM I-539, Application to Change to F-1 Student Status (see below)**
- **Photocopy of your acceptance letter to Delaware State University (you must have the acceptance letter before your Change of Status application package can be submitted).**
- **Photocopy of your Form I-94** Departure Record (both sides) (the white card stapled in your passport). If you hold a dependent status, attach a photocopy of your spouse or parent’s Form I-94 as well.

- **\$290.00 Fee** in the form of a check or money order. Make it payable to US Department of Homeland Security. (This fee is non-refundable) The USCIS does not accept cash. This fee includes any dependents who are changing status with you. Those in A-1, A-2 or G-1 through G-4 nonimmigrant status are not required to pay the fee.
- **A photocopy of your passport personal data page(s) and for your dependents (if applicable) (i.e.. the page(s) with your photograph and the expiration date of your passport) and visa page (if applicable)**
- **Proof That You Have A Permanent Residence In Your Home Country (if applicable)** – This may be a copy of a rental agreement or proof of ownership.
- **F-1 Students Changing to F-2 Dependent** status must provide a photocopy of their marriage certificate.
- **A and G Statuses Only:** Attach your approved I-566
- **A photocopy of your B-1/B-2 visa showing “prospective student” notation (if applicable)**
- **If your spouse is a H1 holder, please attach a copy of his employment letter, passport ID page, 3 most recent/latest pay stubs, form I-797 approval for H1, and visa (if applicable).**
- **Evidence of lawful status:** Attach any evidence you have that you are maintaining lawful status in the United States. 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.
- **A letter explaining why you are requesting the change of status.** This is extremely important: your letter should clearly explain your current status, your plans for study at Columbia, and your longer-term plans as well. Keep in mind that F-1 status is a NON-IMMIGRANT classification. This means that you must indicate, and in certain cases may be required to document, that you continue to maintain ties to your home country--whether in the form of a residence, an expected job offer, or continuing family ties. It is not unusual for the USCIS to request documentation regarding your ties to your home country, and you should be prepared to provide such documentation. Your letter must include the following information if you are requesting a change of status from **H-1 or L-1**. You should give your dates of employment under H-1 or L-1 and request the date on which you want the F-1 status to be effective. For example, if your last day of employment is August 25, you should request your F-1 status be effective on August 26. Be aware that the F-1 effective date **MUST** be within 30 days of the program start date in item 5 on your I-20. If you plan to leave your employment more than 30 days before the program start date, you must depart the U.S. and apply for an F-1 entry visa at a U.S. Consulate.

When all your documents are completed, contact the OISS for an appointment to submit your entire completed package; **do not mail the items yourself**. Once your documents are reviewed and approved, you may be issued the Form I-20, then you must pay the non-refundable SEVIS fee online at www.FMJfee.com. When you receive your SEVIS fee receipt, submit a copy to our office. The OISS will send your application package to USCIS by certified mail. Once USCIS receives your application they will send a Form I-797 with a receipt number, you can then track your application using the receipt number. USCIS may take three months to approve/disapprove your application. Sometimes, USCIS will request additional information from you. We will contact you as soon as we hear from them. Please maintain lawful status while in the United States while your application is being processed (even if the date on your Form I-94 passes). Finally, Contact us before making any travel plans outside the U.S.!!!

NOTE: The USCIS must receive your change of status application no later than the day you terminate your H-1 or L-1 employment, as there is no "grace period" for those in H-1 or L-1 status: your status as an H-1 or L-1 terminates the day you leave your H-1 or L-1 employer.

FREQUENTLY ASKED QUESTIONS

Is a CHANGE OF STATUS a VISA?

No. 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 United States and stay 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 need to get an F-1 visa to reenter the United States.

Can I register as a student while I am still in B-1/B-2 status?

No... If you entered the United States in B status after April 12, 2002, or acquired B status after that date, you cannot legally begin a “course of study” or register for classes until you are in F-1 status.

Please note that as a DSU F-1 student you are required to attend the mandatory OISS orientation and immigration regulations sessions for new students, which are held before each fall, spring and summer semester. The OISS adviser can provide the date of the next orientation session (late-August, mid-January, or early June).

Does my B visitor visa contain the notation “prospective student?”

When you applied for your B-1/B-2 visitor visa to come to the U.S., you should have told the visa officer that there was a possibility you would be attending school in the U.S. then the visa officer should have noted on your B visa “prospective student.” You will not be allowed by USCIS to change to F-1 status UNLESS your B visitor contains the notation “prospective student.”

If your visa lacks the “prospective student” notation instead of submitting a change-of status application, you must leave the United States, apply for an F-1 visa (in your home country or perhaps in Canada or Mexico) and then re-enter the United States in F-1 status.

What if I hold WB or WT status?

Persons who were admitted into the U.S through the Visa Waiver program are not allowed to change status under any circumstances. You must leave the U.S. to apply for an F-1 visa at an U.S. consulate.

I have been offered a graduate assistantship. Can I begin my assistantship while I am still in B-1/B-2 status?

No, you **cannot** begin a graduate assistantship at Delaware State University (or at any other university) until you are F-1 status.

When do I need to apply to the USCIS to change to F-1 status?

The short answer to this question is: **You must apply to change to F-1 status before the termination of your B-1/B-2 status.** This is determined by looking at the red “admitted to.” Date stamp placed on your I-94 card – **Not** by looking at the end date on your visa. If you do not apply before your status ends, you will be “out of status” and thus ineligible to change to another status. As a result, the USCIS will deny your change of status application and you will be forced to return home, where it may be very difficult to obtain an F-1 visa because of consular concerns about your “immigrant intent.”

Do I need to make an appointment with an OISS adviser in order to apply to change to F-1 status?

Yes. The OISS must now keep track of all students who change to F-1 status. For this reason we will require you to use our address on your I-539 application form, and all correspondence from the department of homeland security regarding your application. Also, if you wish to have your application expedited because of a graduate assistantship offer, we will need to issue a special letter and follow a different procedure for sending the application via Federal Express.

Other reasons you will need to make an appointment with an OISS adviser:

- You are (or might be) out of status for any reason.
- You prefer to obtain an F-1 visa outside the United States and then re-enter in F-1 status, thereby eliminating the need to apply to the USCIS to change status.

What is the SEVIS fee, and do I have to pay it?

The SEVIS fee is the charge, effective September 1, 2004 assessed by the U.S. Department of Homeland Security, whereby all F-1 and J-1 visitors to the U.S. must pay a fee of **\$200** to supplement federal government expenses involved in the maintenance and administration of the Student and Exchange Visitor Information System (SEVIS). If your application is denied and you apply for F-1 status again within the 12 months following your denial, you will not have to pay the fee again.

Where and how do I submit my application?

Submit your application package to the OISS and we submit the original package by certified mail, return receipt to:

USCIS Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479

How long will it take the USCIS to approve my application?

Unfortunately we currently do not know exactly how long an application will take however; it usually takes approximately 90+ days. OISS does not know if the Vermont Service Center will handle expedite request, or if they will accept them at all.

If your application is complete, the USCIS will approve your application and send to the OISS your I-20, with a notation in the upper right corner indicating approval of your change of status application. The USCIS will also send to the OISS your Notice Of Action/ Approval Notice, with your new I-94 printed in the lower right hand corner. You will want to cut out and staple your new I-94 into your passport, **after making a copy of your entire Notice of Action/Approval Notice and I-20 to keep separately in a safe place.**

If your application is incomplete or they desire additional information, the USCIS will send you a "Request for Evidence." You will need to furnish whatever information or documentation is missing. If your application is complete, you should receive a Form I-797 Notice of Action/Receipt Notice from the USCIS within two to four weeks. Your Notice of Action is very important, both because it proves that you filed your application and because it provides the "WAC number" which you must use if you need to track your application's progress. **If you do not receive a notice of action within five weeks please notify the OISS immediately.**

Your Notice of Action will provide an estimated processing time for your application, but OISS suggests you expect anywhere from 2-3 months. For this reason, you may want to consider leaving the United States to obtain an F-1 visa and then using that F-1 visa to re-enter in F-1 status, thereby eliminating the need to apply to the USCIS to change status. Please see an OISS adviser for more details. Please notify the OISS if you have not received a decision from USCIS within the estimated processing time.

ADDITIONAL INFORMATION:

A or G - Before filing for a change of status, you must first file [Form I-566](#) with either the Department of State or the Office of Host Country Affairs at the U.S. Mission to the United Nations within 10 days of the completion of your A or G employment. Only after the I-566 has been approved and returned to you are you eligible to file a change of status application with the USCIS.

J-1 or J-2 - You cannot change to F-1 in the U.S. if you are subject to Section 212(e), also known as the "two-year home residency requirement", unless you have received a recommendation for a waiver of the requirement from the Department of State.

Special Considerations:

If you are in lawful status and decide to change to F-1 status by applying to the USCIS, you remain in lawful status until you receive your reply from the USCIS. However, you **do not** have the privileges of student status (working on campus, applying for practical training, etc.) until the change is approved. When USCIS has made a decision, they will send you a Form I-797 Notice of Action. If your application is approved, the I-797 will include a new I-94 card(s) and the I-20 will be returned to you.

Note that the USCIS can take up to 6 months to process a change of status application. If you do not receive a reply within 6 months, contact the ISSO for assistance.

If you attempt to change your status by travel, but overstayed your previous visa, you must apply for a new F-1 visa in your home country; you cannot apply for an F-1 visa in a third country (such as Canada). If you overstayed your visa for more than 180 days, you may be prevented from returning to the United States for 3 years or more. Contact the ISSO for further assistance.

If you have applied for permanent residency or are included in someone else's application for permanent residence, you may be considered ineligible for F-1 status. You should contact an immigration lawyer to discuss this situation.

Delaware State University
Office of International Student Services
1200 N. Dupont Highway
Dover, De 19901

**ATTACHMENT TO FORM I-539
Application to Change to F-1 Student Status**

NAME: _____
 Last **First** **Middle**

Why did you come to the United States?

What have you been doing since you arrived? Attach evidence that proves that you have been engaging in the activities that brought you here.

B STATUSES ONLY: After you arrived in the United States, What happened that caused you decide to study at this school? Please write a detailed, step-by-step description of the circumstances that lead to your decision to attend school here. Attach any evidence to prove what happened.

ALL OTHER STATUSES: Why do you want to change your status to F-1?

IF YOU WERE EMPLOYED BACK HOME, Please explain how your studies will not affect returning to that employment. Also explain how your career will benefit from your United States Education. *Please attach a letter from your foreign employer that establishes that an extended stay in the United States will not affect your employment.*

Describe your intention to return home permanently following the completion of our 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.*

Signature

Date