



CHANGE OF STATUS

What is a change of status?

When you entered the U.S., you had a particular reason or purpose for your visit. Perhaps you entered the U.S. as a visitor (B1/B2) or as a temporary worker (H1B). That purpose can also be called your “status” or the activity that you came to do in the U.S. When you arrived at the U.S. port of entry, your passport was stamped and the Immigration officer recorded your purpose (status) and the duration of your status in that stamp.

While in the U.S., your purpose may change. Perhaps you visited Mercy College while on vacation and now you wish to obtain a 4 year degree in Computer Science as a full-time student there. Or, perhaps your purpose is ending in the near future, i.e. you will be leaving your job under your H1B status, and wish to return to school.

If your purpose for being in the U.S. has changed or is ending, and you wish to change your purpose to pursuing an educational objective as a **full-time** student, you will need to change your status to F-1 to remain in the U.S. lawfully.

Am I eligible to study under my current nonimmigrant status?

Most nonimmigrant statuses allow you to study in the U.S. as long as you are maintaining your status otherwise. The three exceptions are B1/B2, F-2, and M-2. If you are in one of these categories, you **are not** permitted by USCIS to study until a change of status to F-1 student is approved.

Am I eligible to apply for a change of status under my current nonimmigrant status?

To be eligible to apply for F-1 student status,

1. **You must have a status that U.S. law allows you to change**
 - a. If you hold any of the following statuses, you are NOT eligible to change your status to F-1:
C, D, some J's, K, M-1, N, S, WB, and WT.
2. **You must be here lawfully**
 - a. Your current immigration status may not end more than 30 days before the start date of your program of study. That means that the date listed in your passport stamp and your authorized activity may not have expired. You will be required to present evidence to prove that activity has not ended, and that your status is valid.
 - b. F-2 dependents who pursued post-secondary study are not eligible for a change of status to F-1 unless that study was recreational.
 - c. B1/B2 visitors must prove that they have not begun a course of study prior to applying for the change of status
3. **You must obtain a Certificate of Eligibility for Nonimmigrant F1 Student or Form I-20 which certifies that you have been accepted for a full course of study and have the financial ability to cover the costs of living and studying in the U.S.**
 - a. To obtain more information on the requirements for obtaining a Form I-20, please contact the International Students Office.
4. **You must prove that you have compelling ties in your home country that you do not intend on abandoning.** Compelling ties can be defined as showing proof of residence in your home country.

5. **B1/B2 visitors must prove that their intent was not originally to study.** In other words, you must show that you did not intentionally apply for a visitor visa (B1/B2), when your true intent was to remain in the U.S. as an F-1 student.
- If your original intent was to stay in the U.S. as an F1 student at the time that you applied for a B1/B2 visa, you are not eligible to apply for a change of status.

How does the change of status affect my visa?

A change of status is NOT a change of visa. You can only get a visa at the American embassy or consulate in your home country. If your change of status is approved, you will still need to return to your home country to obtain a visa for travel, if you intend on travelling internationally during your F1 status.

What is the difference between status and a visa?

Status

- When you enter the U.S., you are allowed in for a certain period of time and to do a certain activity. This is your status, or the reason that you are here in the U.S.

Visa

- This is the travel document that allows you into the U.S. The visa is issued to do a certain activity for a certain period of time

Is there any other way that I can become an F-1 international student?

You can obtain a visa from your home country to enter the U.S. as an F1 student. Once you enter the U.S. on this visa, your F1 status would begin. To obtain a visa once you return to your home country, you would need to obtain a form I-20. For more information on obtaining a Form I-20, please contact the International Students Office.

How do I apply for a change of status?

The International Students Office is more than happy to help you with your application for a change of status to F-1 student. We can advise you about the pros and cons of changing status, and also about the procedures you must follow to file your application in a complete and timely manner.

What documents do I need to apply for a change of status?

- I-539, Application to Change/Extend Nonimmigrant Status (Original)
- SEVIS I-20 (Original)
- I-94 (Copy)
- Copies of Passport and Visa Documents
- Financial Documentation
- Evidence of Residence Abroad
- Letter from the student explaining reasons for the Change of Status
- Letter from the Designated School Official
- \$290 Check or Money Order made payable to Department of Homeland Security
- SEVIS Fee to be paid on line at www.FMjfee.com and you must include a copy of receipt or Form I-797

To Learn More or To Apply for a Change of Status

Please contact the International Students Office to make an appointment.

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