

CHANGE of IMMIGRATION STATUS to F-1

***** IMPORTANT NOTICE *****

Please note that USCIS has the right to deny any application at their discretion. It is your responsibility to ensure you are paying the correct fee and submitting the correct application.

Overview

Applying for a change of status in the US can be complex. ISSS recommends that you follow up with an experienced immigration attorney for legal advice. An individual applying for a change of status 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.”*

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

- Option 1:** Seek to obtain F-1 student status through application to a U.S. embassy or consulate in your country of residence. **This option requires a departure and re-entry to the U.S.**
- Option 2:** Seek to obtain F-1 student status through application to U.S. Citizenship and Immigration Services (USCIS). **This option allows you to remain in the U.S. while the case is pending.**

Option 1: Seek F-1 status through a U.S. Embassy or Consulate abroad

If choosing this option, you will seek to obtain F-1 student status through application to a 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 to request an initial I-20 to apply for an F-1 visa at a U.S. embassy/consulate abroad. You must submit the required proof of funding to International Admissions before an initial I-20 can be issued
 - b. If applying for admission to the U as a new student, request an initial I-20 to apply for an F-1 visa at a U.S. embassy/consulate abroad when you fill out your admission application. You must first be admitted to the university 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. Payment is made online at the following website: <https://www.fmjfee.com/> Remember to download or print the receipt for your records.
3. Schedule a visa interview appointment at a U.S. embassy/consulate in your country of residence. Visit the embassy/consulate website for information on preparing documents, forms, and scheduling a visa appointment. Typically you will be asked to show your passport, new I-20, admissions acceptance letter, and financial support documents showing that you have the ability to pay tuition and living expenses during your academic program of study. Please verify the required documents with your specific embassy or consulate, as they can vary based on location.
4. Go to your visa appointment and bring the documents listed above, including any other documents as requested by the embassy/consulate.
5. After obtaining your F-1 visa, travel to a **U.S. port of entry**. Please note that the visa only allows you to arrive at a port of entry and request Customs and Border Protection (CBP) to determine if you are eligible to enter the US in F-1 status. You should arrive in the U.S. no earlier than 30 days before the program start date listed on your I-20. Present your I-20, passport, visa stamp, and I-901 fee receipt to Customs and Border Protection.
6. After entering the US, print the I-94 document, which is verification of your entering the US in F-1 status. Follow this link to access the I-94: <https://i94.cbp.dhs.gov/I94/#/home>
7. You must attend **International Student Orientation** at the beginning of the semester you begin F-1 status. *Failure to attend will cause a registration hold to be placed on your student record and can affect your visa status.* For information on International Student Orientation and scheduled dates, please visit: <https://iss.utah.edu/orientation/index.php>

8. You must also do **Document Check-in** and submit copies of your passport, visa, I-20, I-94 and current US address to ISSS so that we can report your presence in the US in your new F-1 status to Immigration. This process is typically part of International Student Orientation. Please refer to the link above for more information. *Failure to do document check-in at the beginning of the semester you begin F-1 status may result in the termination or cancellation of your F-1 visa status.*

Option 2: Seek F-1 Status by applying for Change of Status through USCIS

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

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. **You must maintain your current visa status until at least 30 days before the program start date on your new I-20. Failure to maintain your current status could result in a denial of your request. If your current visa status will end before 30 days prior to the program start date listed on your I-20, we advise that you meet with an experienced immigration attorney for legal advice on how to proceed.**

After receiving 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.

Please follow the steps below to apply for the Change of Status in the US:

1. Request a new “Change of Status” I-20 from International Admissions:
 - a. If you are a current student at the U, email: IAO@sa.utah.edu to request a Change of Status I-20 to change your status with USCIS here in the US. You must submit the required proof of funding before a Change of Status I-20 can be issued. (When requesting your Change of Status I-20 from Admissions, please keep in mind the expiration date of your current status as well as the USCIS processing time when determining what your program start date should be on the I-20.)
Note: USCIS processing times can be checked at the link below. Be aware that changing to the F-1 visa can take anywhere from 6 months to more than a year.
<https://egov.uscis.gov/processing-times/>

- b. If applying for admissions to the U as a new student, indicate your intent on your admissions application for a change of status through USCIS. You must first be admitted and submit proof of funding before an I-20 can be issued
2. Prepare to submit the following documents to USCIS:
- a. University of Utah admissions **acceptance letter**
 - b. **Cover letter** – a letter from you requesting the change of status. You will need to explain why you entered the U.S. in your current status and why your intentions changed after 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. You must also sign and date the letter.
 - c. **Form I-539** application (available from <https://www.uscis.gov/i-539>). If you have dependents listed on your I-20, they
 - d. **Check or money order** payable to **U.S. Department of Homeland Security**. Please find the correct application fee by using the USCIS Fee Calculator (<https://www.uscis.gov/feecalculator>). For each dependent submitting the **I-539A**, add an additional biometric fee. **fees are subject to change**
 - e. Copy of your **Change of Status I-20** issued by International Admissions Office
 - f. **I-901 SEVIS fee receipt** – To pay the fee and print the receipt, please visit: <https://www.fmjfee.com/>
 - g. Copy of all current and previous **I-20s** (if you were an F-1 student in the past)
 - h. Copy of your **passport** identification page (valid for at least 6 months into the future)
 - i. Copy of your current **visa** stamp (even if the current visa is expired)
 - j. Copy of your **I-94** form. Log into the I-94 website and print it: <https://i94.cbp.dhs.gov/i94/#/home>
 - k. Copy of current **proof of financial support** documentation

When your application packet is ready, we strongly encourage you to schedule a packet review session with one of our advisors or with an experienced immigration attorney.

Additional Documentation Specific to Current Visa Category

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

Changing from H-1b to F-1

- 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 study on the H1B while the change of status is pending; if the H1B status will end before the change of status is approved, seek advice from an immigration attorney**

Changing from H-4 to F-1

- Copy of your I-797 form identifying H-4 status
- Copy of 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 study on the H4 while the change of status is pending; if the H4 status will end before the change of status is approved, seek advice from an immigration attorney**

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

- Copies of all previously issued DS-2019 forms and your J visa
- **For J-2 dependents:** 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 exchange visitor 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," can **NOT** change status within the U.S., unless they have received a waiver of the requirement from the US Department of State
- **For questions on whether you can study while the change of status application is pending please see a J Visa Advisor in ISSS**

Changing from F-2 to F-1

- 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

- **Since you may only study “less than full-time” while on the F-2, you may NOT begin full-time study until F-1 status has been granted; if the F2 status will end before the change of status is approved, seek advice from an immigration attorney**

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 change of status from a B2 visa must clearly explain that there was no intent to study when the applicant first applied for the B2. However; if a B-2 visa is marked "prospective student", student intent was established at the visa interview, and USCIS will take this into consideration

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

Changing from F-1 to F-2

If you are interested in applying for a change of status from F1 to F2, you must first be added to your spouse or parent’s I-20. Please review the “[F2 add dependent](#)” document for further instructions and application procedures.

- Copy of your new F-2 dependent I-20
- Copy of your spouse or parent’s F-1 I-20 listing you as a dependent
- Proof of family relationship (marriage certificate or birth certificate)
- Copies of your spouse or parent’s I-94
- Proof that your F-1 spouse or parent is maintaining their status (transcripts confirming full-time enrollment)
- **Once the F-2 change of status is granted, you may only study “less than full-time”. If your F-1 status will end before the change of status is approved, seek advice from an immigration attorney**

Mailing Your Application

- Keep copies of everything you mail for your own record.
- Send your completed application with fees and supporting documents to the appropriate mailing address. Please refer to USCIS website for those addresses: <https://www.uscis.gov/i-539>.

If granted the Change of Status by USCIS

1. You must attend **International Student Orientation** for the semester indicated by your I-20 program of study start date. *Failure to attend will cause a registration hold to be placed on your student record and can affect your visa status.* For information on International Student Orientation and Scheduled dates, please visit <https://iiss.utah.edu/orientation/index.php>

2. As soon as you receive your I-797 Notice of Approval showing that you have been granted F-1 status, you must immediately complete **Document Check-in** and upload a copy of the F-1 approval notice, (also upload copies of your passport, I-20, I-94 and current US address if you haven't done so already) so that we can report your new F-1 status to Immigration. This process is typically part of International Student Orientation (see the above link for more information) but if your change of status isn't granted until after Orientation, you'll need to complete document check-in* as soon as the F-1 status is granted. Additionally, you will need to follow up with ISSS to ensure your SEVIS record gets activated. *Failure to complete these steps may result in the termination or cancellation of your F-1 visa status*

* If you already completed document check-in during International Student Orientation by uploading a copy of your previous visa, please use UAtlas to upload your approval notice via the "Upload Immigration Documents" e-form and then contact us to let us know you've done this and need your SEVIS record activated for F-1 status approval. *Failure to complete these steps may result in the termination or cancellation of your F-1 visa status*

Important Considerations for Change of Status in US

- **Processing time:** It can take anywhere from 6 months to more than a year for USCIS to process a change of visa status to F-1 in the US. However, this time may be influenced by their current workload, biometrics processing, and/or additional follow up with you.
- **Biometrics:** USCIS now requires you to complete biometrics as part of the Change of Status process. You will receive a letter in your mailbox with your appointment time. Please make sure to show up to your biometrics appointment in order to ensure your request is processed in a timely manner. You can reschedule this appointment but it may cause delays in processing your request. *Failure to complete your biometrics will result in a delay in processing and ultimately denial.*
- If you have dependents, such as a spouse or minor children (under 21), they must fill out the I-539A form and include the biometric fee; the forms and fees must be submitted with your I-539 application submitted to USCIS.
- Departing the U.S. (for example, vacation) while a change of status 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 first consult an ISSS advisor or attorney.
- You may NOT engage in on or off campus employment of any kind until the change of status has been approved (if your current visa does not allow employment). Once you are in F-1 status, you must receive authorization from ISSS prior to working.
- 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 may 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** in the mail from USCIS about two weeks after your application is filed. You can check the status of your application using the receipt

number found on the I-797 document. Visit <https://egov.uscis.gov/casestatus/landing.do> and type in the receipt number in the “check your status” link.

- If you receive a **Request for Evidence (RFE)** from USCIS, be aware of the due date and consult with an ISSS advisor and/or immigration attorney before responding
- If you are granted a change of status from within in the US and then depart the US with plans to re-enter in that same visa status, you must first go to a US embassy or consulate to get your F-1/F-2 visa stamp in your passport prior to re-entry. This will require a visa appointment at a U.S. embassy or consulate during your travel abroad
- **You must report the outcome of your change of status application to International Student and Scholar Services.** Upon receipt of your approval to F-1 status, please report to ISSS and submit your approval notice receipt (I-797), I-20, passport, and I-94 so that we can report your new visa status to Immigration (for details see section “If Granted the Change of Status by USCIS” on page 7). *Failure to do this may result in the termination or cancelation of your new visa status*
- Approval of a change of status is at the sole discretion of USCIS
- If you are **DENIED** the change of status petition, please make an appointment with an ISSS advisor for further guidance; you may also want to follow up with an experienced immigration attorney for legal advice depending on your situation
- All documents submitted must be in English

NOTE: *International Student & Scholar Services (ISSS) provides support and information related to U.S. immigration laws and regulations related to F and J status at the University of Utah. ISSS staff are not attorneys and any information provided by ISSS should not be construed as legal advice. Individuals are welcome to consult a qualified immigration attorney for specific legal advice, particularly in complicated cases. For a list of local Utah attorneys please visit our website [here](#).*

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Change of Visa Status is beyond the advising scope and professional knowledge of ISSS. While we can provide information relating to some documentation which is generally recommended, we are not able to provide advising regarding Change of Visa Status requests.