

CHANGING TO F-1 STUDENT STATUS

Q: What is F-1 student status?

A: F-1 student status is the nonimmigrant classification granted to individuals whose primary purpose for residing temporarily in the U.S. is to pursue FULL-TIME academic study. One of the most important obligations of maintaining F-1 status is enrolling in and completing a full-time course load (12 credits for undergraduates, 9 credits for graduate students) each semester. F-1 students are also eligible for certain employment opportunities.

Q: Do I have to change my status to F-1 student?

A: The answer is probably no. Most visa statuses allow you to study part-time or full-time in a degree program. However, some people choose to change to F-1 status to take advantage of the employment benefits for F-1 students. For example, someone in H-4 status can study full-time for a degree but is not eligible to work. If s/he changes to F-1 status, s/he will be eligible to work on-campus immediately once F1 status is approved!

Some individuals are required to change their status. If you are currently holding F-2 or B-1/B-2 status, you are required to obtain F-1 status to study at a U.S. institution. For both F-2 and B-1/B-2 visa holders, the change of status must be *approved prior to the first day of classes*.

Q: How can I obtain F-1 student status?

A: There are two ways you can become an F-1 student. One way is to obtain an I-20 from Pace University, exit the U.S., obtain an F-1 visa in your passport and re-enter the country. The second way is to apply for a change of status with the United States Citizenship and Immigration Services (USCIS). This involves sending an application for a change of status to the USCIS. The application generally takes 2-3 months to be processed. The application process is detailed in this packet.

Q: Is a change to F-1 status the same as the F-1 visa?

A: No! F-1 status only permits you to remain in the U.S. in order to study full-time and get the benefits of F-1 status. If you change to F-1 status and travel outside the U.S., you will be required to apply for an F-1 visa at a U.S. embassy or consulate before you travel back to the U.S. to resume studies. Approval for a change of status within the U.S. does not guarantee that the embassy will issue an F-1 visa. The USCIS and the Department of State function autonomously and both agencies make decisions independent of one another.

Q: Is it better to apply directly for the F-1 student visa at home or apply for a change to F-1 status here?

A: Every case is different. If you are planning on traveling frequently, you may want to apply for a visa when you are outside the U.S. If you do not plan on leaving the U.S. soon or if you are subject to deadlines for requesting the change of status (F-2, B-1/B-2) and will not be traveling, you should apply for a change of status as soon as possible. In some countries, the visa issuance process is extremely difficult. In those countries, the American Embassy may view a change to F-1 status in the U.S. as an attempt to avoid that process and will want to know why you did not apply for the F-1 visa there instead. This does not mean the visa will automatically be denied, but you should prepare to show documentation or answer questions as to why you did not originally apply for the visa at the U.S. embassy.

If you are not sure which is best for you, make an appointment to see the International Student Advisor on your campus for more information.

Q: Am I eligible for a change to F-1 student status?

A: You are eligible to change to F-1 status if you have been accepted to Pace University and are eligible to receive an I-20. You must also be currently maintaining your present nonimmigrant status and present an unexpired Form I-94.

Q: What if my authorized stay in the U.S. has expired?

A: If your authorized stay in the U.S. has expired, it is difficult to obtain a change of status. You must prove to the USCIS that circumstances beyond your control prevented you from filing the change of status before your authorized stay expired. Make an appointment with the International Student Advisor for further information.

Q: Should I hire a lawyer to help me?

A: You do not have to hire a lawyer to file for a change to F-1 status. The staff at the International Students & Scholars Office has worked with many students who have applied for change of status and been approved. Our staff has the necessary knowledge and experience to help you in the application process. Of course, if you prefer to hire your own lawyer, we will work with you to provide the necessary documentations.

Q: Can I start school before I change my status?

A: The answer is yes with only two exceptions. Applicants who are applying for a change of status from B-1/B-2 to F-1 must receive the approval notice granting F-1 status before beginning to study. These individuals should apply for a change of status no later than 3 months prior to the beginning of the semester to allow enough time for the application to be approved.

Q: If I decide to file an application with the USCIS to change my status, when should I apply?

A: If you are in B-1/B-2 status, you should apply not too soon after your arrival and not too close to the expiration date on your Form I-94. About half way through your authorized stay is ideal.

For other visa statuses, please meet with an International Student Advisor to discuss the timing of your application.

Q: What happens to my status while I am waiting to receive an answer from the USCIS?

A: You will still be maintaining your present nonimmigrant status even if the I-94 expires while USCIS is reviewing your application for a change to F-1.

Q: What documents are required for the change of status application?

A: Please see the attached Change of Status Filing List for a complete list of documents to be submitted with the application.

Q: How do I file my application?

A: Make an appointment with the International Students & Scholars Office, and bring your application, completed to the best of your ability to the appointment. We will answer any outstanding questions you have and help you to file your application to the USCIS. You will send the application to the USCIS Service Center and all correspondence will occur directly between you and the USCIS.

Q: What do I do once I am granted F1 status?

A: When USCIS approves your application the Form I-20 and a new form I-94 will be returned to you. You **MUST** bring the documents to the International Students & Scholars Office for updating your records with the University.

Change of Status Filing List

File the following documents to USCIS:

- _____ 1. Cover letter from ISS
- _____ 2. Completed Form I-539 (You may download the form from USCIS's website at <http://www.uscis.gov>)
- _____ 3. Copy of endorsed Form I-20
- _____ 4. Copy of I-94 card
- _____ 5. Copy of passport, including biographical information and current expiration date. These may be on separate pages, so be sure to copy all the necessary pages.
- _____ 6. Copy of visa page
- _____ 7. Letter from you explaining why you want to change your status to F-1 and how the study applies to your professional goals *in your home country*. ***You must express clear planning to go back to your home country after you study.***
- _____ 8. Copy of acceptance letter and copy of current and immediate future semester registration if applicable
- _____ 9. Financial Documents – bank statements, scholarship awards, approved loans. If the financial documents are in the name of a sponsor, the sponsor must complete an Affidavit of Support form obtainable through the Office of Admissions or the International Students & Scholars Office.
- _____ 10. Evidence of Lawful Status: Attach any evidence you have to prove that you are maintaining lawful status in the U.S. Visitors should attach evidence of where you have visited or business activities; dependents should provide evidence that the principal is maintaining status; those currently authorized to work in the U.S. should provide a letter certifying your employment and a current pay stub.
- _____ 11. Evidence of strong ties with your home country such as residence certification, job offer, business ownership, etc.
- _____ 12. \$370 fee check/money order payable to Department of Homeland Security
- _____ 13. Pay \$200 SEVIS fee after I-20 is issued and BEFORE mailing application. Include copy of receipt with application.
- _____ 14. If you are currently holding a dependent visa (i.e. F-2, H-4), you must also provide copies of the principal visa holder's immigration documents and show that s/he is maintaining status.
- _____ 15. If you are in A or G status, you must complete the Form I-566 and obtain all required signatures.

USCIS Address:

**USCIS Vermont Service Center
ATTN: I-539
75 Lower Welden Street
St. Albans, VT 05479**

We recommend sending your application via certified mail, return receipt requested, FedEx, or another mail service that will give you a receipt and confirmation that your application has been delivered.