



F-1 student status is appropriate if you intend to pursue full-time studies in the United States. In general, nonimmigrants who are maintaining lawful status may apply for change of status to F-1. However, nonimmigrants subject to the Section 212(e) two-year home residency requirement are ineligible to apply.

Those in B-1 or B-2 status are eligible to apply for a change of status, but cannot enroll in classes until the change of status has been approved by the US Citizenship and Immigration Services (USCIS).

If you are currently in the United States as a temporary worker, diplomat, exchange visitor or any other nonimmigrant classification *except* visitor in WT or WB status and need to change to F-1 student status, follow the procedures indicated here.

### Procedure

1) Qualify for a Certificate of Eligibility (Form I-20) from Indiana University South Bend.

In order to qualify for F-1 student status, you must be admitted to a full-time program of study at Indiana University South Bend and obtain a Form I-20 from the Office of International Student Services (OISS). To obtain an I-20, submit the following:

- i. Financial documentation showing funds for you and any accompanying dependents who will be in F-2 status. The documents should show that you have sufficient funds to cover the tuition, living expenses and fee for at least one year.
- ii. A copy of your admission letter.

Once the above materials have been submitted, the OISS will prepare a Form I-20 for you.

2) Follow steps outlined in option A or B to change your status.

### OPTION A: Change by travel

You may change your status by departing the United States and re-entering in F-1 status. In order to re-enter the United States in F-1 status, you must have a valid, unexpired F-1 entry visa.

If you do not have a valid F-1 entry visa or need a new one, you must apply for one at a US Consulate. Once you have obtained an F-1 entry visa, you would then enter the US with your visa and the following:

- Your Form I-20 from IU South Bend
- Supporting documents such as copies of your admission letter and your financial documentation

When you are at a port of entry, you will request F-1 status by presenting your passport open to the F-1 visa page and the I-20. If all is in order, the immigration inspector will admit you in F-1 status by issuing you an I-94 with the designation "F-1 D/S".

### Updating a previous F-1 visa:

- If you were previously in lawful F-1 status at another school in the United States, have an unexpired F-1 entry visa, and have not been out of the US for more than 5 months, you may be able to continue to use that visa, even if it was issued for your previous school. Please consult with a US Consular Officer.
- If you have been out of the US for more than 5 months, you will need to apply for a new F-1 visa even if the one in your passport has not expired.
- If you have an F-1 entry visa that was cancelled by a Consular Officer, you must apply for a new F-1 entry visa as described above.

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 US for 3 years or more. Contact the OISS for further assistance.

**OPTION B:** Change by application to the USCIS

You may also attempt to change your status by submitting a change of status application to the US Citizenship and Immigration Services (USCIS).

Your application for change of status must be received by USCIS during the period of 30 days before the program start date on your I-20 to no later than 30 days after the start date.

This requires that you assemble the following materials:

- A completed Form I-539 (online through USCIS Web site)
- Photocopies of both sides of your current I-94 card and photocopies of the I-94 cards of any dependents who are changing with you OR a printout(s) of your electronic I-94 record.
  - If you have an I-94 card, you will be required to submit the original I-94 cards as part of your application. The electronic I-94 may be a copy of the printout. The photocopies should be made in advance of submitting the packet in order to keep copies with all of your other immigration documents.
- Copy of Form I-20 from IU South Bend signed by DSO and with your signature on page 1, as well as all other immigration documents
- Copies of financial documents (statements and affidavits)
- Photocopy of your passport identification page – do not send your passport to the USCIS and copy of the visa.
- A bank check, money order or personal check payable to Department of Homeland Security with "USCIS I-539" noted in the memo line for the required fee. 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 (Check for the current filing fee: <https://www.uscis.gov/forms/filing-fees>)
- Proof of SEVIS fee payment (if required). This fee can be paid online by completing Form I-901 at <https://www.fmjfee.com>.
- A letter explaining why you are requesting the change of status. This is important: Your letter should clearly explain your current status, your plans for study at IU South Bend and your long-term plans as well. Keep in mind that F-1 status is a NONIMMIGRANT 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.
- Copy of your letter of admission.

Your letter to the USCIS 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 US and apply for an F-1 entry visa at a US Consulate, using the steps outlined in option A.

Any request for an effective date for F-1 status must be prominently stated in your letter of explanation for the change of status. You may also annotate the I-539 with your effective date request by clearly printing "Effective [date]" in Part 2. Application Type 1.b. under "The new status I am requesting is: \_\_\_\_\_."

Also include a copy of the I-797, your three most recent pay stubs, and other documentation establishing that you were in and maintained valid H-1 or L-1 status. 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.

**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 US 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. Form I-566 and instructions are available from the OISS.

**J-1 or J-2:** You cannot change to F-1 in the US 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.

**B-1 or B-2: You must maintain status to within 30 days of the I-20 program start date.**

Once completed, mail your application to the USCIS. An OISS staff member will first review your application and make suggestions. Photocopy your application and send it by certified mail, return receipt requested, to the USCIS Service Center that has jurisdiction over your place of residence and the school you are attending. If you are mailing the packet via US Postal Service or a courier service (DHL, FedEx), please check the USCIS for the most current filing address.

When the USCIS receives your application it will deposit your payment of the fee and mail you a Form I-797 "Notice of Receipt" with your assigned case number. You can check the status of your application by calling the phone number on the bottom of the I-797 or online by entering your case number.

After you submit your change of status application to the USCIS, please inform the OISS immediately in order for us to update your record in SEVIS.

Your obligations while a change of status is being adjudicated are as follows:

- Report to the OISS when you arrive at IU South Bend
- Provide the OISS with any documents you receive from USCIS, including the notice of receipt of your application and notice of approval of your change of status when it has been adjudicated
- Maintain full-time enrollment (except those in F-2, B-1, or B-2 status)
- Report any change of address within 10 days



- ❑ If you leave the US after you have obtained the change of status, you must obtain an F-1 visa before your return to the US

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 a final decision 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 (attached to the approval receipt).

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 OISS for 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 attorney to discuss this situation.