



H-1B TO F-1 CHANGE OF STATUS APPLICATION PACKET

Updated August 9, 2007

FREQUENTLY ASKED QUESTIONS (FAQ)

Can I register as a student while I am still in H-1B status?

Yes. Individuals who are in H-1B status and continue to fulfill all of the requirements of their H-1B employment can register as students in their “free time.” As a practical matter, it is usually impossible to begin a degree program while still in H-1B status, since most individuals in H-1B status work full-time for their H-1B employer.

*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 are 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 H-1B status?

No. You **cannot** begin a graduate assistantship at the University of Iowa (or at any other university) until you are in F-1 status. Nor can you begin full-time studies, unless you are somehow able to do so while still fulfilling your primary obligations to your H-1B employer.

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

The short answer to this question is: **You must apply to change to F-1 status before the termination of your H-1B employment.** Otherwise, you will be “out of status” and thus ineligible to change to another status. As a result, the USCIS will deny your change of status application and you will be forced to return home, where it may be very difficult to obtain an F-1 visa because of consular concerns about your “immigrant intent.” **If your H-1B employment has already ended, contact an OISS adviser immediately for a referral to an immigration attorney.**

On the other hand, in order to be in F-1 status in time to begin an assistantship before the semester begins, you must apply as soon as you have received both your assistantship offer letter and your I-20 from the Admissions Office. And ironically, in light of the previous paragraph, the USCIS will also deny your application to change status *even if you are still working for your H-1B employer*, unless the USCIS is assured that you will not continue working for your H-1B employer after you are in F-1 status. Thus, the longer answer to this question is: **Unless you have a letter of support from your H-1B employer which is very similar to the Sample Letter in this packet, you should not apply to the USCIS to change to F-1 status until you have consulted with an OISS adviser or an immigration attorney.**

If I have a letter of support from my H-1B employer, do I still need to make an appointment with an OISS adviser in order to apply to change to F-1 status?

Yes. The OISS must now keep track of all students who change to F-1 status. For this reason we will require you to use our address on your I-539 application form, and all correspondence from the Department of Homeland Security regarding your application will be sent to our office. Please bring an email address to your appointment; we will use this email address to notify you whenever we receive correspondence or information regarding your application. Also, if you wish to have your application expedited because of a graduate assistantship offer, we will need to issue a special letter and follow a different procedure for sending the application via Federal Express.

Other reasons you will need to make an appointment with an OISS adviser:

- your H-1B employer cannot (or will not) write a letter of support for you
- you are (or might be) out of status for any reason.
- 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?

- OISS letter to USCIS requesting expedited processing (if you have been offered a graduate assistantship)
- Filing fee: **\$300** (make personal check payable to "Department of Homeland Security")
- I-797 Receipt showing payment of \$100 SEVIS fee (see next section for details)
- Form I-539 (see instructions below)
- Letter of support from your H-1B employer
- 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 H-1B visa
- Your complete, original I-20, signed by you on page 1
- Three photocopies of p.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)

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 and J-1 visitors to the U.S. must pay a fee of **\$100** 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 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 (*this method could delay your application by weeks*)

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 \$100 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.

If I have been offered a graduate assistantship, where and how do I submit my application?

Because you will be asking for expedited processing, the OISS must mail your application for you via overnight express mail. The OISS cannot pay for the cost of sending your application by Fed Ex, 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.

If I have not been offered an assistantship, where and how do I submit my application?

After making a photocopy of your entire application to keep, mail the original application to:

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

Send your application via "**certified mail, return receipt**," so that you have a record of the arrival of your application at the USCIS.

IMPORTANT: If there is a delay in the processing of your application, the OISS will not be able to help you without a photocopy of your application and your certified mail receipt.

If I have been offered a graduate assistantship and I follow the expedited processing directions, what will happen when the USCIS receives my application? How long will it take the USCIS to approve my application?

Unfortunately we currently do not know. As of April 2, 2007 all I-539 applications will be sent to a different Service Center in California. OISS does not know how the California Service Center will handle expedite requests, or if they will accept them at all.

If your application is complete, the USCIS will approve your application and send to the OISS your I-20, with a notation in the upper right corner indicating approval of your change of status application. The USCIS will also send to the OISS your 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.*

If I have not been offered a graduate assistantship, what will happen when the USCIS receives my application? How long will it take the USCIS to approve my application?

If your application is incomplete, the USCIS will send you a “Request for Evidence.” You will need to furnish whatever information or documentation is missing. If your application is complete, you should receive a Form I-797 Notice of Action/Receipt Notice from the USCIS within two to four weeks. 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.**

Your Notice of Action will provide an estimated processing time for your application, but OISS suggests you expect anywhere from 3-5 months. For this reason, you may want to consider leaving the United States to obtain an F-1 visa (possibly in Canada or Mexico) and then using that F-1 visa to re-enter in F-1 status, thereby eliminating the need to apply to the USCIS to change status. Please see an OISS adviser for more details. *Please notify the OISS if you have not received a decision from the USCIS within the estimated processing time. You should also notify the OISS if you are planning to travel outside the US during the next few months or if you are offered an assistantship at the University of Iowa before your application is approved. The OISS might be able to help you obtain expedited processing.*

SAMPLE LETTER from H-1B Employer

BUSINESS LOGO

Business Address

April 3, 2004

TO: Whom It May Concern

This letter is to certify (*employees name*) is currently employed by the department of (*name of department*), at (*name of business*) as (*job title*). (*Employee's name*) has informed the Department of (*name of department*) that she/he will be terminating her/his employment with the department in (*month/year*) to pursue classes at (*name of institution*) as a full-time student.

(*Employee's name*) is currently holding a H-1B visa. Once (*employee's name*) receives her/his F-1 visa for student status, (*name of company*), Department of (*name of department*) will terminate (*employee's name*) employment as of the date F-1 status becomes effective.

If you have any questions, please contact me at (*phone number*).

Sincerely,

(*signature of HR Rep*)

Human Resources
Department of (*name of department*)

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.

Immigration and Naturalization Service Application to Extend Change of Nonimmigrant Status

START HERE - Please Type or Print.

Part 1. Information about you.

Family Name LAST/Family Name		Given Name First Name		Middle Initial Middle	
Address - In care of - c/o OISS Adviser, International Programs					
Street Number and Name 1111 University Capitol Centre, University of Iowa				Apt. #	
City Iowa City		State IA	Zip Code 52242	Daytime Phone # 319-335-0335	
Country of Birth India			Country of Citizenship India		
Date of Birth (MM/DD/YYYY) 07/27/1970		Social Security # (if any) 123-45-6789		A # (if any)	
Date of Last Arrival Into the U.S. Check red stamp on I-94 card			I-94 # Number from I-94 card		
Current Nonimmigrant Status H-1B			Expires on (MM/DD/YYYY) Date		

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**
- Other: (Describe grounds of eligibility.) _____

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

- I am the only applicant. **Check "b" if your spouse/children want to apply for F-2 status**
- 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, 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 INS. INS receipt number: _____

4. If you answered "Yes" to Question 3, give the name of the petitioner or applicant:

If the petition or application is pending with INS, also give the following information:
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) **05/31/2009**

2. Foreign Address: Street Number and Name **1487 Chanakyapuri** Apt. # _____
City or Town **Bangalore** State or Province _____
Country **India** Zip/Postal Code **12345**

FOR INS USE ONLY

Returned	Receipt
Date	<div style="border: 2px solid red; padding: 5px; color: red; font-weight: bold;"> You must use the OISS address as shown here, not your own address. </div>
Resu	
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:	
Action Block	
To be Completed by Attorney or Representative, if any	
<input type="checkbox"/> Fill in box if G-28 is attached to represent the applicant.	
ATTY State License #	

SAMPLE I-539 Page 2

Part 4. Additional information.

If answer is "yes" to any question below, see OISS immediately ↓

3. Answer the following questions. If you answer "Yes" to any question, explain on separate sheet of paper.	Yes	No
a. Are you, or any other person included on the application, an applicant for an immigrant visa?	?	✓
b. Has an immigrant petition ever been filed for you or for any other person included in this application?	?	✓
c. Has a Form I-485, Application to Register Permanent Residence or Adjust Status, ever been filed by you or by any other person included in this application?	?	✓
d. Have you, or any other person included in this application, ever been arrested or convicted of any criminal offense since last entering the U.S.?	?	✓
e. Have you, or any other person included in this application, done anything that violated the terms of the nonimmigrant status you now hold?	?	✓
f. Are you, or any other person included in this application, now in removal proceedings?	?	✓
g. Have you, or any other person included in this application, been employed in the U.S. since last admitted or granted an extension or change of status?	X	?

- If you answered "Yes" to Question 3f, give the following information concerning the removal proceedings on the attached page entitled "Part 4. Additional information. Page for answers to 3f and 3g." Include the name of the person in removal proceedings and information on jurisdiction, date proceedings began and status of proceedings.
- If you answered "No" to Question 3g, fully describe how you are supporting yourself on the attached page entitled "Part 4. Additional information. Page for answers to 3f and 3g." Include the source, amount and basis for any income.
- If you answered "Yes" to Question 3g, fully describe the employment on the attached page entitled "Part 4. Additional information. Page for answers to 3f and 3g." Include the name of the person employed, name and address of the employer, weekly income and whether the employment was specifically authorized by INS.

Part 5. Signature. (Read the information on penalties in the instructions before completing this section. You must file this application while in the United States.)

I certify, under penalty of perjury under the laws of the United States of America, that this application and the evidence submitted with it is all true and correct. I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit I am seeking.

Signature <i>Your Signature Here</i>	Print your Name First Name LAST NAME	Date 12/09/2004
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Please note: If you do not completely fill out this form, or fail to submit required documents listed in the instructions, you may not be found eligible for the requested benefit and this application will have to be denied.

Part 6. Signature of person preparing form, if other than above. (Sign below.)

I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

Signature	Print your Name	Date
Firm Name and Address	Daytime Phone Number (Area Code and Number)	
	Fax Number (Area Code and Number)	

(Please remember to enclose the mailing label with your application.)

Part 4. Additional information. Page for answers to 3f and 3g.

If you answered "Yes" to Question 3f in Part 4 on page 3 of this form, give the following information concerning the removal proceedings. Include the name of the person in removal proceedings and information on jurisdiction, date proceedings began and status of proceedings.

If you answered "yes" to this question, please consult an OISS adviser immediately.

If you answered "No" to Question 3g in Part 4 on page 3 of this form, fully describe how you are supporting yourself. Include the source, amount and basis for any income.

If you answered "Yes" to Question 3g in Part 4 on page 3 of this form, fully describe the employment. Include the name of the person employed, name and address of the employer, weekly income and whether the employment was specifically authorized by INS.

My only employment has been with my authorized H-1B employer, (name, address), consistent with the terms of my H-1B status. I earned \$XXX.XX per week and will cease working there as soon as my change to F-1 status is approved.

Use this form only if your spouse and/or children are planning to apply for F-2 status at the same time you apply for F-1.

Supplement -1

Attach to Form I-539 when more than one person is included in the petition or application.
(List each person separately. Do not include the person named in the form.)

Family Name	Given Name	Middle Name	Date of Birth (MM/DD/YYYY)
Country of Birth	Country of Citizenship	Social Security # (if any)	A # (if any)
Date of Arrival (MM/DD/YYYY)		I-94 #	
Current Nonimmigrant Status:		Expires On (MM/DD/YYYY)	
Country Where Passport Issued		Expiration Date (MM/DD/YYYY)	
Family Name	Given Name	Middle Name	Date of Birth (MM/DD/YYYY)
Country of Birth	Country of Citizenship	Social Security # (if any)	A # (if any)
Date of Arrival (MM/DD/YYYY)		I-94 #	
Current Nonimmigrant Status:		Expires On (MM/DD/YYYY)	
Country Where Passport Issued		Expiration Date (MM/DD/YYYY)	
Family Name	Given Name	Middle Name	Date of Birth (MM/DD/YYYY)
Country of Birth	Country of Citizenship	Social Security # (if any)	A # (if any)
Date of Arrival (MM/DD/YYYY)		I-94 #	
Current Nonimmigrant Status:		Expires On (MM/DD/YYYY)	
Country Where Passport Issued		Expiration Date (MM/DD/YYYY)	
Family Name	Given Name	Middle Name	Date of Birth (MM/DD/YYYY)
Country of Birth	Country of Citizenship	Social Security # (if any)	A # (if any)
Date of Arrival (MM/DD/YYYY)		I-94 #	
Current Nonimmigrant Status:		Expires On (MM/DD/YYYY)	
Country Where Passport Issued		Expiration Date (MM/DD/YYYY)	
Family Name	Given Name	Middle Name	Date of Birth (MM/DD/YYYY)
Country of Birth	Country of Citizenship	Social Security # (if any)	A # (if any)
Date of Arrival (MM/DD/YYYY)		I-94 #	
Current Nonimmigrant Status:		Expires On (MM/DD/YYYY)	
Country Where Passport Issued		Expiration Date (MM/DD/YYYY)	

If you need additional space, attach a separate sheet(s) of paper.

Place your name, A # if any, date of birth, form number and application date at the top of the sheet(s) of paper.