



CHANGE OF STATUS F-1 STUDENT TO B-1 /B-2 VISITOR

Updated December 5, 2008

Before you submit your application, you should consult an OISS adviser to:

- determine whether you should apply to change to B-1 status (“Visitor for Business”) or B-2 status (“Visitor for Pleasure”), since USCIS guidance as to which status is the correct choice is not always what you might expect (e.g., B-2 is the proper status for an individual who is in the United States in order to receive medical treatment, which is not usually considered to be a “pleasure”)

AND

- confirm that you are still maintaining F-1 status, since if you are not in F-1 status at the time you submit your application, you are **ineligible** to apply to the USCIS to change to B-1/B-2 (or any other) status and there could be very serious consequences if you thus bring yourself to the USCIS’s attention as an “illegal alien”

You should note that you may only request to stay in the U.S. in B-1 or B-2 status for up to six months.

Application Instructions:

All applications must be filed with all of the following documentation.

1. **Form I-539** - Click here for a link to the form on the USCIS website and OISS instructions on how to fill it out.
2. **Supplement to Form I-539** – This must be completed whenever more than one person, such as a spouse or child under age 21, are to be co-applicants in the extension request. If your application is only for yourself, this form is *not necessary*.
3. **Fee** - **\$300** (make personal check payable to “Department of Homeland Security”)
4. **I-94 card** – Enclose a photocopy of the front and back of your I-94.
5. **Passport** – Enclose a photocopy of the personal data pages of your passport, including the one(s) showing the expiration date.
6. **U.S. Visa** – Enclose a photocopy of your passport page containing your U.S. F-1 visa and any other pages with U.S. immigration stamps or endorsements.
7. **I-20** – Enclose photocopies of your current, as well as all old, I-20’s you have ever had, including those from any previous schools attended other than the University of Iowa
8. **Evidence of Financial Support** – Photocopies of bank statements are usually acceptable as evidence.

9. **A written statement** - addressing each of the following points:
- why you need to change to B-1 or B-2 status
 - what evidence you have that your stay as a visitor will be temporary, including any information or documentation about arrangements you have made for departing the U.S. (for example, photocopy of a return airline ticket)
 - if relevant, what effect your stay will have on your foreign employment or residency

Where to File:

U.S. Citizenship and Immigration Services
California Service Center
P.O. Box 10539
Laguna Niguel, CA 92607-1053

The OISS strongly recommends that you keep a photocopy of all documents you mail to the USCIS, and that you send your documents via “certified mail with a return receipt,” so that you have a record of the arrival of your application at the USCIS.

In the event that there is a delay in the processing of your application, the OISS will not be able to help you if you do not have a photocopy of your application and a U.S. Postal Service certified mail return receipt.

When to File:

You must submit your application BEFORE your current F-1 status expires; if at all possible, submit it at least 45 days before the expiration of your current status. **If you are out of status for any reason, or have reason to think you might be, please make an appointment to see an OISS adviser before submitting your application to the USCIS. You may need a referral to an immigration lawyer.**

Processing Information:

If the California Service Center accepts your application, you should receive a Form I-797 Notice of Action within two to four weeks. The Notice of Action is *very important*, both because it proves that you filed your application and because it shows the “WAC number” used to track your application’s progress. **If you do not receive a Notice of Action within five weeks, please notify the OISS.**

If your application is incomplete, it will be sent back to you and you will be given the opportunity to furnish whatever is missing.

Your Notice of Action will give an estimated processing time for your application. Please see the next section on “Important Information” on what to do if the extension request is not authorized before your current stay expires.

Important Information

You should keep the “Notice of Action,” that is, the receipt notice the USCIS will send you after it receives your application. The notice of action contains important information you might need later.

You should understand that the USCIS sometimes requires six months or more to process applications for changes to B-1 or B-2 status. To be sure you have no problems related to your status or to obtaining a U.S. visa later, you will want to remember the following:

- **It is possible for this to happen:** You apply for a change to B-1 or B-2 status. Five months later, you still have no decision on your application. You want to be sure your status is legal, and you want to remain in the United States beyond the six months that you initially applied for. **What to do if this happens:** *Apply for another extension, even though the earlier application is still pending.* Follow the same procedure as you did the first time, except that you should include a photocopy of the Notice of Action from the earlier application, and you also include a note saying that your earlier application is still pending.
- **It is possible for this to happen:** You apply for a change to B-1 or B-2 status. Your application is still pending, but you decide to leave the U.S. on or before the end date you requested. **What to do if this happens:** *Take your Notice of Action with you, and be prepared to show it to the consular officer if, in the future, you apply for another U.S. visa.* **The reason for this:** The consular officer may want to be sure that you applied for the change of status before your previous F-1 status had expired, and had therefore been in the United States legally.

Decision on Your Application:

If the California Service Center approves your application, you will receive a second Notice of Action. A new I-94 will be printed in the lower right-hand corner. You will want to cut out and staple the new I-94 into your passport, **after making a copy of the entire Notice of Action to keep separately in a safe place.** *If you are a student or a scholar, please make another copy of the entire Notice of Action and provide it to the OISS so our file for you will contain up-to-date information about your immigration status.*

If your application cannot be approved, you will receive an explanation for the denial. The OISS may be able to answer your questions about the denial. The OISS can also provide you with a list of immigration lawyers who might be able to help you.

SAMPLE I-539 Form – Follow these instructions carefully:

1. Go to <http://www.uscis.gov/files/form/i-539.pdf>
2. Fill out the form using OISS instructions below, **not** the instructions found on the USCIS website.
3. Print and bring the completed form to your meeting with an OISS adviser.

OMB No. 1615-0003; Expires 12/31/08

I-539, Application to Extend/ Change Nonimmigrant Status

Department of Homeland Security
U.S. Citizenship and Immigration Services

START HERE - Please type or print in black ink.

Part 1. Information about you

Family Name Seedorff		Given Name Lee		Middle Name M
Address - In care of - c/o OISS Adviser - University of Iowa				
Street Number and Name 1111 University Capitol Centre			Apt. #	
City Iowa City	State IA	Zip Code 52242	Daytime Phone # 319-335-0335	
Country of Birth United Kingdom		Country of Citizenship India		
Date of Birth (mm/dd/yyyy) 07/27/1925	U. S. Social Security # (if any) 123-45-6789		A # (if any) Leave Blank	
Date of Last Arrival Into the U.S.	Date from I-94	I-94 # From I-94 card		
Current Nonimmigrant Status F-1		Expires on (mm/dd/yyyy) D/S		

For USCIS Use Only

Return Date	<div style="border: 2px solid red; padding: 5px; color: red;"> You must use the OISS address as shown here, not your own address. </div>
Date	
Resubmit Date	
Date	
Relocation Date	
Date	
Reloc Rec'd Date	
Date	
<input type="checkbox"/> Applicant Interviewed on _____ Date _____	
<input type="checkbox"/> Extension Granted to (Date): _____ Change of Status/Extension Granted New Class: From (Date): _____ To (Date): _____	
If Denied:	
<input type="checkbox"/> Still within period of stay	
<input type="checkbox"/> S/D to: _____	
<input type="checkbox"/> Place under docket control	
Remarks:	

Part 2. Application type (See instructions for fee.)

1. I am applying for: (Check one.)

- An extension of stay in my current status.
- A change of status. The new status I am requesting is: B-1 or B-2
- Reinstatement to student status

2. Number of people included in this application: (Check one.)

- I am the only applicant.
- Members of my family are filing this application with me.
The total number of people (including me) in the application is: _____
(Complete the supplement for each co-applicant.)

Part 3. Processing information

1. I/We request that my/our current or requested status be extended until (mm/dd/yyyy): up to 6 month
2. Is this application based on an extension or change of status already granted to your spouse, child, or parent?
 No Yes. USCIS Receipt # _____
3. Is this application based on a separate petition or application to give your spouse, child, or parent an extension or change of status?
 No Yes, filed with this I-539.
 Yes, filed previously and pending with USCIS. Receipt #: _____
4. If you answered "Yes" to Question 3, give the name of the petitioner or applicant:

If the petition or application is pending with USCIS, also give the following data:
Office filed at _____ Filed on (mm/dd/yyyy) _____

Part 4. Additional information

1. For applicant #1, provide passport information:
Country of Issuance India Valid to: (mm/dd/yyyy) 01/01/2075
2. Foreign Address: Street Number and Name
7 Race Course Road Apt. # _____
- City or Town New Delhi State or Province Uttar Pradesh
- Country India Zip/Postal Code 123456



Be sure to fill out the remaining pages of the I-539, including employment information and/or financial support information. Ask an OISS adviser if you have any questions.