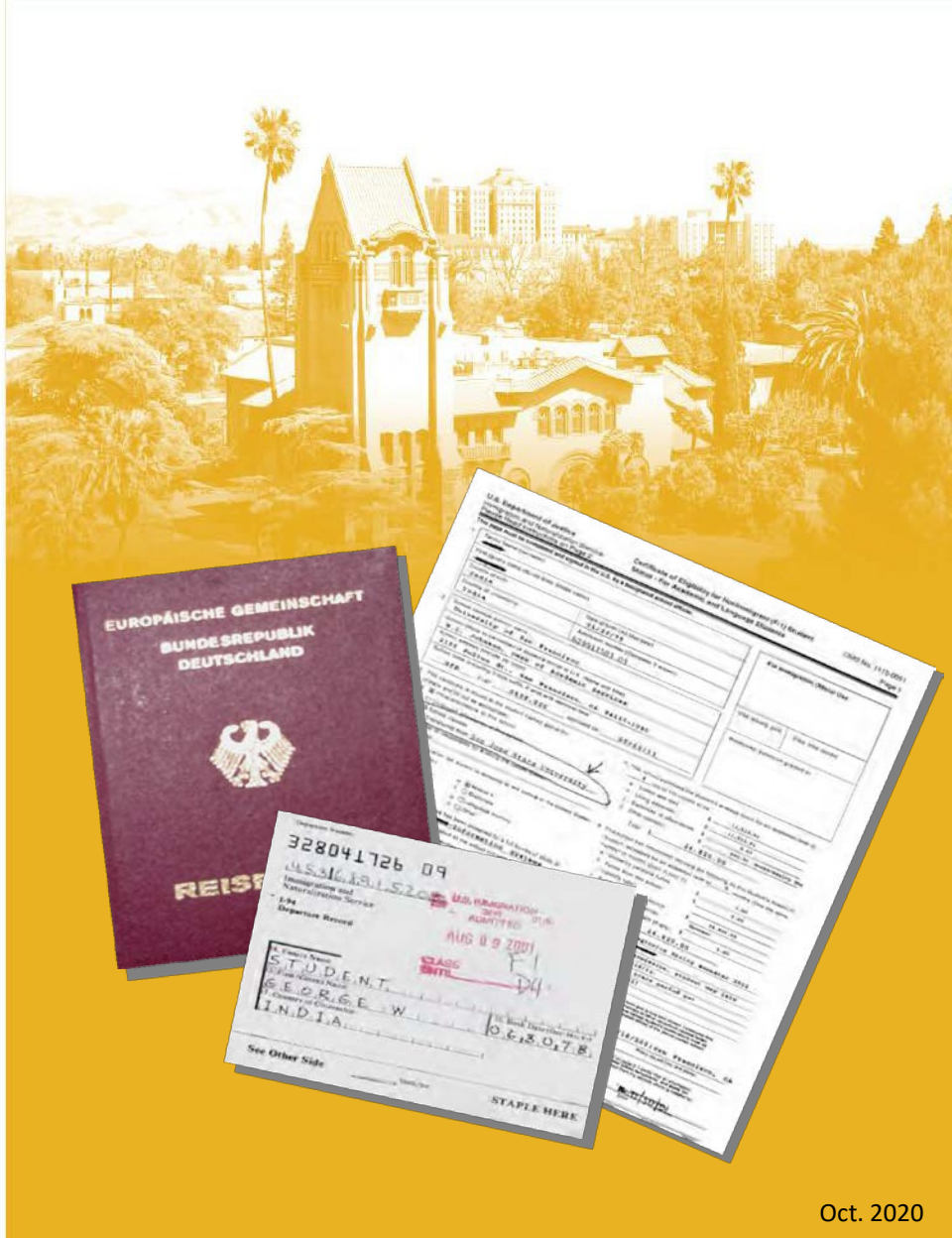


**SJSU** SAN JOSÉ STATE UNIVERSITY

# Change of Status to F-1

Presented by International Student and Scholar Services



## Topics covered in this tutorial include:

- ❖ Questions to Ask Yourself Before Starting the Process
- ❖ Comparison of F-1 and H-4/F-2 Status
- ❖ Difference Between Visa and Status
- ❖ Application Process
- ❖ Consular Processing Information
- ❖ Change of Status application with USICS
- ❖ Eligibility for F-1 Status Employment Benefits

# Before we get started:

The following presentation contains information relevant to individuals who are considering changing their current nonimmigrant status to the F-1 student category.

Some of the information is relevant only to individuals in H-4 or F-2 dependent status, which are common cases at SJSU.

You are responsible for your own visa status and you will need to maintain your current visa status, to be eligible for a change to another visa status.

## As you decide whether or not to switch to F-1, ask yourself:

- What is my primary motivation to switch to F-1 status?
- Will I be able to maintain my current status? When will my current status expire?
- Does my current status prohibit me from applying for a change of status within the U.S.?



## Comparison of F-1 vs. H-4, F-2 Dependent Status

### F-1 Student

- Must study full-time every semester to maintain status
- Must have a record in the SEVIS government database
- May be eligible for on-campus and off-campus employment
- Must purchase the SJSU approved health insurance plan or apply for a waiver each term
- Must pay non-resident tuition fees (upon issuance of Form I-20, which indicates intention to change to F-1 status)

### F-2 Dependent

- Can study part-time ONLY to maintain status
  - Graduate (less than 9 credits)
  - Undergraduate (less than 12 credits)
- Must have a record in the SEVIS government database tied to an F-1 record
- NOT eligible for employment benefits

### H-4 Dependent

- Can study part-time, full-time or not at all
- Does NOT need to have a record in the SEVIS government database
- NOT eligible for employment benefits (unless you have been granted an EAD card)
- NOT required to purchase a health insurance plan
- May be eligible for resident tuition fees

# Visa and Status are NOT the same thing!

## VISA

- Stamp in your passport issued by a U.S. Embassy/Consulate abroad
- Can only be obtained outside of the U.S.
- Allows you to request admission to the U.S. in a specific visa category
- Must be valid at time of entry
- You can remain in the U.S. on an expired visa, as long as you are maintaining your visa status.
- You can have many visa stamps in your passport at once, but can only use one to enter the country each time

## STATUS

- Set of immigration rules regulating your responsibilities and benefits while in the U.S.
- You are granted status at a U.S. Port of Entry (POE) by an Customs and Border Protection (CBP) Officer
- Allows you to legally be in the U.S.
- Only valid while you are in the U.S. If you leave the country you will need to regain status when you return.
- You must maintain status (follow the rules) to legally remain in the U.S.
- You can only have one status at a time
- I-94 record of arrival is evidence of your legal status in the U.S.

## VISA DOCUMENT

Used to request admission to the U.S. in a specific visa status



**Check your visa expiration date and number of entries allowed!**

**M= Multiple entries**

## STATUS DOCUMENT

I-94 record of arrival is evidence of status and legal admission to the U.S.

Electronic I-94 Card (airport entry)



Check your Class of Admission and Admit Until Date! Your I-94 should be issued for F-1 status and for D/S (Duration of Status)

Most Recent I-94

Admission (I-94) Record Number:

Most Recent Date of Entry: 2014 February

Class of Admission: F1

Admit Until Date: D/S

Details provided on the I-94 Information form:

Last/Surname: Potter

First (Given) Name: Harry

Birth Date: 31 July 1985

Passport Number: 2233546

Country of Issuance: England

Get Travel History

▶ Effective April 26, 2013, DHS began automating the admission process. An alien lawful required to be in possession of a preprinted Form I-94. A record of admission printed from admission. See 8 CFR § 1.4(d).

▶ If an employer, local, state or federal agency requests admission information, present any additional required documents requested by that employer or agency.

▶ Note: For security reasons, we recommend that you close your browser after you have

Paper I-94 Card (land or sea entry)

212267781 12

Immigration and Naturalization Service  
I-94  
Departure Record

ADMITTED APR 29 2011  
CLASS F1  
D/S

14. Family Name: Reyes, Swarez  
15. First (Given) Name: Mary, Louisa  
16. Birth Date (Day/Mo/Yr): 06/10/85  
17. Country of Citizenship: Dominican, REP.

See Other Side specimen STAPLE HERE

USCIS I-94 Card (approved change of status applications)

Detach This Half for Personal Records

886396400 07  
Receipt Number WAC-04-357-51800  
Immigration and Naturalization Service  
I-94  
Departure Record Petitioner: XYZ CORP.

Receipt # WAC-04-357-51800  
I-94# 886396400 07  
NAME: TANAKA, TARO  
CLASS H1B1  
VALID FROM 01/01/2005 UNTIL 12/31/2007

PETITIONER: XYZ CORPORATION  
123 PLOVER STREET,  
LOS ANGELES, CA 90017

14. Family Name: TANAKA  
15. First (Given) Name: TARO  
16. Birth Date: 08/17/1972  
17. Country of Citizenship: JAPAN

Form I-94A (Rev. 09/07/2005)



## Two Ways to Switch to F-1 Status



### Consular Processing (Travel Option)

- Request initial form I-20 from ISSS
- Apply for an F-1 visa at a U.S. embassy or consulate abroad
- Apply for F-1 admission at a U.S. Port-of-Entry (not more than 30 days before program start date, listed on I-20)
- Retrieve I-94 record after being admitted in F-1 status
- Check-in with ISSS



### Change of Status with USCIS (within U.S.)

- Request a Change of Status (COS) Form I-20 from ISSS
- Prepare and mail your Form I-539 COS application to USCIS, including Form I-20 & supporting documents
- Receive COS approval notice (Form I-797A) from USCIS
- I-94 record of arrival for F-1 status appears at bottom of the approval notice
- Inform ISSS of your new visa status

- Form I-20 is issued by ISSS
- Required by USCIS for COS application or to apply for a F-1 visa

## Travel I-20 for F-1 Visa Application

Department of Homeland Security I-20, Certificate of Eligibility for Nonimmigrant Student Status  
U.S. Immigration and Customs Enforcement OMB NO. 1653-0038

SEVIS ID: N

SURNAME/PRIMARY NAME	GIVEN NAME	<b>F-1</b>  ACADEMIC AND LANGUAGE
PREFERRED NAME	PASSPORT NAME	
COUNTRY OF BIRTH	COUNTRY OF CITIZENSHIP	
DATE OF BIRTH	ADMISSION NUMBER	
FORM ISSUE REASON <b>Initial Attendance at this school</b>	LEGACY NAME	

**SCHOOL INFORMATION**

SCHOOL NAME Mercy College Mercy College	SCHOOL ADDRESS 555 Broadway, Dobbs Ferry, NY 10522
SCHOOL OFFICIAL TO CONTACT UPON ARRIVAL Makeda King Director of International Students	SCHOOL CODE AND APPROVAL DATE NYC214F00534000 30 JANUARY 2003

**PROGRAM OF STUDY**

EDUCATION LEVEL	MAJOR 1 Computer and Information Systems Security/Information Assurance 11.1003	MAJOR 2 None 00.0000
NORMAL PROGRAM LENGTH	PROGRAM ENGLISH PROFICIENCY Required	ENGLISH PROFICIENCY NOTES Student is proficient
PROGRAM START DATE	PROGRAM END DATE	

**FINANCIALS**

ESTIMATED AVERAGE COSTS FOR: 12 MONTHS		STUDENT'S FUNDING FOR: 12 MONTHS	
Tuition and Fees	\$	Personal Funds	\$ 0
Living Expenses	\$ 14,000	Funds From This School	\$
Expenses of Dependents (0)	\$		\$
Other	\$	On-Campus Employment	\$
<b>TOTAL</b>	<b>\$</b>	<b>TOTAL</b>	<b>\$</b>

REMARKS

## COS I-20 for USCIS Application

Department of Homeland Security I-20, Certificate of Eligibility for Nonimmigrant Student Status  
U.S. Immigration and Customs Enforcement OMB NO. 1653-0038

SEVIS ID: N

SURNAME/PRIMARY NAME	GIVEN NAME	<b>F-1</b>  ACADEMIC AND LANGUAGE
PREFERRED NAME	PASSPORT NAME	
COUNTRY OF BIRTH	COUNTRY OF CITIZENSHIP	
DATE OF BIRTH	ADMISSION NUMBER	
FORM ISSUE REASON <b>Initial Attendance - Change of Status Requested</b>	LEGACY NAME	

**SCHOOL INFORMATION**

SCHOOL NAME Mercy College Mercy College	SCHOOL ADDRESS 555 Broadway, Dobbs Ferry, NY 10522
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NORMAL PROGRAM LENGTH	PROGRAM ENGLISH PROFICIENCY Required	ENGLISH PROFICIENCY NOTES Student is proficient
PROGRAM START DATE	PROGRAM END DATE	

**FINANCIALS**

ESTIMATED AVERAGE COSTS FOR: 12 MONTHS		STUDENT'S FUNDING FOR: 12 MONTHS	
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Expenses of Dependents (0)	\$		\$
Other	\$	On-Campus Employment	\$
<b>TOTAL</b>	<b>\$</b>	<b>TOTAL</b>	<b>\$</b>

REMARKS

# Proof of Financial Ability

## Financial Documentation for Form I-20

- Provide evidence of sufficient LIQUID FUNDS available to cover your educational and living expenses.
- Personal funds and family funds are acceptable. You may have several sources of funding.
- Bank letter or statement from a U.S. or foreign bank must be dated within the past 6 months; must be in English or accompanied by an English translation.
- Available balance must be in U.S. dollars.
- See [SJSU Declaration of Finance](#) form for required funding amounts and acceptable funding sources.

## For USCIS Form I-539 Change of Status Application

We recommend you submit additional 3-4 consecutive bank statements with a monthly balance similar to the required amount.

## Consular Processing-Apply for F-1 Visa

Step 1

Request initial attendance I-20 and prepare all supporting documents.

Step 2

[Schedule an appointment](#) with an ISSS International Student Advisor to ask any questions that you may have regarding the process.

Step 3

Email I-20 request form and supporting documents to ISSS.

\*ISSS will create a SEVIS record, print an I-20, & email the I-20 to you.

Step 4

Pay [I-901 SEVIS fee](#).

Step 5

Make an appointment at a U.S. embassy or consulate (preferably in your home country) to apply for an F-1 visa.

Step 6

Use your Form I-20 and F-1 visa to request admission at Port Of Entry (POE). Report to ISSS upon arrival to the U.S.; attend F-1 orientation.

## Things to Consider

- Obtaining an F-1 visa is **NOT** guaranteed.
- Your visa application might be subject to Administrative Processing delays ranging from a few days to a few weeks (and in some rare cases a few months).
- F-1 visa can be used to enter the U.S. **no more than 30 days** before the program start date listed on your Form I-20.

## USCIS Change of Status Process

Step 1

Request a COS I-20 and prepare all required supporting documents.

Step 2

[Schedule an appointment](#) with an ISSS International Student Advisor to ask any questions that you may have regarding the process.

Step 3

Email I-20 request form and supporting documents to ISSS.

\*ISSS will create a SEVIS record, print I-20, and mail the I-20 to you

Step 4

Pay [I-901 SEVIS fee](#).

Step 5

Prepare and mail your [Form I-539](#) application to USCIS; include filing fee, a photocopy of the I-20, and required supporting documentation.

Step 6

Receive Form I-797C Notice of Action (filing receipt) from USCIS.

Step 7

Receive Form I-797A Approval Notice from USCIS.  
Inform ISSS of new F-1 status; attend F-1 student orientation.

# Form I-539

- This U.S. government form can be downloaded from the [USCIS website](https://uscis.dhs.gov).
- Submit all pages even if some of the fields/questions do not apply to you and are left blank.
- Please read through the I-539 instructions, found [here](#).

**Application to Extend/Change Nonimmigrant Status**  
 Department of Homeland Security  
 U.S. Citizenship and Immigration Services

USCIS  
 Form I-539  
 OMB No. 1615-0003  
 Expires 04/30/21/8

For USCIS Use Only	Fee Stamp	Action Block
Returned Resubmitted Relocated Received Sent		
Remarks: <input type="checkbox"/> <b>Granted</b> New Class: _____ Dates: From: ____/____/____ To: ____/____/____	<input type="checkbox"/> <b>Denied</b> <input type="checkbox"/> Still within period of stay <input type="checkbox"/> S/D to: _____ <input type="checkbox"/> Place under docket control	<input type="checkbox"/> <b>Applicant interviewed on</b> _____
To Be Completed by an <i>Attorney or Accredited Representative, if any.</i>		<input type="checkbox"/> Select this box if G-28 is attached to represent the applicant. Attorney State License Number: _____

Part I. Information About You	Other Information
1. Alien Registration Number (A-Number) ▶ A- _____	6. Country of Birth _____
2. USCIS Online Account Number (if any) ▶ _____	7. Country of Citizenship or Nationality _____
3.a. Family Name (Last Name) _____	8. Date of Birth (mm/dd/yyyy) ▶ _____
3.b. Given Name (First Name) _____	9. U.S. Social Security Number (if any) ▶ _____
3.c. Middle Name _____	10. Date of Last Arrival into the United States (mm/dd/yyyy) ▶ _____
<b>Mailing Address</b>	Provide information about your most recent Form I-94
4.a. In Care Of Name _____	11.a. I-94 Arrival-Departure Record Number ▶ _____
4.b. Street Number and Name _____	11.b. Passport Number _____
4.c. Apt. <input type="checkbox"/> Ste. <input type="checkbox"/> Flr. <input type="checkbox"/> _____	11.c. Travel Document Number _____
4.d. City or Town _____	11.d. Country of Issuance for Passport or Travel Document _____
4.e. State _____ 4.f. ZIP Code _____	11.e. Expiration Date for Passport or Travel Document (mm/dd/yyyy) ▶ _____
<b>Physical Address</b>	12.a. Current Nonimmigrant Status _____
5.a. Street Number and Name _____	12.b. Expiration Date (mm/dd/yyyy) ▶ _____
5.b. Apt. <input type="checkbox"/> Ste. <input type="checkbox"/> Flr. <input type="checkbox"/> _____	12.c. <input type="checkbox"/> Check this box if you were granted Duration of Status (DS).
5.c. City or Town _____	
5.d. State _____ 5.e. ZIP Code _____	

Form I-539 (12/23/16) N Page 1 of 9

# Things to Consider

- You must be in valid status to **change status**. If you are not maintaining your current status, your change of status application to F-1 may not be approved.
- You may need to file a **“Bridge Application”**. See next slide for details.
- If you leave the U.S. while your I-539 COS application is pending, USCIS will consider you to have abandoned your application, it will be denied.
- Plan for long processing times; it may takes 4-6 months to receive a decision from USCIS.
- Through the COS process you will receive F-1 status, but not a visa. If you need to leave the U.S. after obtaining F-1 status, you will need to apply for a F-1 visa at a U.S. embassy or consulate abroad, to re- enter the U.S.
- Refer to ISSS website for the deadline to request a COSI-20.



## Bridge Application **NEW** requirement from USCIS as of Feb. 6, 2018

- Need to maintain your current status up to 30 days before your I-20 program start date.
- Need to file a I-539 “Bridge Application” to extend your current status if your I-20 program start date is more than 30 days beyond the expiration of your current status.

### For More Information

NAFSA website: [USCIS Policy on Filing Bridge Applications During COS to F-1 or M-1 Status](#)

USCIS website: [Changing to a Nonimmigrant F or M Student Status](#)

### Important

- A change of status application is a personal application and can have an impact on your immigration status and eligibility for future immigration benefits.
- We strongly recommend you consult with an experienced immigration lawyer before filing a bridge application with USCIS.

## When can I start working on-campus?



- To be eligible for F-1 on-campus employment benefits you must be in F-1 status.
- This means you are eligible to work on-campus as an F-1 student when your F-1 status becomes effective (go by the F-1 status effective date on the USCIS I-797A approval notice OR the entry date on your F-1 status I-94 record of arrival).
- Check the [ISSS website](#) for information on how to apply for a Social Security Number.



## When can I start doing internships off-campus?

To be eligible for F-1 off-campus employment benefits (e.g. CPT or OPT) you must meet these TWO requirements:

1. Be enrolled full-time for TWO consecutive semesters (Spring and Fall or Fall and Spring) in a visa status that allows full-time study (e.g. H-4).
2. Have one academic semester at SJSU in F-1 status.

**\*\*Your F-1 status must be approved within 30 days of the semester start date, to meet this requirement.**

# Questions?

SAN JOSÉ STATE UNIVERSITY *powering* SILICON VALLEY

## Office of International Student & Scholar Services

Student Union West, 2<sup>nd</sup> floor

\*As of March 17, 2020 – ISSS Staff are working remotely, due to COVID-19, until further notice.

Office Hours: Monday to Friday, 9am to 4pm Tel: 408-924-5920

Email: [international-office@sjsu.edu](mailto:international-office@sjsu.edu)

Book an Appointment: <http://www.sjsu.edu/iss/about/contact/>