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.
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

<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>
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</tr>
<tr>
<td>• Must purchase the SJSU approved health insurance plan or apply for a waiver each term</td>
<td>• Must pay non-resident tuition fees (upon issuance of Form I-20, which indicates intention to change to F-1 status)</td>
<td>• NOT required to purchase a health insurance plan</td>
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Visa and Status are NOT the same thing!

**VISA**
- Stamp in your passport issued by U.S. Embassy abroad
- Can only be obtained outside of the country
- Allows you to request admission to the U.S.
- Must be valid at time of entry
- You can remain in the U.S. on an expired visa
- You can have many visas 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 Immigration 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 card is evidence of your legal status in the U.S.
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.

Things to Keep in Mind

Electronic I-94 Card (airport entry)

Paper I-94 Card (land or sea entry)

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

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 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 CBP Port-of-Entry
- Retrieve I-94 record after being admitted in F-1 status

**Change of Status with USCIS (within U.S.)**
- Request a Change of Status (COS) Form I-20 from ISSS
- Prepare and mail application your Form I-539 COS to USCIS, include Form I-20 & supporting documents
- Receive COS approval notice (Form I-797A) from USCIS
- I-94 for F-1 status appears at bottom of approval notice
• 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

- Initial Attendance at this school

COS I-20 for USCIS Application

- Initial Attendance – Change of Status Requested
Proof of Financial Ability

Financial Documentation for Form I-20

• Provide evidence of sufficient LIQUID FUNDS available to cover your educational expenses.
• Personal funds and family funds are acceptable. You may combine 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

<table>
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<th>Description</th>
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<tr>
<td>Step 1</td>
<td>Request initial attendance I-20 and prepare all supporting documents.</td>
</tr>
<tr>
<td>Step 2</td>
<td>Schedule an appointment with an ISSS International Student Advisor to submit your I-20 application.</td>
</tr>
<tr>
<td>Step 3</td>
<td>ISSS will create a SEVIS record, print an I-20, email you to come in to pick-up.</td>
</tr>
<tr>
<td>Step 4</td>
<td>Pay I-907 SEVIS fee.</td>
</tr>
<tr>
<td>Step 5</td>
<td>Make an appointment at a U.S. embassy or consulate (preferably in your home country) to apply for an F-1 visa.</td>
</tr>
<tr>
<td>Step 6</td>
<td>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.</td>
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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 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
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<td>Step 5</td>
<td>Prepare and mail your <a href="#">Form I-539</a> application to USCIS; include filing fee, a photocopy of the I-20, and required supporting documentation.</td>
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<td>Step 6</td>
<td>Receive Form I-797C Notice of Action (filing receipt) from USCIS.</td>
</tr>
<tr>
<td>Step 7</td>
<td>Receive Form I-797A Approval Notice from USCIS. Inform ISSS of new F-1 status; attend F-1 student orientation.</td>
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Form I-539

- This U.S. government form can be downloaded from the USCIS website.

- Submit all pages even if some of the fields/questions do not apply to you.

- You may ask an ISSS if you have general questions about the form.
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 time; it may takes 4 to 6 months to receive a decision.

- Through the COS process you will receive F-1 status, but not a visa. If you need to exit the U.S. after obtaining F-1 status, you will need to apply for a F-1 visa to re-enter the U.S.

- Refer to ISSS website for the deadline to request a COS I-20.
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 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 a bridge application with USCIS.
F-1 Employment Benefits

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.
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 + Fall or Fall + Spring) in a visa status that allows full-time study (e.g. H-4).

1) 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 period, you will NOT be eligible for CPT; however, you will still be eligible to apply for OPT.
Questions?

Office of International Student & Scholar Services
Student Union West, 2nd floor
Office Hours: Monday to Friday, 9am to 4pm
Tel: 408-924-5920
Email: international-office@sjsu.edu
Book an Appointment: http://www.sjsu.edu/isss/about/contact/