Change of Status to F-1 Agreement

This agreement is intended to explain the process of changing to F-1 status while in the United States. The role of the International Student Office is to advise prospective and current students on F-1 related immigration matters. We encourage prospective students to seek the advice of a qualified immigration attorney if they feel it is necessary.

How can I change my immigration status to F-1?

There are two ways:
1. Travel outside the U.S. and apply at a US embassy or consulate for an F-1 visa (this is recommended and is the easiest option) and re-enter in F-1 status, or
2. Stay in the U.S. and request a change of status by application to the US Citizenship and Immigration Services

Overview

A person of any non-immigrant status except C, D, K, or M (and in some cases J), and except those who entered the United States under the terms of the Visa Waiver Program, can apply for a change to F-1 status if s/he has maintained lawful non-immigrant status up to the time of application. In addition, those with J status with the two-year home country physical requirement may not change status in the U.S. unless a waiver has been granted.

- A change of status request may take from 90-120 days to be adjudicated by USCIS.
  - In extreme cases it may take up to 10 months to be adjudicated.
- There is always a possibility that your change of status application will be denied by USCIS, so it is recommended to have a “back-up plan.”
- If your case is not adjudicated before the start of next term, your start date will be deferred to the next available term. **You must contact the International Student Office before the start of term if your change of status application has not yet been adjudicated.**
- In all change of status cases, no F-1 benefits are available including employment until your change of status is approved.
- You cannot travel outside of the United States while application is pending, as this will result in the cancellation of your change of status application.
  - If you travel outside of the United States after the F-1 status is approved, you will need to apply for an F-1 visa in order to return to the U.S.
- Even with an approved change of status, most students will need to obtain the appropriate visa (stamp) for the new status during their next trip abroad. This will necessitate a visit to a US
embassy or consulate during that trip.

- Denial of a change of status to F-1 may lead to legal problems and, in some cases, could result in the individual being barred from reentering the United States for several years. It is strongly recommended that individuals whose application will not be adjudicated by the expiration date on the current Form I-94 consult the International Student Office and/or a qualified immigration attorney.

- Applicants for change of status must immediately report the outcome of their applications to the International Student Office. Upon receipt of Form I-797 Notice of Approval to F-1 status, students should immediately report to the International Student Office and bring photocopies of the approval notice, passport pages, Form I-20, and I-94. The International Student Office will then register their immigration status in SEVIS once you enroll fulltime in classes.

- **IMPORTANT** On Form I-797 Notice of Approval, pay special attention to the “Valid from” date as the date indicates when your new status (F-1 or J-1) takes effect. From this date on, you should stop your previous status related activities (e.g. H-1B employment).

### Change from F-2 to F-1

- F-2 spouse or child may not engage in full time study at Saddleback College unless he/she applies for and USCIS approves change of status application.
- Part-time study for F-2 spouse or child is permitted only to the extent that it is “vocational or recreational.”
- F-2 child may only engage in full-time study at the K-12 level (kindergarten through twelfth grade).
- F-2 child or spouse must establish that he or she has been maintaining valid dependent status. Dependent status is linked to that of the principal (F-1 holder), you must submit proof that the principal has been maintaining status by providing copies of principal’s I-94 card, DS-2019s or I-20s in addition to the documentation required below.

### Change from B-1/B-2 to F-1

- If you are currently in B1/B2 status, you are prohibited from “enrolling in a course of study” unless you apply for and USCIS approves your change of status application.
- A request of this nature is seriously scrutinized by U.S. Citizenship and Immigration Services (USCIS).
- A person who has a B-2 visa bearing the notation “prospective student” should routinely be able to change to F-1 status. It occasionally happens that an alien explained intention to study when requesting the visa, however the US embassy or consulate did not mark the visa as “prospective student”, in this case the applicant is challenged to convince USCIS of his or her good faith.
- If USCIS determines that the intention of study arose before entering the United States, it will generally deny an application for change of status, inferring that the student misrepresented his or her purpose when entering the US by failing to reveal the intention to study beforehand.

### Procedures

1. **Apply** for international student admission at Saddleback College.
2. **Form G-1145.** This form will require USCIS to notify you by email and/or text message that they have received your change of status application. Place this form on top of the application.

3. **A cover letter** indicating that you are applying for change of status. Your letter should clearly explain your current status, your education plans at Saddleback College, and your longer-term plans. Keep in mind that F-1 status is a non-immigrant classification. This means that you must indicate, and in certain cases may be required to document, that you continue to maintain ties to your home country (residence, property, etc.). It is not unusual for the USCIS to request documentation regarding your ties to your home country, and you should be prepared to provide such documentation.

   - Your letter must include the following information if you are requesting a change of status from:

     **H-1 or L-1:** You should give your dates of employment under H-1 or L-1 and request the date on which you want the F-1 status to be effective. For example, if your last day of employment is August 25, you should request your F-1 status be effective on August 26.

     **Be aware that the F-1 effective date MUST be within 30 days of the program start date in item 5 on your I-20.** If you plan to leave your employment more than 30 days before the program start date, you must depart the U.S. and apply for an F-1 entry visa at a U.S. Consulate.

     Also include a copy of the I-797, your 3 most recent pay stubs, and other documentation establishing that you were in and have maintained valid H-1 or L-1 status. The USCIS must receive your change of status application no later than the day you terminate your H-1 or L-1 employment, as there is no "grace period" for those in H-1 or L-1 status: your status as an H-1 or L-1 terminates the day you leave your H-1 or L-1 employer.

4. Receipt indicating payment of the **SEVIS fee.** Please visit: [https://www.fmjfee.com](https://www.fmjfee.com).
5. Copy of the admission letter from Saddleback College.
6. Evidence of financial support (i.e. original bank statement and affidavit of support).
7. Complete **USCIS Form I-539 Application to Extend/Change Nonimmigrant Status**
8. Check or money order for $290 made payable to the Department of Homeland Security.
9. Entire original **SEVIS I-20** from Saddleback College with your signature on item #11
10. Copies of all of your previous US immigration documents (e.g. DS-2019, I-20, I-797, valid passport, visa stamp, if applicable).
11. **Original I-94 or online retrieval of I-94.**
12. Copy of the waiver (if you were subject to the Two-Year Foreign Residency Requirement while in J status), if applicable.

**We highly recommend that you make a copy of this application for your own record.**

**Where to File**

You should mail your application to:
The USCIS Dallas Lockbox facility:

For U.S. Postal Service:

USCIS
P.O. Box 660166
Dallas, TX 75266

For Express mail and courier deliveries:

USCIS
ATTN: I-539
2501 S. State Highway 121 Business
Suite 400
Lewisville, TX 75067

Please refer to the USCIS Form I-539 instructions for the most up-to-date filing location.

The U.S. Postal Service is the only service that delivers to a P.O. Box address. You may want to use the U.S. Postal Service “delivery confirmation” service. Please note, if you move, USCIS mail will NOT be forwarded to your new address. You will need to notify USCIS of your new address.

Traveling and Reentering the U.S.

The alternative method to becoming an F-1 Student is through traveling and re-entering the U.S. In this case, you must apply for the F-1 visa at a U.S. embassy or consulate abroad. Applying in your home country is recommended. F-1 status may be granted upon re-entry to the U.S. with a valid F-1 visa and I-20 (Exception: Canadians are exempt from visa requirement). Depending on your situation, you may prefer to leave the U.S. to obtain a visa instead of submitting I-539 request.

I, the prospective student applying for change of status, have read and understood this agreement and understand that I am responsible for my application.

Prospective Student Name (Print): ____________________________________________

Prospective Student Signature: ________________________________________________

Today’s Date: __________________________________________________________________