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CHANGE OF IMMIGRATION STATUS (To F1 or J1 Student Status)

I. EXPLANATION

According to US immigration law, you **MUST** be present in the US in the immigration status that correctly represents your primary purpose/reason for being here. If your current immigration status does not permit study at the University level, you MUST be in F1 or J1 student status BEFORE you begin your studies. You may also need to or want to change immigration status for the following reasons:

- If the primary purpose/activity for which you are in the US changes, your immigration status must also change (e.g., you were here to work full-time on an H-1B visa or be a dependent on an F-2 visa and you now want to be a student)
- If you want to study full-time and your current status does not allow full-time study. F-2s **CANNOT** study full-time without first being approved for a change to student status (F-1 or J-1). B1/B2 status holders are not allowed to study full-time or in degree programs **AT ALL!**
- If you are here on a dependent visa (e.g., F-2, J-2, H-4, etc.) and the principal visa holder (F-1, J-1, H-1, etc.) leaves the US for more than a brief vacation or changes his/her visa status, you also must leave the US or be approved for a change of status **BEFORE** you can lawfully begin or continue your studies.
- If a dependent child reaches the age of 21 he/she can not remain on a dependent visa (the dependent must change immigration status and the change **SHOULD BE APPROVED** before the 21st birthday)
- If an individual wants to receive benefits specific to student status (F-1 /J-1), such as on-campus employment, assistantship work or practical training work authorization, the change must be approved before the work can start. For some work, students must be enrolled lawfully in full-time status for more than 9 months, so it may be important to change status early.

When an individual currently in the US needs to change from one immigration status to another, he/she must complete a process to make the change. The change can be made in 2 ways:

1. Leave the US, apply for an entry visa for the new status at a US consulate abroad and reenter the US. If you have ever violated the terms of your immigration status or if you have an application for permanent residency filed on your behalf, you should **NOT** choose this option; speak with an international advisor or an attorney about the consequences. Otherwise, this option may have some advantages.
OR
2. File an application for a change of non-immigrant status with USCIS (IF currently legally present in the US). If approved, your status will be changed, but you will NOT get a new visa. You should meet with an international advisor or attorney as soon as possible to find out if this option will work for your situation.

The remainder of this handout contains information about how to apply for a change of non-immigrant status without leaving the US (option 2)

II. CONDITIONS AND LIMITATIONS (Speak with an advisor about these)

- You must currently be in the US in legal immigration status to be eligible to change to another status.
- At the time the change of status is being reviewed by a USCIS adjudicator, you must be able to be enrolled as a full-time student in this or the next possible semester.
- If you are applying to change status from B visitor, you must wait to begin your degree program until the change of status is approved (you can only be enrolled for avocational courses part-time in this status; B visitors are more frequently denied the change to F-1 or J-1 student than any other visa type.)
- If you are applying to change from F-2 dependent status to F-1 or J-1 student status, you cannot enroll full time until the change of status is approved by USCIS.
- If you have been in the US previously in J-1 or J-2 status, and you were subject to the two-year home residency requirement, you may be ineligible to change status with USCIS.

- If you are here on a J visa and you want to change to the J-1 Research Scholar/Professor category, you may be subject to a rule referred to as the “12-month bar after previous J participation.”

III. OTHER IMPORTANT INFORMATION

Timing:

- The timing of your application for change of status is extremely important, so talk with an international advisor before you submit your change of status application.
- Applications are currently taking 6 months. So, if you do NOT have a green card application pending, leaving the US or paying premium processing may be a better option for you.
- You cannot accept any benefits of F or J status until the change is approved by USCIS. For example, if you are changing to F-1 status, you cannot accept any kind of graduate student assistantship (or other on-campus work) from the university until this change has been approved.
- After the change of status has been approved, you can no longer carry out the activities allowed by the old status if they are prohibited in the new status (e.g., if you are changing from an H-1 visa to an F-1 visa, you can no longer continue to work for your H-1 employer once the change to F-1 is approved).
- Premium processing is available for an additional \$1,965. If you pay for premium processing, the change can be processed within 30 days.
- You can decide to add premium processing AFTER filing your application if the application is taking too long

Student and Exchange Visitor Information System (SEVIS) FEE— All individuals must pay a mandatory US “SEVIS” fee BEFORE applying for F-1 or J-1 status (you can’t apply until you receive an I-20 or DS-2019).

- This is a US government fee. It is not a university fee and you must include proof of payment with your application.
- You can pay the fee and find out more at: <https://www.ice.gov/sevis/i901m>
- Payment of the SEVIS fee is not required if the applicant is changing TO F-2 or J-2 dependent

IV. APPLICATION PROCESS

STEP 1: Be Informed

Read this entire handout thoroughly and carefully. Meet with an international advisor to discuss processing times and options BEFORE you apply!!!

STEP 2: Request an I-20 (for F status) or DS-2019 (for J status)

After you have been fully admitted and show financial proof for your program (study and living expenses), you can be issued an I-20 or DS-2019 form.

STEP 3: Pay the SEVIS fee if you are changing to F1 or J1 status (Please see section III - Above)

The SEVIS fee is paid using the SEVIS number on the top of your I-20 or DS-2019 at: <https://www.ice.gov/sevis/i901>. You must include receipt of fee payment with your application.

STEP 4: Start an [online account](#) with USCIS. Then select “File a form online” and select [Form I-539](#)

Complete all questions and attach all required documents (we recommend you ask an advisor or immigration attorney to review your application). You will have to enter a US address. Make sure that the post office will deliver mail to you at the address you enter in the application for at least one year into the future (you can use the GEO address if necessary).

CONFUSING QUESTIONS:

- Were you granted Duration of Status? Yes if your current I-94 says D/S; No if your I-94 has a date
- When does your status expire? (end date of I-94 if it has a date; If D/S then I-20 end date for the F1 or DS-2019 end date for the J1 visa holder)
- Are you the only applicant? Yes unless you are applying for your dependents to also change status.
- Effective date of change? Date you want the status to start (e.g. Start date on I-20 if changing to F1)
- Status extended until date? End date on I-20 if changing to F (or end on DS-2019 if J)
- Current mailing address? Where you can receive mail while the application is being processed.
- Address you live now? Current US physical address.
- USCIS Account Number? Most people do not have this.
- Is someone assisting you with completing this application? No, unless you an attorney applies for you.

- Additional Information for your application: Use this section or attach a cover letter to explain what you are applying for and how you will use your education once you return home.

STEP 5: You must prepare to upload the following to submit the online application (in .pdf format):

- ❑ Current I-94
- ❑ I-20 for F1 status (or DS-2019 for J1) *signed by you on page 1*
- ❑ Proof of ability to pay your tuition and living expenses: proof of funding could include bank statements or salary statements or a letter from an academic department stating the amount of an assistantship you will receive. If an individual will pay your expenses, you must include a letter from that person stating that he/she will pay to support you – *You can upload up to 5 documents*

RECOMMENDED FINANCIAL ATTACHMENTS:

- 1 pdf called “*applicant financial proof*” that includes a statement of how you are paying for your education plus all of your personal financial proof (e.g. proof of scholarship, assistantship, personal bank statements, etc.)
- 1 pdf from each person who has or will provide financial support, including a letter of support from the person and all proof of their finances such as bank statements, salary proof, etc.

- ❑ Additional evidence to upload in your application

RECOMMENDED ADDITIONAL EVIDENCE ATTACHMENTS:

- 1 pdf called “*Explanation*” with a cover letter explaining why you are changing to student status and what you plan to do with your education in your home country after your program is over.
- 1 pdf called “*applicant current immigration documents*” with your current passport, visa, and previous I-20/DS2019 (if you have this)
- 1 pdf with the receipt for the SEVIS I-901 fee payment
- If changing from dependent status (e.g., F-2, J-2, H-4, etc.) 1 pdf called, “Principal visa holders immigration documents” with the principal visa holder’s (spouse or parent) I-94, passport, visa or other legal documents and proof of marriage if the principal visa holder is your spouse

- ❑ Online payment of the \$420 application fee and any premium processing fee if you are requesting premium processing (currently \$1,965). You may also be required to pay an \$85 biometrics fee

STEP 6: Processing

- To apply for premium processing, you can elect that option (form I-907) at the end of the online entry process. You will have to pay an additional \$1,965 online if you want this option immediately, or you can login later to add this fee.
- You will receive an email confirming receipt of your application once you submit. You can continue to log into the system to check the status of your application.
- USCIS may contact you by email to request that you appear at a local USCIS office to have your biometrics recorded, so check your email frequently.
- You may receive a Request for Evidence (RFE) to provide additional information with a limited time frame to respond.
- If you are applying for F-1 or J-1 student status, GEO MUST continue to defer the start date of the I-20 (or DS-2019) forward each semester until the change of status is processed, so that your SEVIS record does not expire. Each time we defer the start date, you should upload an updated I-20/DS-2019 so that the information in your record is current and they do not have to send you an RFE that will delay processing of your application!
- If you are denied the change of status, you may have limited time to leave the US, please speak to a GEO advisor as soon as you get any new information on your case from USCIS.
- If the change of status is approved, you will receive an email stating that the case has been closed; log into your account to see the outcome.
- If the case is approved, an approval notice will be sent to you in the post that contains your new I-94. The I-94 shows the number, class/type and validity period (“(D/S”, means “Duration of Status.”). You will need to provide this document to GEO as soon as you receive it.

ATTENTION! If you are changing to F or J status with UNM, you are REQUIRED to contact GEO as soon as you receive any notice or if your address changes. We must register you in the SEVIS system immediately upon your approval for you to maintain lawful status! REMEMBER, you will not get a new VISA with this process, so the next time you leave the US, you MUST apply for a new visa to reenter the US in F or J status!!!