Change of Status to F-1

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 General Information
- USCIS Application Specific Information
- F-1 Visa Application Specific Information
- Eligibility for F-1 Status Employment Benefits
The following presentation contains information relevant to individuals who are considering changing their current immigration status to the F-1 student nonimmigrant category.

Some of the information is relevant only to individuals in H-4 or F-2 dependent status, which are the most common change of status cases at SJSU.
As you decide whether or not changing status to F-1 is the right thing for you, ask yourself:

- What is my primary motivation to change status to F-1?
- What is my current visa status?
- Have I been complying with the rules and requirements to maintain my current status?
- When is my current status going to expire?
- Does my current status prohibit me from applying for a change of status within the U.S.?
## Things to Keep in Mind

### Comparison of F-1 Status vs. Dependent Status (H-4 / F-2)

<table>
<thead>
<tr>
<th>F-1 Student</th>
<th>F-2 Dependent</th>
<th>H-4 Dependent</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Must study full-time every semester to maintain status</td>
<td>• Can study part-time only to maintain status</td>
<td>• Can study part-time, full-time or not at all</td>
</tr>
<tr>
<td>• Must have a record and be monitored in the SEVIS government database</td>
<td>• Must have a record in the SEVIS government database tied to an F-1 record</td>
<td>• Does NOT need to have a record in the SEVIS government database</td>
</tr>
<tr>
<td>• May be eligible for on-campus and off-campus employment</td>
<td>• NOT eligible for employment benefits</td>
<td>• NOT eligible for employment benefits (unless you have been granted an EAD card)</td>
</tr>
<tr>
<td>• Must purchase the SJSU approved health insurance plan or apply for a waiver each term</td>
<td></td>
<td>• NOT required to purchase a health insurance plan</td>
</tr>
<tr>
<td>• Must pay non-resident tuition fees (upon issuance of Form I-20, which indicates intention to change to F-1 status)</td>
<td></td>
<td>• May be eligible for resident tuition fees</td>
</tr>
</tbody>
</table>
**Visa and Status are NOT the same thing!**

<table>
<thead>
<tr>
<th><strong>VISA</strong></th>
<th><strong>STATUS</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>• Stamp in your passport issued by U.S. Embassy abroad</td>
<td>• Set of immigration rules regulating your responsibilities and benefits while in the U.S.</td>
</tr>
<tr>
<td>• Can only be obtained outside of the country</td>
<td>• You are granted status at a U.S. Port of Entry (POE) by an Immigration Officer</td>
</tr>
<tr>
<td>• Allows you to request admission to the U.S.</td>
<td>• Allows you to legally be in the U.S.</td>
</tr>
<tr>
<td>• Must be valid at time of entry</td>
<td>• Only valid while you are in the U.S. If you leave the country you will need to regain status when you return.</td>
</tr>
<tr>
<td>• You can remain in the U.S. on an expired visa</td>
<td>• You must maintain status (follow the rules) to legally remain in the U.S.</td>
</tr>
<tr>
<td>• You can have many visas stamps in your passport at once, but can only use one to enter the country each time</td>
<td>• You can only have one status at a time</td>
</tr>
<tr>
<td></td>
<td>• I-94 card is evidence of your legal status in the U.S.</td>
</tr>
</tbody>
</table>
VISA DOCUMENT
Used to request admission to the U.S.

Check your visa expiration date and number of entries allowed!
M= Multiple entries
STATUS DOCUMENT

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

Electronic I-94 Card (airport entry)

Paper I-94 Card (land or sea entry)

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

Things to Keep in Mind

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)
Two Ways to Change Status to F-1

USCIS Application in the U.S.
- Obtain Change of Status (COS) Form I-20 from ISSS
- Prepare and mail application to USCIS including Form I-539, Form I-20 and supporting documents
- Receive F-1 status through USCIS approval notice (F-1 status will be effective on date shown on notice)
- I-94 for F-1 status appears on USCIS approval notice

F-1 Visa Application outside U.S. (Travel Option)
- Obtain Travel Form I-20 from ISSS
- Apply for an F-1 visa at a U.S. Embassy abroad
- Receive F-1 status upon re-entry through immigration inspection (F-1 status granted by CBP Officer is effective immediately)
- I-94 for F-1 status can be retrieved online here
Travel I-20 for F-1 Visa Application

COS I-20 for USCIS Application

- Issued by ISSS
- It’s like a printout of your SEVIS record
- Required by USCIS and U.S. Embassy for processing COS/F-1 visa application

**Form I-20**

- **Initial Attendance at this school**
- **Legacy Name**

**SEVIS ID: N**

**SCHOOL INFORMATION**

- **School Name:** SJSU Washington Square
- **Address:**

**PROGRAM OF STUDY**

- **Major 1:** Computer and Information Systems
  - Security/Information Assurance
- **Major 2:** None

**FINANCIALS**

- **Estimated Average Costs for 12 Months:**
  - Tuition and Fees: $0
  - Personal Funds: $0
  - Funds From This School: $14,000
  - Living Expenses: $0
  - Expenses of Dependents (0):
  - Other: $0
  - On-Campus Employment: $0
  - TOTAL: $14,000

**Remarks**
Proof of Financial Ability

To obtain Form I-20 you must show evidence of sufficient LIQUID FUNDS available to cover your expenses. Personal funds and family funds are acceptable. You may combine several sources of funding. See SJSU Declaration of Finance form for required funding amounts and acceptable funding sources.

Required Financial Documents for Form I-20 request:

1) Bank letter OR bank statement from a U.S. or foreign bank dated within the past 6 months

If the funds are not yours, your financial sponsor name must appear on the bank letter/bank statement, and he/she must complete and sign the SJSU Declaration of Finance form.

If the letter/statement comes from a foreign bank (outside the U.S.):
   - Must be in English or be accompanied by an English translation
   - Must show balance in U.S. dollars (in addition to local currency)

For USCIS Application:
We recommend you submit bank statements from previous 4 consecutive months with a monthly balance similar to the required amount.

2) SJSU Declaration of Finance form completed, signed and dated by you and your financial sponsor(s). Click here to download the latest version.
# USCIS Application Process

| Step 1 | Complete [ISSS Change of Status to F-1 application form](#) and prepare all required supporting documents.  
|        | See [ISSS Change of Status to F-1 handout](#) for details. |
| Step 2 | **Schedule an appointment** with an ISSS International Student Advisor to submit your I-20 application.  
|        | Please bring ALL the required documents listed on the handout. |
| Step 3 | ISSS will create a SEVIS record, print an I-20 and email you within 15 business days to come pick it up. |
| Step 4 | Prepare and mail your application to USCIS including the original [Form I-539](#), a photocopy of the I-20, and required supporting documents.  
|        | Your application must be received by USCIS within 30 days of the I-20 being created. |
| Step 5 | Pay these U.S. government fees: $200 SEVIS Record fee (pay online [here](#)) AND $370 USCIS Application fee (mail check with your USCIS application packet) |
| Step 6 | Receive Form I-797 Notice of Action (Receipt) from USCIS. |
| Step 7 | Receive Form I-797 Approval Notice from USCIS.  
|        | Report to ISSS by [scheduling an appointment](#) with an ISSS International Student Advisor to submit your approval notice. |
Form I-539

- This U.S. government form can be downloaded from the USCIS website.
- Submit all 9 pages even if some of the fields/questions do not apply to you.
- ISSS will review the form, suggest edits as needed, and return it to you with your Form I-20.
Form I-539

When completing Form I-539, be sure to:

Part 2. Application Type
2.a. I am applying for a change of status. The new status and effective date of change: Use the program start date listed on your Form I-20

Part 3. Processing Information
1.a. Leave this blank
1.b. Check the box! You are requesting F-1 status for Duration of Status (D/S)
If you answer "No" on Page 3, Item 19 please ALSO complete Page 6, Item 2.
Things to Consider

- You must **have status to change status**. If you do not have lawful status, you may not obtain F-1 status through this method.

- You might need a **“Bridge Application”**. See next slide for details.

- If you do this, **you will receive status, but not a visa**. If you need to exit the country after you receive F-1 status, you will need to obtain a visa to re-enter in F-1 status.

- If **you leave the country while your COS application is pending**, USCIS will consider your application abandoned and it will be cancelled.

- **USCIS processing delays** observed since Spring 2018: It takes 6-9 months in average for an application to be approved!

- The last date to submit your request to ISSS for an I-20 for COS through a USCIS application is **90 days prior to the start date of the next semester**.
**Bridge Application**

**NEW requirement from USCIS as of 2/6/2018**

- Need to maintain your current status up to 30 days before your I-20 program start date
- Need to file a "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

**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 NOTES:**

- A change of status application is a personal application and can have a complex impact on your immigration status and eligibility for future immigration benefits.
- We strongly recommend you consult with an experienced immigration lawyer before filing your application to USCIS
### F-1 Visa Application Process

<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
</tr>
</thead>
</table>
| **Step 1** | • Complete [ISSS Change of Status to F-1 application form](#) and prepare all required supporting documents.  
• See [ISSS Change of Status to F-1 handout](#) for details. |
| **Step 2** | • Schedule an appointment with an ISSS International Student Advisor to submit your I-20 application.  
• Please bring ALL the required documents listed on the handout. |
| **Step 3** | • ISSS will create a SEVIS record, print an I-20 and email you within 15 business days to come pick it up. |
| **Step 4** | • Make an appointment with a U.S. Consulate (preferably in your home country) to apply for an F-1 visa.  
• You can also apply in a third country (NOT your home country). Confirm the U.S Consulate accepts applications from TCNs (Third Country Nationals) and check if you need a tourist visa to enter the country. |
| **Step 5** | • Pay these U.S. government fees: $200 SEVIS Record fee (pay online [here](#)) AND $160 Visa Application fee (contact U.S Consulate to find out about payment options) |
| **Step 6** | • Contact the U.S. Consulate to find out what documents you need to bring with you for the visa interview. |
| **Step 7** | • Travel to the U.S. and 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. by attending an Immigration Check-in Session (check [ISSS website](#)) |
Things to Consider

Based on the processing delays we have observed, we advise students wanting to change status to F-1 to consider the travel option understanding the risks involved:

- Obtaining an F-1 visa is **NOT guaranteed**
- Your visa application might be subject to **Consular Office Administrative Processing delays** ranging from a few days to a few weeks (and in some rare cases 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
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 approval notice OR the entry date on your F-1 status I-94 card).
- Check the ISSS website for information on how to apply for a Social Security Number.
F-1 Employment Benefits

When can I start doing internships off-campus?

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

1) Be enrolled full-time for TWO consecutive semesters (Spring + Fall; Fall+ Spring) in a visa status that allows full-time study (e.g. H-4)

2) Be in F-1 status before the end of the add/drop period of the semester in which you wish to use F-1 off-campus employment benefits.

*NOTE:
If it is your final term and your F-1 status is effective after the end of add/drop, you will NOT be eligible for CPT; however, you will still be eligible to apply for OPT.
Questions?
Schedule an appointment with ISSS!*

To schedule an appointment:

Call 408-924-5920

Email international-office@sjsu.edu

*NOTE:
Given the complex nature of Change of Status cases and in an effort to serve you better, we ask that you schedule an appointment with an International Student Advisor instead of coming during walk-in advising hours.
Change of Status to F-1 Tutorial
Last Update: February 2019
Information is subject to change at any time. Please contact an International Student Advisor for the most up-to-date information.