



## CHANGE of IMMIGRATION STATUS to F-1

### Overview

There are two options to obtain F-1 visa status if someone resides in the United States in another non-immigrant visa category:

**Option 1:** Obtain F-1 student status through application to a U.S. embassy or consulate in your country or residence. **This option requires a departure and re-entry to the U.S.**

**Option 2:** Obtain F-1 student status through application to the U.S. Citizenship and Immigration Services (USCIS). **This option allows you to remain in the U.S.**

An individual applying for a **change of status (COS)** to F1 student status must understand that an F-1 student is a non-immigrant pursuing a full course of study to achieve a specific educational objective. Once the educational objective has been attained, the U.S. government expects the F-1 student to return to his or her residence abroad. Under the Immigration and Nationality Act, Section 101(a)(15)(F)(i), an F-1 student must be...*an alien having a residence in a foreign country which he or she has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study, temporarily and solely for the purpose of pursuing a course of study.*

### Option 1: Obtain F1 status by application to a U.S. Embassy or Consulate

If choosing this option, you will obtain F-1 student status through application to an U.S. embassy or consulate in your country of residence. **This option requires a departure and re-entry to the U.S.**

#### **Please follow the steps below:**

1. Request a new "Initial" I-20 from International Admissions:
  - a. If you are a current student at the U, email: [IAO@sa.utah.edu](mailto:IAO@sa.utah.edu) to request an initial I-20 for a change your status by travel to a U.S. consulate. You must submit the required proof of funding before an initial I-20 can be issued
  - b. If applying for admissions to the U as a new student, indicate your intent on your application for a change of status through travel to a U.S. consulate. You must first be admitted and submit proof of funding before an I-20 can be issued
2. Pay the SEVIS I-901 fee using information from the new I-20. Access the website using the following link: <https://www.fmjfee.com/index.jhtml>, and keep the receipt
3. Schedule a visa interview appointment at a U.S. embassy or consulate in your country of residence
4. At the visa interview, submit your passport, new I-20, admissions acceptance letter, and financial support documents, such as a bank statement for proof that you have the ability to pay tuition and living expenses during your academic program of study



5. Provide any other documents as requested by the embassy or consulate
6. After obtaining your F-1 visa, travel to a **U.S. port of entry (POE)** to request F-1 status. Please note that a visa only allows you to arrive at a POE to request Customs and Border Protection (CBP) to determine if you are eligible for F-1 status. You should arrive in the U.S. no sooner than 30 days before the program start date as listed on your I-20
7. Print the I-94 document, which is verification of your F-1 status. Follow this link to access the I-94: (<https://i94.cbp.dhs.gov/i94/request.html>)

Upon arrival to a U.S. POE, present your I-20, passport, visa stamp, and I-901 receipt to Customs and Border Protection. After arrival, print your I-94 document. Finally, submit all documents to **International Student and Scholar Services (ISS)** so that we can report your immigration status to SEVIS and presence in the U.S.

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## **Option 2: Obtain F1 Status by application through USCIS**

If you choose this option, you will obtain F-1 student status through application to the U.S. Citizenship and Immigration Services (USCIS). **This option allows you to remain in the U.S.**

Individuals living in the U.S. may apply for a “change of status” from certain non-immigrant categories to F-1 student status. This option does not require a departure from the U.S., but the individual must be “in status” in their current visa category. You must file an I-539 application with USCIS to change status before your current status expires. Please discuss the amount of time between the end of your current visa status and the beginning of the program start date as listed on the new change of status I-20.

After the receipt of your I-539 application, USCIS will review the change of status request based on your ability to document and justify a **change of intent** after your initial arrival to the United States.

To apply for a COS to F-1 from within the United States, **submit the following to USCIS:**

1. University of Utah admissions acceptance letter
2. Cover letter – a letter from you requesting the COS and explaining why you entered the U.S. in your current status, why your intentions changed once you arrived in the U.S.; and any other relevant information. Since you are applying for non-immigrant status, we suggest that you demonstrate that you have strong ties to your home country and that your intent is to return when your program of study is complete
3. Form I-539 application (available from <http://www.uscis.gov/forms>). This can be printed and mailed or it can be filed online through USCIS ELIS (<http://www.uscis.gov/uscis-elis>)
4. Application fee for the I-539 in the amount of **\$370** (check or money order) payable to the **Department of Homeland Security**. This covers you and any F-2 dependent listed on the supplement of the I-539



5. Copy of your new “Initial Attendance - change of status requested” SEVIS I-20  
Request a new Initial I-20 from International Admissions:
  - a. If you are a current student at the U, email: [IAO@sa.utah.edu](mailto:IAO@sa.utah.edu) to request an initial I-20 for a change of status through application to USCIS. You must submit the required proof of funding before an initial I-20 can be issued
  - b. If applying for admissions to the U as a new student, indicate your intent on your application for a change of status through application to USCIS. You must first be admitted and submit proof of funding before an I-20 can be issued
6. Receipt confirming payment of the I-901 SEVIS fee - for payment instructions, please visit: <https://www.fmjfee.com/index.jhtml>
7. Copy of all current and previous I-20's (if you were an F1 student in the past)
8. Copy of your passport identification page (valid for 6 months in the future)
9. Copy of your current visa stamp (even if the current visa is expired)
10. Copy of your I-94 form retrieved through (<https://i94.cbp.dhs.gov/i94/request.html>)
11. Copy of current financial support documentation (same as what was used to apply for admissions to the University of Utah)

## **Issues Specific to Current Visa Category**

**In ADDITION to the items required of ALL COS applicants listed above for Option 2, please include the following, if it applies to your current visa status:**

### **Changing from H-1b to F-1**

In addition to the items listed for Option 2 (applying through USCIS), please include:

- Copy of your I-797 form identifying H-1b status
- Evidence that you are in valid H-1b status as of the date that you filed your I-539 change of status application with USCIS (e.g. a letter from the H-1b employer confirming current employment and the two most recent pay stubs)
- You may not work for your H-1b employer after adjudication of the change of status
- **You MAY begin a program of study while the change of status application is pending**

### **Changing from H-4 to F-1**

In addition to the items listed for Option 2 (applying through USCIS), please include:

- Copy your I-797 form identifying H-4 status
- Copy the I-797 form identifying your spouse or parent's H-1b status
- Copy of your spouse or parent's H-1b visa
- Evidence that your spouse or parent was in valid H-1b status as of the date that you filed your I-539 change of status application with USCIS (e.g. a letter from the H-1b employer confirming current employment and the two most recent pay stubs)
- **You MAY begin a program of study while the change of status application is pending**



## Changing from J-1 or J-2 to F-1

In addition to the items listed for Option 2 (applying through USCIS), please include:

- Copies of all previously issued DS-2019 forms and J visa showing your J status
- **For J-2s:** Copies of your parent or spouse's J-1 immigration documents: DS-2019, passport information page, visa stamp, and I-94 document to show the J-1 was in status at the time the I-539 was filed.

**Note:** both J-1 and J-2 visa holders who are subject to INA Section 212(e), also known as the "two-year home residency requirement," may **NOT** change status within the U.S., unless they have received a waiver of the requirement from the US Department of State

- **You MAY begin a program of study while the change of status application is pending**

## Changing from F-2 to F-1

In addition to the items listed for Option 2 (applying through USCIS), please include:

- Copies of your parent or spouse's F-1 immigration documents: I-20, passport page, visa stamp page, and I-94 document to show that the primary F-1 is in status at the time the I-539 application was filed. If your parent or spouse is on Post-Completion Optional Practical Training, include a copy of his/her employment authorization card (EAD)
- Copy of your F-2 I-20
- **You may NOT begin study until your change of status application approved**

## Changing from B-1 or B-2 to F-1

Applications for a change of status from B-1 or B-2 to F-1 shortly after entering the U.S. are routinely denied. A COS from a B2 visa must clearly explain that there was no intent to study when they first applied for the B2. However; if a B-2 visa is marked "prospective student", your "student" intent was established at the visa interview, and USCIS will take this into consideration

- **You may NOT begin study until your change of status application approved**

## Changing from F-1 to F-2

If you are interested in applying for a change of status from F1 to F2, please review the "F2 add dependent" document for further instructions and application procedures.

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## Important Considerations

- If you have dependents, such as a spouse or minor children (under 21), their information must also be included in the I-539 application submitted to the USCIS
- Departing the U.S. (for example, vacation) while a COS application is pending will be considered an **abandonment of the application**, and will result in a denial. If you plan to leave the US while the application is pending, please consult an ISS advisor
- You may NOT engage in on or off campus employment of any kind until the change of status has been approved



- If a change of status to F-1 cannot be approved on or before your program start date as listed on the I-20, you could be eligible for a deferral to the next available semester. Please contact International Admissions regarding this situation
- You will receive an **I-797 receipt notice** from USCIS about two weeks after your application is filed (received by mail). For a paper I-539 application, you can check the status of your application using the receipt number found on the I-797 document. Visit [www.USCIS.gov](http://www.USCIS.gov) and type in the receipt number in the “check your status” link. If you filed using ELIS, you can login to your account for a status update
- If you receive a **Request for Further Evidence or (RFE)** from USCIS, be aware of the due date and consult with an ISS advisor and/or immigration attorney before responding
- If you are granted a change of status from within in the US, you must obtain a **new visa** if you plan to depart and re-enter the U.S. after a temporary absence. This will require a visa appointment at a U.S. embassy or consulate during your travel abroad
- **You must report the outcome of your COS application to International Student and Scholar Services.** Upon receipt of your approval to F-1 status, please report to ISS and submit your approval notice receipt (I-797), I-20, visa, passport, and I-94. We will report and register your immigration status in SEVIS
- Approval of a change of status is at the sole discretion of the issuing U.S. agency
- If you were DENIED the change of status petition, please make an appointment with an ISS advisor for further guidance
- All documents must be in English
- **NOTE:** *International Student and Scholar Services would like to remind you that change of status applications are the responsibility of the applicant. We have provided the above information as a courtesy and recommend that individuals with complex situations consult a competent immigration attorney before proceeding. The American Lawyer's Immigration Association (AILA) offers an Immigration Lawyer Referral Service (ILRS) at: <https://www.aila.org/>*

## **Mailing Your Application**

Keep a copy of all of your documents. Send your completed application using the U.S. Post Office by “Certified Mail, Return Receipt Requested” OR by express mail, such as FedEx or UPS.

### **U.S. Postal Service**

USCIS Dallas Service Center  
P.O. Box 660166  
Dallas, TX 75266

### **Express Mail**

USCIS Dallas Service Center  
2501 S. State Highway 121 Business Ste. 400  
Lewisville, TX 75067

## **Applying Online**

### **Online through USCIS**

USCIS ELIS (<http://www.uscis.gov/uscis-elis>)

Using this option may require an appointment with the local USCIS Salt Lake office for a biometrics screening.