



F-2 TO F-1 CHANGE OF STATUS APPLICATION PACKET

(For use ONLY by F-2s with a graduate assistantship offer)

Updated December 5, 2008

FREQUENTLY ASKED QUESTIONS (FAQ)

Will this packet help get me an F-1 visa?

No, but it will help you change to F-1 STATUS from inside the U.S. There is often confusion between the terms STATUS and VISA. A VISA is only a stamp in a passport that says you are allowed to ENTER the U.S. Visas can only be obtained by visiting a U.S. consulate abroad, it is not possible to get an F-1 visa from within the U.S. Visas are only for “getting in” and have no bearing on an individual’s right to be here legally.

STATUS refers to the legal classification allowing you to currently be in the U.S., and status can be changed to F-1 by following the procedure in the application packet. Thus you can send in your application material by mail and have your STATUS changed to F-1, but you will not have an F-1 VISA and will not need one unless you leave the U.S. during your program of study to go home, attend a conference abroad, etc. Only then will you need to make arrangements to go to the nearest U.S. consulate to apply for an F-1 visa to allow you to get back into the U.S. The OISS can provide you with information should this situation arise.

It IS possible to take care of changing both STATUS and VISA by traveling outside the U.S. with your new I-20 and applying for an F-1 visa. Then once you enter the U.S. using the F-1 visa, you are automatically considered to be in F-1 STATUS. But you should keep in mind that under this kind of situation, new regulations would prevent you from entering the U.S. until 30 days before the report date on your I-20. There may be other circumstances that would make this option undesirable for certain individuals. Please be sure to consult an OISS adviser if you are considering changing your status by leaving the U.S. to obtain an F-1 visa.

Can I be a student while I am still in F-2 status?

No. USCIS has stated that F-2’s can NOT be students unless the F-1 status is APPROVED. Due to the length of time a change of status can take, this could mean many F-2 applicants could have to delay enrolling at least a semester. However, OISS recommends if you are a new student that you participate in the new student orientation before the semester begins, and register for classes along with other students. If your F-1 status is not approved within the first 10 days of classes, you will then be required to withdraw for the semester and defer your admission to the next semester.

Please note that a separate requirement of being admitted to the University of Iowa as an F-1 student is mandatory participation in an OISS orientation and immigration regulations session for new students, which is held before each fall, spring and summer semester. You MUST attend an orientation session before you will be able to register for classes. The OISS adviser can provide the date of the next orientation session (mid-August, mid-January, or early June).

I have been offered a graduate assistantship. Can I begin my assistantship while I am still in F-2 status?

No. You cannot begin your assistantship until the USCIS has approved your change to F-1 status. You would be working illegally if you started your assistantship while still in F-2 status.

When do I need to apply to the USCIS to change to F-1 status?

In order to be in F-1 status in time to begin your assistantship, you must apply *as soon as you have received both your assistantship offer letter and your I-20 from the Admissions Office.*

Do I need to make an appointment with an OISS adviser in order to apply to change to F-1 status?

Yes. You must have the OISS help you petition to the USCIS to get your application “expedited.” We cannot guarantee that Homeland Security will process your application any faster, but we will petition the Service Center to do so. The OISS is now also responsible for keeping track of your change of status information. Please bring an email address that you will be using over the next several months; we will use this email address to send you notifications and updates about your change of status request.

Under what other circumstances do I need to make an appointment to see an adviser?

You will need to make an appointment with an adviser if:

- you (or your spouse) are out of status for any reason, or have reason to think you (or your spouse) might be out of status.
- you prefer to obtain an F-1 visa outside the United States and then re-enter in F-1 status, thereby eliminating the need to apply to the USCIS to change status.

What documentation do I need to submit to the USCIS in order to change to F-1 status?

- Expedite request letter from OISS on colored paper (the adviser will take care of this after you meet)
- I-797 Receipt showing payment of \$200 SEVIS fee (see next section for details)
- Filing fee: \$300 (use a personal check made out to “Department of Homeland Security”)
- Form I-539 (see instructions below)
- A photocopy of your Form I-94 (front and back)
- A photocopy of your passport personal data page(s) (i.e., the page(s) with your photograph and the expiration date of your passport)
- A photocopy of your F-2 visa
- Your complete, original I-20, signed by you
- Three photocopies of page 1 of your I-20
- Evidence of financial support (i.e., your assistantship offer letter, plus a bank statement if your assistantship covers less than 100% of your estimated costs)
- A photocopy of your marriage certificate, along with a certified English translation if it is in another language (This is NOT necessary if your spouse’s name is on your F-2 visa.)
- A photocopy of your spouse’s I-94 (front and back), a photocopy of his/her current I-20 and any prior I-20(s), and a photocopy of his/her passport personal data page(s)
- An Academic Certification from the UI Registrar, basement of Calvin Hall (or the registrar at the university your spouse is attending) to verify that your spouse has been enrolled full-time, and a copy of your spouse’s most recent transcript.

What is the SEVIS fee, and do I have to pay it?

The SEVIS fee is the new charge, effective September 1, 2004, assessed by the U.S. Department of Homeland Security, whereby all F-1 visitors to the U.S. must pay a fee of **\$200** to supplement federal government expenses involved in the maintenance and administration of the Student and Exchange Visitor Information System (SEVIS).

If you are attempting to change from F-2 to F-1 status, you will be required to pay the SEVIS fee *before* you can mail in your change of status application. There are two ways to pay this fee:

To Pay Online (*highly recommended to pay this way instead of by mail*)

1. Find the Form I-901 at www.FMJfee.com.
2. Complete the form online and supply the necessary Visa, MasterCard or American Express information. Be sure to write your name exactly as it appears on your I-20 form.
3. Print a copy of the online receipt.
4. Be sure to make copies of your receipt, and keep it with your other important immigration documents. You will need to submit a copy of this receipt along with your other change of status application material.

To Pay By Mail

1. Obtain a Form I-901 "Fee Remittance for Certain F, J, and M Nonimmigrants" from www.FMJfee.com or request the form by phone at 1-800-870-3676 (inside the US)
2. Complete the Form I-901. Be sure to write your name exactly as it appears on your I-20 form.
3. Prepare a check, international money order or foreign draft (drawn on US banks only) in the amount of \$200 US Dollars, made payable to "The Department of Homeland Security" (OISS strongly suggests you use a personal check, since it is easy to trace these.)
4. Mail the completed I-901 and payment to the address listed on the Form I-901.
5. A Form I-797 receipt notice should be mailed within 3 days of processing the fee. Be sure to make copies of your receipt, and keep it with your other important immigration documents. You will need to submit a copy of this receipt along with your other change of status application material.

Remember, your change of status application cannot be mailed until the SEVIS fee is paid and you have a receipt proving payment. Should your change of status application be denied, the SEVIS fee is not refundable. However, if you apply for F-1 status again within the 12 months following your denial, you will not have to pay the fee again.

Why do I need to submit copies of my *spouse's* immigration documents?

You are eligible to change to F-1 status only if you are in F-2 status--and you are in F-2 status only if your spouse has maintained F-1 status by enrolling full-time and not working without proper authorization.

If you (or your spouse) might be out of status, *please see an OISS*. You may need to consult an immigration lawyer.

Where do I send my application?

Because you will be asking for expedited processing, the **OISS must mail your application** on your behalf via overnight express mail.

The OISS cannot pay for the cost of sending your application by overnight express mail, so we will also need you to **provide a credit card number along with expiration date**, to which the cost of mailing will be charged.

What happens when the California Service Center receives my application?

If your application is incomplete, the California Service Center will send it back to the OISS with a “Request for Evidence.” You will need to furnish whatever information or documentation is missing.

If your application is complete, the OISS will receive a Form I-797 Notice of Action/Receipt Notice from the California Service Center within two to four weeks, and we will then notify you by email that the Notice of Action arrived. Your Notice of Action is very important, both because it proves that you filed your application and because it provides the “WAC number” which you must use if you need to track your application’s progress. **If you do not receive a Notice of Action within five weeks, please notify the OISS immediately.**

What happens when the California Service Center approves my application?

The California Service Center will return your I-20 to the OISS, with a notation in the upper right corner of your I-20 indicating approval of your change of status application. You will also receive a second Notice of Action/Approval Notice, with your new I-94 printed in the lower right-hand corner. You will want to cut out and staple your new I-94 into your passport, after making a copy of your entire Notice of Action/Approval Notice and I-20 to keep separately in a safe place.

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

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

I-539, Application to Extend/ Change Nonimmigrant Status

START HERE - Please type or print in black ink.

For USCIS Use Only

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-2		Expires on (mm/dd/yyyy) D/S		

Return Date	You must use the OISS address as shown here, not your own address.
Result Date	
Reloc sent Date	
Reloc Rec'd 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: F-1
- 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): D/S
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.