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Change of Non-immigrant Status to F-1 Status

The issuance of an I-20 does not give someone F-1 status. If you are currently in the US in another status and you wish to change to F-1 or F-2 status you can accomplish this change in one of two ways:

1. Leave the US, apply for an entry visa for the new status at a US Consulate abroad and reenter the US with the appropriate documentation for the new status, **OR**
2. File an application for a change of non-immigrant status with US Citizenship and Immigration Services (USCIS). *Note: **Because a change of status does not grant the applicant a new visa, during your next trip abroad, you will need to obtain an F-1 visa stamp from a US Consulate in order to re-enter the US in F-1 status.***

This handout contains information about how to change non-immigrant status within the US by filing a change of status application with the USCIS. While a change of status application allows someone to change their status without traveling, sometimes travel and re-entry in the new status can be the better option in some cases. OIE recommends that you consult with an Advisor in the Office of International Education (OIE), to discuss your specific situation prior to filing a change of status application.

Conditions and Limitations

Your non-immigrant status should always accurately reflect your primary purpose for being in the US. For most full-time students, that means F-1 student status. If you have any questions about the proper status for your activity, you may make an appointment to speak with an OIE Advisor, even prior to your enrollment at Carnegie Mellon.

Special note for people changing from F-2 to F-1 status

Non-immigrants in F-2 status (spouses and minor children of F-1 students) are prohibited by law from studying full time towards a degree at the post-secondary (university) level while in F-2 status. F-2s who will study full-time in a degree program at CMU are strongly encouraged to proceed with the change of status process described herein and are discouraged from beginning their studies until the change of status has been approved. Failure to do so in a timely manner may jeopardize legal non-immigrant status. Questions may be directed to an OIE Advisor.

Special note for people in B-1/B-2 status or Visa Waiver status

Non-immigrants in B status are prohibited by law from beginning a course of study prior to receiving an approved change of status to a student status. Change of status applications from non-immigrants in B status who do not have “prospective student” notation on their visa are commonly denied. Students without this notation will likely need to leave the US, apply for a student visa at a US Consulate abroad, and re-enter the US in student status prior to beginning their program. People who entered the US using the Visa Waiver **cannot** change status within the US and should consult with an OIE advisor regarding making a new entry.

Special note for people in J-1/J-2 status

Non-immigrants in J-1 or J-2 status who are subject to the two year home residence requirement, and who have not received a waiver of that requirement, are not eligible to apply for a change to F-1 status within the US but are eligible to apply for an F-1 visa at a US Consulate abroad and re-enter the US in F-1 status.

Timing the application

You may wish to discuss the appropriate time to file the change of status request with your OIE advisor. Applications submitted too early may be returned or rejected. However, applications submitted too late may not

be processed prior to the start of classes. Students may begin their studies while the application is pending except for students changing from F-2 to F-1 or B-1/B-2 to F-1 as indicated above. Applicants in H-1B status need to pay particular attention to timing of the application both to insure they are in legal status when they file the application and to be able to work until their preferred employment end date.

SEVIS Fee Payment Comes First

Before completing the application to change status to F-1 status, you must pay the SEVIS I-901 fee. Read the SEVIS I-901 Fee Frequently Asked Questions at www.ice.gov/sevis/i901/faq.htm. Note: F-2 and F-3 visa holders are not required to pay the SEVIS fee when changing to F-1.

The application to change status within the US requires the submission of Form I-539, along with the required fee and documentation, to USCIS. The SEVIS fee is paid separately from and in addition to the fee for the I-539 application and must be processed *before* USCIS will take action on the application. The I-539 form and fee information can be found at www.uscis.gov

Change of Status Application Process

Step I. WRITE A COVER LETTER. THE LETTER SHOULD:

- Be addressed “Dear Immigration Services Officer”
- Explain what you are applying for (e.g. change from H-1B to F-1 status)
- Explain why you are applying
- List all of the contents of your application
- Include your contact information and original signature on the I-539 (see below) and on the I-20

Step II. READ INSTRUCTIONS & COMPLETE I-539 FORM:

- Download and complete Form I-539 Application to Change or Extend Non-immigrant Status from the USCIS website at www.uscis.gov
- OIE recommends that you use a Pittsburgh address on the application. Use your residential address if you are currently living in Pittsburgh or use the OIE address (**5000 Forbes Ave, Int’l. Education, Pittsburgh, PA 15213**) if you are not currently in Pittsburgh
- Complete all questions and attach all required documents (below)

Step III. PREPARE A COMPLETE APPLICATION:

- I-539 fee. Check or money order made payable to “US Department of Homeland Security”. Place the check on top of the complete application and staple or clip the entire packet together for mailing
- Form G-1145. This form is not mandatory; however, you may file it if you wish to receive email or text confirmation of your receipt number from the Lockbox facility. Find the form at: www.uscis.gov.
- Cover letter (see above)
- Form I-539 (see above)
- *Original* I-20 signed by student in item 11 (and original I-20s for each dependent included in the application)
- *Photocopies* of all previous immigration documents (front & back)
- *Photocopies* of your I-94 (front & back) and passport ID pages. USCIS instructions for the I-539 advise applicants to send the original I-94, however a copy is acceptable and recommended
- *Photocopies* of financial information in English showing proof of necessary funds to cover all costs of tuition plus expenses. This can include 1) bank statement or letter in your name, 2) a letter from your academic department stating the amount of funding you will receive or 3) a letter from another financial sponsor stating the amount they are giving you, *plus supporting financial documents* such as bank statements or salary statements
- Proof of SEVIS fee payment

If you are applying for a change to or from a dependent status (F-2), then you will also need to include *photocopies* of:

1. your spouse's I-94 (front and back)
2. his/her I-20 (front and back)
3. proof of marriage (in English or translated into English)
4. documentation of financial support
5. copies of current and previous I-20s

Step IV. SUBMIT APPLICATION

Prior to the expiration of your current non-immigrant status and when you have completed the entire application, make a complete copy for your files, organize the materials neatly, and **if you have indicated a Pennsylvania address on the application**, mail them to:

**For Express mail and courier deliveries
(e.g. UPS, Fed Ex, DHL, etc):**

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

For U.S. Postal Service
(including *US Postal Service* Express mail):
USCIS
P.O. Box 660166
Dallas, TX 75266

It is best to send the form via express mail so that you have proof of delivery. Within one month of sending the application to USCIS, you should get a standard receipt notice stating that USCIS has received the application. The case number in the top left corner of this receipt notice can be used to check on your case by calling USCIS or visiting their website at www.uscis.gov, but be aware that the system is not updated frequently. If you have a particular problem or need to change the mailing address on your application, you should call USCIS.

NOTE: If you choose to use a mailing address on the I-539 that is not in Pennsylvania, refer to the USCIS application filing instructions to determine where to mail the application. Also see Step II on page 2 of this handout for OIE's recommendation regarding the mailing address.

Important: Once the application has been filed, you cannot leave the US while the application is pending without cancelling the application. If you must travel, please consult with your OIE advisor.

Step V. PROCESSING

The change of status will take anywhere from 1 to 5 months to be approved; unfortunately, there is no way to expedite the process. When it has been approved, you will receive an approval notice in the mail and the original I-20 with an approval stamp in a separate mailing. If you do not receive this document within a few weeks after receiving the approval, you will need to call USCIS to ask where the document is.

Step VI. REQUIRED CHECK IN WITH OIE

New **students** changing to F status must attend an international orientation and immigration check in, *even if the change of status has not yet been approved*. If the change of status is approved after the orientation dates, you will also need to see an OIE advisor as soon as you receive both the approval notice and stamped I-20. To schedule an appointment, call OIE at 412-268-5231.

Please note: OIE cannot provide letters for the purpose of applying for a US Social Security number or a Pennsylvania Driver's license or a state ID to students who have a pending change of status application. Once your change of status has been approved and you have completed the mandatory immigration check-in with OIE, you can complete and submit "OIE Request for Services" if you wish to apply for a Pennsylvania driver's license or state ID. Consult the OIE handout "Social Security Number (SSN) Application Instructions for International Students, Scholars and Visitors" (<http://www.studentaffairs.cmu.edu/oie/forstu/pdf/ssdirect.pdf>) to determine your eligibility for a Social Security number.