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Change of Status Information for Newly Admitted Students

If you will be seeking a change of status to F-1 student status, please read the following information carefully. Generally, individuals seeking to change status to F-1 student from another non-immigrant category have two options for seeking the change of status:

Option One: Take the Suffolk University I-20 and *travel* to your home country to apply for an F-1 visa sticker at the U.S. embassy. Upon re-entry to the U.S. using the I-20 and the visa, you will be granted F-1 status by the U.S. Citizenship and Immigration Services (USCIS) officer who inspects your documents at the airport or border crossing. F-1 status is granted only by the action of the officer at the port of entry. Simply having the F-1 visa sticker in the passport or holding an I-20 form are not sufficient. The port officer must inspect the documents, place a red entry stamp on the I-20 and issue an I-94 card that denotes the F-1 status.

Due to post-September 11 security measures, it is no longer advisable to seek the F-1 visa in a country other than your home country. If you seek the F-1 visa in Canada or Mexico and you are denied the visa, you will have to return to your home country to re-apply for F-1 status

Option Two: *File the form I-539* with the Vermont Service Center of USCIS to request a change of status from within the U.S. Not all immigration categories are eligible to seek a change of status from within the U.S. Please see the list below for further information about change of status information by immigration category.

You can obtain the I-539 from the CIS web site: <http://uscis.gov/graphics/index.htm>. Be sure to read the instructions for the I-539 carefully and submit all supporting documents, including I-539 fee and the receipt for the SEVIS fee. Visit the web site <https://www.fmjfee.com/index.ihtml> for information about paying the SEVIS fee. Please note that you can request a change of status from within the U.S. only if you are currently in good standing in your current non-immigrant status. If you have violated your current status, or your current status has expired, you can seek a change of status through travel to your home country only.

If you have a petition pending with a USCIS Service Center regarding your current status, you must reference that petition in your application for a change to F-1 student so that the Center can resolve the fact that you will have two requests pending at the same time. Be sure include all information about any pending petition in the application for change to F-1, including a copy of the receipt notice for the petition if possible.

If you are granted F-1 status by USCIS, you will receive a "Notice of Action" that contains a new I-94 card bearing the F-1 notation. The receipt notice regarding the fact that your petition has been filed does not confer F-1 status.

Special Cautions: Both options for requesting a change of status have *risks*. No option is risk free. Option One risks include possible visa denials at the embassy or delays visa processing due to backlogs, security checks and/or embassy closures. Option Two risks include possible denials due to ineligibility for student status or delays due to backlogs of petitions at the Service Center.

Please understand that academic admission to the university is not a guarantee that you will be eligible for a change to F-1 student status. You must meet the criteria established by the U.S. Department of State and/or USCIS, and the judgement of the governmental officer is outside of the jurisdiction of the university. The decision of the governmental officer is final, and Suffolk cannot seek a reversal of that decision on your behalf.

Please refer to the Visa Matters packet that you received with your I-20 for more information about the eligibility criteria for F-1 student status.

The timeframe for embassy action will vary given the schedule of the embassy. Please check the web site of the U.S. Department of State to verify the policies and hours of the embassy that you will visit:

<http://usembassy.state.gov/>. Processing time for the I-539 ranges from 60 to 120 days.

Change from B-1/B-2 Visitor for Business or Pleasure to F-1 Student: Since March 2002, new regulations make it extremely difficult for persons in B-1/B-2 status to file for a change of status to F-1 student within the U.S. If you currently hold B status, the university recommends that you return to your home country to apply for an F-1 student visa at the U.S. embassy. Please note that if you disregard this recommendation and choose to file for a change of status within the U.S., you may not begin classes until you receive a notice of approval of the change of status to F-1. You cannot begin studies while the petition is pending under any circumstances.

Change from WT/WB Visa Waiver to F-1 Student: WT/WB status is the tourist status for citizens of countries who do not need to obtain a B-1/B-2 visitor's visa to enter the U.S. for brief visits. Generally, individuals holding WT or WB status receive a green I-94 card upon entry to the U.S. If you entered the U.S. using the visa waiver program, you **cannot** file a request to change status from within the U.S. You must travel to your home country and seek the F-1 visa sticker from the U.S. embassy.

Change from F-2 Dependent to F-1 Student: Immigration regulations do not allow persons in F-2 status to begin study before the change of status is granted. For this reason, it is essential for you to consider the timing of your plan to change status to F-1 student. If the first day of classes arrives and you have not been able to re-enter in F-1 status or you have not received a change-of-status "notice of approval" from USCIS, your admission to the university will be deferred. A receipt notice regarding the filing of the petition is not sufficient.

Change from H1-B Temporary Worker Status to F-1 Student: H1-B workers can file for a change of status to F-1 student while holding valid H status and continuing to work or in the 10 day grace period following a voluntary resignation or a termination. If you held H1-B status and more than 10 days have passed since your last day of work, you must seek F-1 status through travel. If you file for the F status while continuing to work, please note that as soon as your approval notice is granted, your H status is terminated and you must cease employment.

Study for Holders of A, G, H-4, J-2, O, R, and TD: Individuals in these categories are not required to file a change of status to F-1 in order to study full-time. Dependents who will be reaching the age of 21 or who will remain in the U.S. after the principle departs should consider filing for a change of status to avoid an interruption of study. In addition, F-1 status may offer additional employment benefits for the student.

Special note for J-1 & J-2 Exchange Visitors: J-1 & J-2 non-immigrants who are subject to the two-year home residence requirement cannot apply for a change of status with the USCIS; travel is the only option.

Approval Timeframes: While you may file your I-539 as soon as you receive the I-20, USCIS will not adjudicate your petition until 30 days before the start date on your I-20. Please keep this timeframe in mind while you wait for the approval notice. Travel outside of the U.S. while the petition is pending could lead USCIS to determine that your petition has been abandoned. Also, your re-entry to the U.S. in another category near the time of your approval could invalidate the change to F-1 student status. Please consult the CIE to discuss the timing of your application if you will be traveling or you are reaching the end of your current status. *Please contact the CIE if the start date on your I-20 is approaching and you have not completed your change of status.* We must take actions in SEVIS to insure that your I-20 is deferred to the next available term in order for your petition to remain active.

If you have any questions about seeking a change of immigration status, contact the Center for International Education at the number listed above. *Revised April 2009.*