

CHANGE OF IMMIGRATION STATUS

Global Education Office (GEO)

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I. EXPLANATION

According to US immigration law, you should be present in the US in the immigration status that correctly represents your primary purpose/reason for being here. If your current immigration status does not permit study at the University level, you MUST be in F1 or J1 student status BEFORE you begin your studies. You may also need to or want to change immigration status for the following reasons:

- If the primary purpose or activity for which you are in the US changes, your immigration status should also change (e.g., you were here to work full-time on an H-1B visa or be a dependent on an F-2 visa and you now wish to become a full-time degree-seeking student). Note that dependents in F-2 status are only permitted to study part-time as degree students, they CANNOT study full-time in a degree program without first being approved for a change to student status (F-1 or J-1). Visitors in B1/B2 status are not allowed to study full-time or in degree programs AT ALL!
- If you are here on a dependent visa (e.g., F-2, J-2, H-4, etc.) and the principal visa holder (F-1, J-1, H-1, etc.) leaves the US for more than a brief vacation or changes his/her visa status, you also must leave the US or be approved for a change of status BEFORE you can lawfully begin or continue your studies.
- If a dependent child reaches the age of 21 he/she is no longer permitted to remain on a dependent visa (the dependent must change immigration status and the change MUST BE APPROVED before the 21st birthday)
- If an individual wants to receive benefits specific to student status (F-1 /J-1), such as on-campus employment or practical training work authorization, she/he must change status before receiving the benefit. For some employment benefits, students must be enrolled lawfully in full-time status for more than 9 months, so it may be important to change status early.

When an individual currently in the US needs to change from one immigration status to another, he/she needs to process that change. This change can be made in 2 ways:

1. The individual can leave the US, apply for an entry visa with the appropriate documentation for the new status at a US consulate abroad and reenter the US. If you have ever violated the terms of your immigration status or if you have an application for permanent residency filed on your behalf, you should probably NOT choose this option; speak with an international advisor or an attorney about the consequences. Otherwise, this option is the shortest and most certain way to make the change at this time.

OR

2. The individual can file an application for a change of non-immigrant status with the USCIS (as long as he/she is currently legally present in the US). This option is currently taking anywhere from 10 to 12 months, and if approved, your status will be changed, but you will NOT get a new visa. You should meet with an international advisor or attorney as soon as possible to find out if this option will work for your situation.

This handout contains information about how to apply for a change of non-immigrant status without leaving the US (option 2. above).

II. CONDITIONS AND LIMITATIONS

1. You must currently be in the US in legal immigration status to be eligible to change to another status and you MUST be able to maintain that status until the change is approved by USCIS even though the processing time cannot be guaranteed!
2. At the time the change of status is being reviewed by a USCIS adjudicator, you must be able to be enrolled as a full-time student in the next 30 days or the change of status will be denied.

3. If you are applying to change status from B visitor you must wait to begin your degree program until the change of status is approved (you can only be enrolled for avocational courses part-time in this status - speak with an advisor before you apply; B visitors are often denied the change to F-1 or J-1 student.)
4. If you are applying to change from F-2 dependent status to F-1 or J-1 student status, you cannot enroll full time until the change of status is approved by USCIS (you should speak with an advisor before you apply).
5. If you have been in the US previously in J-1 or J-2 status, and you were subject to the two-year home residency requirement, you may be ineligible to change status with USCIS (you may have to leave the US to make the change or may not be allowed to change at all); please check with an international advisor.
6. If you are here on a J visa and you are considering changing to the J-1 Research Scholar/Professor category, you may be subject to a rule referred to as the “12-month bar after previous J participation.” Essentially, applicants for J-1 Research Scholar/Professor category are not eligible if they have been physically present in any J Status (including J-2 status) for all or part of the 12 month period immediately preceding the date of program. There are several exceptions to this rule. The two most common exceptions are those who have been in J status for less than 6 months or those in J status as a Short Term Scholar. If you were already in J1 Research Scholar status in the last 24 months, you also would not be eligible for that status.

III. OTHER IMPORTANT INFORMATION

Timing of your application for change of status is **extremely** important, and it will be important for you to talk with an international advisor before you submit your change of status application. USCIS has recently been processing these applications in 10 to 12 months at the Vermont Service Center (this is the center that processes New Mexico applications.) So if you do not have a green card application pending, leaving the US is probably a better option for you. ***Be aware that you cannot accept any benefits of the new status until the change is approved.*** For example, if you are changing to F-1 status, you **cannot** accept any kind of student financial assistantship (or other on-campus work) from the university until this change has been approved. Also, once the change of status has been approved, you can no longer carry out the activities allowed by the old status if they are prohibited in the new status (e.g., if you are changing from an H-1 visa to an F-1 visa, you can no longer continue to work for your H-1 employer once the change to F-1 is approved). Please consult an international advisor and/or an attorney for any questions and for the latest processing time estimates and remember the timeliness of the application is essential!

Student and Exchange Visitor Information System (SEVIS) FEE— All individuals must pay a mandatory US “SEVIS” fee when applying for student or scholar status. Please note that this fee is a US government fee. It is not a university fee. If you are in the United States applying for a change of status to F-1 or J-1 you are subject to this fee and must pay it or your application will not be processed. You should include proof of payment with your application. If USCIS cannot verify your payment they will request proof of your payment, which will cause delays in the processing of your application. You can pay the SEVIS fee in one of three ways:

- (1) Through the Internet at www.FMJfee.com by using a credit card and completing the online Form I-901. You will need to print the computer-generated receipt and include it with your application. Please note that SEVP is unable to accept credit card payments on behalf of students from Ghana, Gambia, Nigeria, Cameroon or Kenya.
- (2) Through Western Union Quick Pay. This option is available in any country where Western Union offers its Quick Pay service. This service allows you to pay the SEVIS fee electronically and directly to the Department of Homeland Security in local currency. The receipt you will obtain at the end of the transaction will be your proof of payment. Information about paying by Western Union can be found at: <https://www.ice.gov/sevis/i901/wu-instructions>
- (3) Through the mail by submitting a completed Form I-901 and a check or money order drawn from a U.S. bank. The mailing address can be found at: www.ice.gov/sevis/i901/faq4.htm#_Toc81222043 The payment confirmation you can print from the FMJ fee website will serve as proof of payment.

For more detailed information on the fee payment process please go to the SEVIS website at <https://www.ice.gov/sevis/i901> Payment of the SEVIS fee is not required if the applicant is requesting a change of status to a F-2 or J-2.

IV. APPLICATION PROCESS

STEP 1: Be Informed

Read this entire handout thoroughly and carefully. Meet with an international advisor to discuss processing times and options BEFORE you apply!!!

STEP 2: Pay the SEVIS fee (Please see section III - Above)

If you are applying for a change of status to F-1 or J-1 you are subject to this fee and must pay it or your application will not be processed. You should include proof of payment with your application. SEVIS Fee Payment is not required if the applicant is requesting a change of status to a F-2 or J-2.

STEP 3: Write a Cover Letter. The letter should:

- Explain what you are applying for (e.g. change from F-2 to F-1 status)
- Explain why you are applying (if you entered the US in B visitor status, speak with an advisor first)
- Explain how you have been supporting yourself in your current immigration status
- List all of the contents of your application in order

STEP 4: Read and Complete Form I-539 and Form G-1145

(These forms are at: www.uscis.gov/i-539 and www.uscis.gov/sites/default/files/files/form/g-1145.pdf)

- Make absolutely sure that you are able to receive mail at the address you indicate for at least one year into the future (you can use the GEO address if necessary)
- Complete all questions on the form and attach all required documents (see below and speak with an advisor if you are unsure)

STEP 5: Include the Following Items in the application:

- A \$370 check payable to "Department of Homeland Security"; noted as the application fee
- A \$85 check payable to "Department of Homeland Security", noted as the biometric fee
If the correct fees are not included your application will be rejected.
- Cover Letter (See step 3 above)
- Completed Forms I-539 and G-1145 (See step 4 above)
- Original documents necessary for the new status (e.g., the new I-20 for those changing to F-1)
- Financial information showing proof of necessary funds to cover all expenses (for students this includes all tuition, health insurance and living expenses); proof of funding could include bank statements or salary statements or a letter from an academic department stating the amount of an assistantship/scholarship you will be receiving (if an individual will pay your expenses, you should include a letter from that person stating that he/she will pay in addition to the bank statement or other document mentioned above)
- Copy of your I-94 (front and back if it is a paper I-94)
- Copy of all previous immigration documents such as passport, visa and old I-20s/DS-2019s (front and back)
- Proof of SEVIS Payment (if applicable)
- If you are applying for a change to or from a dependent status (e.g., F-2, J-2, H-4, etc.) you will also need to include copies of:
 1. The principal visa holder's I-94 (spouse or parent)
 2. His/her passport, visa, I-20 or other legal immigration documents (front and back)
 3. Proof of marriage (if spouse is the principal visa holder)

STEP 6: Copy the Entire Application Packet and Mail To USCIS:

When you have completed the entire application, you should have a GEO advisor review the application. Then, make a complete copy for your files, organize the materials as neatly as possible, and put them in a large mailing envelope. Send all of the above items to the appropriate USCIS Regional Service Center

having jurisdiction over your place of residence (the instructions to form I-539 contain all address information). For those living in New Mexico the address is:

Attn: Change of Status (I-539)
USCIS
PO Box 660166
Dallas, TX 75266
(For U.S. Postal Service Deliveries)

For express mail and courier deliveries:
Attn: I-539, USCIS
2501 S. State Highway 121 Business
Suite 400
Lewisville, TX 75067

If sending your application via USPS, we recommend sending the application US certified mail “return-receipt requested” so that you have proof of delivery.

STEP 7: Processing

- You should receive a “Notice of Action”, or receipt notice within 6 weeks of mailing the application. This notice will contain a receipt number that allows you to check on the status of your application.
- USCIS may contact you to request that you appear at a local USCIS office to have your biometrics recorded. If you are required to schedule this appointment, they will ask you to swear under penalty of perjury that all the information you have provided in the application is true and accurate.
- USCIS may send you a Request for Evidence (RFE) and give you a limited time frame to respond with additional evidence; if you are applying for an F1 or J1 student visa and the start date on the I-20/DS-2019 that you sent them has passed, they will likely send you an RFE asking for a new document that you can request from GEO.
- If you are denied the change of status, you may have limited time to leave the US, please speak to a GEO advisor as soon as you get any new information on your case from USCIS
- If the change of status is approved, the approval notice will contain a new I-94. The I-94 shows the number, class/type and validity period (“D/S”, means “Duration of Status.”)

If you are changing to F-1 or J-1 status with UNM, you are required to come to GEO as soon as you receive any notice. If you are approved, we must register you in the SEVIS system immediately for you to maintain lawful status. Remember that the next time that you leave the US, you will still need to get a new visa to reenter in the F or J student immigration status