



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

Updated December 5, 2008

FREQUENTLY ASKED QUESTIONS

When do I need to apply to the USCIS to change to F-2 status?

The short answer to this question is: **You must apply to change to F-2 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-2 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.**

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-2 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-2 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-2 status?

Yes. The OISS keeps track of all individuals who change to F-2 status as this impacts the SEVIS record of the F-1 student. For this reason we will require you to use our address on your I-539 application form, and all correspondence from the USCIS 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.

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-2 visa outside the United States and then re-enter in F-2 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-2 status?

- Filing fee: \$300 (make personal check payable to “Department of Homeland Security”)*
- Form I-539 (see instructions below)*
- Letter of support from your H-1B employer (see attached sample)*
- A photocopy of your H-1B Approval Notice (I-797)*
- A photocopy of your H-1B visa (if you obtained an H-1B visa from a U.S. Embassy or Consulate)*
- 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)*
- Your new, original dependent I-20, signed by your spouse on page 1*
- A photocopy of your spouse’s current I-20 (pages 1 and 3, only)*
- A photocopy of your spouse’s former I-20 forms (do not copy instructions pages)*
- A photocopy of your spouse’s Form I-94 (front and back)*
- A photocopy of your spouse’s passport personal data page(s) (i.e., the page(s) with his/her photograph and the expiration date of the passport)*
- Evidence of financial support (e.g., letter from your spouse’s department regarding the terms of his/her assistantship and/or a bank statement showing personal or family funds)*
- A copy of your marriage certificate, along with a certified English translation if it is in another language*

Where and how do I submit my application?

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.

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 (c/o OISS) a “Request for Evidence.” You will need to furnish whatever information or documentation is missing.

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.**

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 (staple both parts, although the instructions on the form indicate only the portion on the left) 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.**

<Employer Letterhead>

Sample Letter

<Today's Date>

TO: Whom It May Concern

This letter is to certify that Ms. <First Name LAST NAME> is currently employed by the Department of <Name of Department>, at the University of Iowa, in the Division of <Name of Division> as a Research Assistant II. <First Name Last Name> has informed the Department of <Name of Department> that she would like to terminate her employment with the department in order to change to F-2 status.

<First Name Last Name> is currently in H-1B status. Once Ms. < Last Name> receives her approval for her change to F-2 status, the University of Iowa, Department of <Name of Department> will terminate Ms. <Last Name's> employment as of the date her F-2 status is made effective.

If you have any questions, please contact me at <Phone Number> or <E-mail Address>.

Sincerely,

Signature of Human Resources Representative

<First Name Last Name of Human Resources Representative>
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.

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 H-1B		Expires on (mm/dd/yyyy)		

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-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): 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.