

## Changing Your Nonimmigrant Status

The Change of Status (CoS) application belongs to the applicant and is not the responsibility of ISSS. ISSS can provide general information regarding the change of status process but this process can be complex and at times may require the assistance of an immigration attorney.

### Change of Status Not Necessary for Full-Time Study in Certain Cases

The spouse or child (under 21 years of age) of an individual in the A, E, G, H, I, J, or L nonimmigrant visa categories need **not** apply to change status in order to attend school in the U.S. provided 1) the parent or spouse who holds the primary status maintains his/her original nonimmigrant status and 2) the dependent spouse or child continues to be eligible for dependent status (e.g. the child is unmarried and under 21; the spouse's marriage to the primary remains valid).

### Obtaining F-1 or J-1 Student Status for Full-Time Study

If you are in the U.S. in a nonimmigrant status that does not allow full-time study (e.g., B-2) or as the spouse or child of someone in the F (Academic Student) or M (Vocational Student) visa category, you must obtain nonimmigrant student status in order to study full-time at a post-secondary school.

### Changing Your Status

There are two ways to obtain a new status/change status. With both methods, the requestor runs the risk of not being granted the requested status.

1. **Leave the U.S., apply for the visa at a U.S. consulate abroad, and, if granted, apply for admission to the U.S. at a U.S. port of entry.**  
Your new status begins when you are admitted to the U.S. and your admission is recorded in an I-94 Arrival Record at the port of entry ([electronic I-94](#) at air or sea ports; paper I-94 at land ports).
2. **Submit an application to U.S. Citizenship and Immigration Services (USCIS) for a change of status from within the United States** (see eligibility and restrictions below).

### Requesting an I-20 or DS-2019 for Travel and Re-Entry or a Change of Status Application

Change of status requests for F-1/J-1 student status or F-2/ J-2 dependent status require an I-20 or DS-2019 from ISSS.

- For travel and re-entry to gain status, the new document will indicate "Initial Attendance" (F-1) or "Begin New Program" (J-1)
  - A new SEVIS fee must be paid: <https://www.fmjfee.com>
- For a change to F-1/J-1 status within the U.S., the new document will indicate "Change of Status Requested" (F-1) or "Begin New Program" (J-1)
  - A new SEVIS fee must be paid: <https://www.fmjfee.com>
- For a change to F-2/J-2 dependent status, the F-1/J-1 primary requires a new I-20/DS-2019 that includes the dependent expenses and the dependent requires a dependent I-20/DS-2019.

### To request a new I-20 or DS-2019, submit:

- A copy of your current passport (and if applicable, dependent(s)' passports); and
- Evidence of sufficient financial support that is less than 6 months old
- If requesting dependent documents, also submit the Dependent Request Form: <http://www.colorado.edu/oie/node/1351/attachment/newest>

Acceptable financial documentation must be less than six months old and includes: letter from a bank on bank letterhead indicating available balance of your account or that you have at least X dollars where X is equivalent to or greater than the expenses required to issue the I-20 or DS-2019; financial guarantee, assistantship letter, scholarship letter, fellowship letter; CU-Boulder appointment/offer letter indicating salary; an [Affidavit of Support](#) completed by your sponsor (relative or third party) with a letter from your sponsor's bank on bank letterhead indicating available balance of the account or that your sponsor has at least X dollars where X is at least equivalent to the amount required to issue the document(s). If you are requesting an initial DS-2019, a substantial amount of the funding must come from a source other than personal funds (e.g., CU-Boulder funding).

### F-1 / J-1 Expenses (2015):

Calculate student expenses based on the Bursar's website (<http://bursar.colorado.edu/tuition-fees/tuition-and-fees-rate-sheets/>) and forms below in order to begin preparing financial support documentation. ISSS will indicate/confirm the actual amount required when you come in for advising or submit the request.

- F-1 and J-1 Students:
  - Undergraduate: [http://www.colorado.edu/admissions/undergraduate/sites/default/files/international\\_financial\\_statement\\_2015.pdf](http://www.colorado.edu/admissions/undergraduate/sites/default/files/international_financial_statement_2015.pdf)
  - Graduate: [http://www.colorado.edu/admissions/undergraduate/sites/default/files/graduate\\_international\\_financial\\_statement\\_2015.pdf](http://www.colorado.edu/admissions/undergraduate/sites/default/files/graduate_international_financial_statement_2015.pdf)
- J-1 Scholar: \$22,136/year (or \$1,845/month)

### Dependent Expenses (2015):

	Spouse	Child
<b>Undergraduate Student</b>	\$11,688/year (\$974/month)	\$11,188/year per child (\$932/month)
<b>Graduate Student</b>	\$9,438/year (\$787/month)	\$8,938/year per child (\$745/month)
<b>J-1 Scholar</b>	\$11,076/year (\$923/month)	\$10,572/year per child (\$881/month)

## Eligibility for a Change of Status within the United States

In general, with certain exceptions, you may be able to apply to change status within the U.S. if:

- You had a lawful admission into the U.S. with a nonimmigrant visa;
- You have not committed crimes which would make you ineligible;
- Your current status allows a change of status application to be filed in the U.S. (see below for restrictions);
- You meet the eligibility requirements for the requested status; and
- You maintained your lawful nonimmigrant status to the time the application is filed, or, for individuals requesting a change to F-1 or J-1 status, you can maintain your current status through at least 30 days before the start date on the I-20/DS-2019 and USCIS issues a receipt notice for the application.

## Restrictions on Changing Status within the United States

You generally cannot change status within the U.S. if:

- You have otherwise violated the conditions of your current status; and/or
- For individuals requesting a change to F-1 or J-1 status, your period of authorized stay has expired or will expire more than 30 days before the reporting date on the I-20 or DS-2019 issued for the Change of Status application.

**Additionally, the following non-immigrant categories are prevented from applying to change status within the U.S.:**

- Individuals who are currently in or were previously in J status who are currently subject to the two-year home-country residence requirement (exception: change to A, G, or U status)
- Persons admitted under the Visa Waiver Program (W/T or W/B on the I-94) cannot change status in the U.S.
- Persons who hold C, D, or K status cannot change status in the U.S.
- A vocational student in M status cannot change to F status
- Persons admitted as J-1 physicians to receive graduate medical education/training cannot change status in the U.S.

## Filing a Change of Status Application within the United States

A nonimmigrant must file a Form I-539 with all required supporting documentation with USCIS. See page 3 for a list of recommended documents.

This can be filed in **paper form via the mail or electronically**.

- **Paper Form I-539:** <http://www.uscis.gov/i-539>

Form I-539 Instructions: <http://www.uscis.gov/files/form/i-539instr.pdf>

Applicant must complete hardcopy I-539 and mail to USCIS along with all required application materials (see page 3 of this handout).

- **ELIS: USCIS Electronic Immigration System:** <http://www.uscis.gov/uscis-elis>

The USCIS Electronic Immigration System (USCIS ELIS) is an online account-based system through which applicants can file an application, view their benefit requests, receive electronic notification of decisions, and receive real-time case status updates. Applicants who apply for a change of status through ELIS complete an electronic I-539 and upload the application documents. Be sure to upload ALL of the documents indicated for your status change type on page 3 of this handout.

- Overview of Requesting Benefits Using USCIS Elis is online at: <http://www.uscis.gov/uscis-elis/requesting-benefits-using-uscis-elis>
- Filing instructions with screen shots is available online at: [http://www.uscis.gov/sites/default/files/USCIS/USCIS%20ELIS/Resources/Instructions/ELIS\\_I-539\\_Part3.pdf](http://www.uscis.gov/sites/default/files/USCIS/USCIS%20ELIS/Resources/Instructions/ELIS_I-539_Part3.pdf)
- Frequently Asked Questions: <http://www.uscis.gov/uscis-elis/faqs/i-539/frequently-asked-questions-e-filing-form-i-539-using-uscis-elis>
- Ten E-Filing Tips: <http://www.uscis.gov/uscis-elis/top-10-tips-e-file-uscis-elis>

## Application Timing

There may be timing issues as the typical CoS processing can take anywhere from 1- 4 months however application processing can exceed 4 months.

- If you are currently in a non-immigrant status that does not allow for a full-course of study in a degree program (e.g. F-2 or B-2), then you may not begin an academic program until your CoS is approved. You may have to defer attendance until the CoS is granted.
- The request for a CoS should be submitted early enough so that there are no gaps in status (e.g. if B-1 status ends 8/1, then request the F-1 status to begin 8/2). There cannot be a gap in status.
- In general, in a CoS to F-1 or J-1, no F-1 or J-1 benefits are available, including employment, until you receive the CoS approval notice.
- Generally, nonimmigrants who have filed a timely application for change of status to a different nonimmigrant status can remain in the U.S. while their application is being adjudicated by USCIS as long as the person is in valid nonimmigrant status when the application is filed and the current nonimmigrant status of the applicant will continue to be valid up until the date that the new status is requested to begin. In the case of change of status to F-1, Service Centers will generally require the student's current status be valid to within 30 days of the requested I-20 program start date.

## Change of Status Application Materials

The individual making the request is responsible for submitting the application materials to USCIS electronically via ELIS or in hardcopy form via the mail. The documents most commonly required are noted below; there are instances in which additional documentation may be required. Be sure to include all documents noted in the I-539 instruction for your change of status application as you may not be directly prompted by the ELIS system or I-539 Form instructions to submit them. Failure to submit required documentation will delay the adjudication of your Change of Status request.

TO F-1	TO F-2	TO J-1	TO J-2	TO B-2	ITEMS NEEDED
Required	Required	Required	Required	Required	<p><b>Paper Application: Form I-539:</b> Application to Extend/Change Nonimmigrant Status  <a href="http://www.uscis.gov/i-539">http://www.uscis.gov/i-539</a> (type information into form, print, and sign)            Do not include original immigration documents, only copies.            ISSS recommends using a courier or other method of mailing that allows for tracking.</p> <p><b>Electronic Application:</b> Utilize <b>ELIS system:</b> <a href="https://elis.uscis.dhs.gov/">https://elis.uscis.dhs.gov/</a>            Supporting documents must be scanned and uploaded to ELIS</p>
Required	Required	Required	Required	Required	<p><b>I-539 Fee:</b> <b>Paper Application:</b> Check or money order (drawn on a U.S. bank)            Payable to "U.S. Department of Homeland Security"            Be sure to sign and date the check</p> <p><b>Electronic Application:</b> Pay the fee online with a credit card: <a href="https://pay.gov">https://pay.gov</a>            Fee amount indicated on: <a href="http://www.uscis.gov/i-539">http://www.uscis.gov/i-539</a></p>
Required	Required	Required	Required	Not needed for CoS to B2	<p>CoS to F-1 or J-1: Copy of <b>I-20/DS-2019</b> issued by ISSS with "CoS requested" comment</p> <p>CoS to F-2 or J-2: Copy <b>I-20/DS-2019</b> indicating <b>dependent status</b></p>
Required	Required	Required	Required	Not needed for CoS to B2	<p><b>I-901 SEVIS Fee Receipt</b>, see: <a href="http://www.colorado.edu/oie/sevis-fee">http://www.colorado.edu/oie/sevis-fee</a>            For change to F-2/ J-2 dependent status, include the F-/ J-1 primary's SEVIS fee receipt (dependents do not require a separate SEVIS fee payment)</p>
Required	Required	Required	Required	Required	<p>Copy of <b>financial support documents</b> proving ability to support applicants during stay/status            e.g., Bank Statements, <b>I-134: Affidavit of Support</b>, Appointment Letter, Scholarship Letter            CoS to F or J; documentation should meet or exceed expenses noted on I-20 or DS-2019</p>
Required	Required	Required	Required	Required	<p><b>Documentation of Current Status</b>            - e.g., copy of visa or approval notice reflecting your current status, I-20 or DS-2019 if applicable</p>
Required	Required	Required	Required	Required	<p>Copy of valid <b>passport</b> ID Page            - Must show biodata, photo, and expiration date</p>
Required	Required	Required	Required	Required	<p>Copy of current <b>I-94 or Form I-797</b> approval notice (if previously changed status within the US)</p> <ul style="list-style-type: none"> <li>Electronic I-94: Download online at: <a href="https://i94.cbp.dhs.gov/i94/request.html">https://i94.cbp.dhs.gov/i94/request.html</a></li> <li>Paper I-94: Photocopies of I-94 front and back</li> </ul>
Required	Required	Required	Required	Required	<p><b>Recommended: Cover letter from CoS applicant explaining the reason for the request</b>            (Strongly recommended for change to B-2 status)</p>
Required	Required	Required	Required	Required	<p><b>If Dependents are Included in Your Application:</b></p> <ul style="list-style-type: none"> <li>Copy of <b>Dependent(s)' documentation</b>            e.g., I-20s or DS-2019s, I-94s, valid passport biodata page, visa(s)</li> <li><b>Documentation of relationship to dependents</b>            e.g., Copy of marriage certificate, birth certificate with English translation</li> </ul>
Not needed for CoS to F1	Required	Not needed for CoS to J1	Required	Not needed for CoS to B2	<p><b>If Requesting a Change to F-2/J-2 Dependent Status:</b></p> <ul style="list-style-type: none"> <li>Copy of <b>F-1/J-1 primary's documents</b>            e.g., I-20 or DS-2019, I-94, passport biodata page, visa, and, if applicable, approval notice for previous CoS</li> <li><b>Documentation of relationship to F-1/ J-1 primary</b>            e.g., Copy of marriage certificate, birth certificate with English translation</li> </ul>
Not needed for CoS to F1	Not needed for CoS to F2	Required	Required	Not needed for CoS to B2	<p><b>If Requesting a Change to J-1 or J-2 Status: J Insurance Compliance Form</b>  <a href="http://www.colorado.edu/oie/node/709/attachment/newest">http://www.colorado.edu/oie/node/709/attachment/newest</a>            You must maintain insurance that meets the U.S. Department of State requirements</p>
Required	Required	Required	Required	Not needed for CoS to B2	<p><b>Recommended: Copy of Admission Letter and/or Transcripts</b></p>
Required	Required	Required	Required	Not needed for CoS to B2	<p><b>If Applicable:</b> Proof of in-state status from a Tuition Classification Officer            Your tuition classification (in-state or out-of-state) will depend on some factors, one of which is your immigration status. If you are requesting a CoS to F-1 or J-1 student from a status which allows in-state tuition, check with the Office of Tuition Classification (303-492-6868) to determine if you will continue to qualify for in-state tuition benefits.            See: <a href="http://registrar.colorado.edu/students/tuition_classification_regulations.html">http://registrar.colorado.edu/students/tuition_classification_regulations.html</a></p>

## Additional Documentation Required for Certain Applications

- From F-2:
  - Copies of the F-1 primary's I-20, passport, visa, and I-94 (front and back) or downloaded from <https://i94.cbp.dhs.gov/i94/request.html>
- From J-1 or J-2 :

You cannot change status in the U.S. (except to A, G, or U status) if you are subject to Section 212(e), also known as the "two-year home residency requirement", unless you have received a waiver of the requirement from the U.S. Department of State.

  - A copy of the waiver recommendation, if applicable;
  - Your DS-2019 and the DS-2019s for any dependents included in the change of status application
- From H-1 or L1:

The USCIS must receive your change of status application no later than the day you terminate your H-1 or L-1 employment, as there is no "grace period" for those in H-1 or L-1 status: your status as an H-1 or L-1 terminates the day you leave your H-1 or L-1 employer.

  - Copy of the I-797 approval notice;
  - Copies of your 3 most recent pay stubs; and
  - Any other documentation establishing that you are in and maintain valid H-1 or L-1 status.
- From H-4 or L-2:
  - Copies of the evidence listed above for the H-1's or L-1's status at the time the H-4 or L-2 files the application with USCIS; and
  - Copy of evidence of the relationship to the H-1 or L-1 such as a birth or marriage certificate with English translation.
- From B-2 to F-1 or J-1 Student:

This CoS application often faces greater scrutiny. If USCIS infers that the applicant misrepresented his/her purpose in coming to the U.S. by failing to reveal the intention to study when applying for a visa and entering the country, then the application is likely to be denied.

  - Cover letter that highlights that you did not intend to study full-time when you entered the U.S. in B-2 status and explains what led to your interest in studying in the U.S. after entering as a tourist. Include the date you entered the U.S., when you applied for your academic program, and when you were admitted (both of which should be well after your entry to the U.S.).
- From A or G:
  - [Form I-566](#) which must be filed with and approved by either the Department of State or the Office of Host Country Affairs at the U.S. Mission to the United Nations within 10 days of the completion of your A or G employment.
    - Only after the I-566 has been approved and returned to you are you eligible to file a change of status application with the USCIS.

## Filing Address for Paper Form I-539 Applications to Change Non-Immigrant Status

I-539 mailing address information is available on the USCIS website at: <http://www.uscis.gov/i-539-addresses>. Currently, most Form I-539s are currently mailed to the USCIS Dallas Lockbox. Exact mailing address depends upon mail service being utilized (U.S. Postal Service vs. private courier).

## Do NOT Travel Outside the U.S. While the Change of Status Application is Pending

Generally, the application for a change of status is automatically canceled when the applicant travels outside the U.S. while the application is pending as it is assumed that the applicant has abandoned the application.

## Study While Application for Change to F-1 or J-1 Status is Pending

Individuals in a nonimmigrant status that allows a full course of study may continue to study (e.g. H-4) while their CoS application is pending. Individuals in a nonimmigrant classification that does NOT allow a full course of study may NOT enroll in an academic program until the CoS is approved.

The following individuals must wait until their change of status application is approved by USCIS in order to engage in full-time study:

- Nonimmigrants changing to F-1 from B-1 or B-2 status; and
- Nonimmigrants changing to F-1 from F-2 dependent status (except in the case of F-2 minors studying at the primary or secondary level).

## Approval of your Change of Status Request

If your request is approved, then you will receive an approval notice which includes a new I-94 that indicates the new status. Please **do not remove** the I-94 from the approval notice, even though it instructs you to do so!

- **Upon approval, immediately provide ISSS with a copy of the approval notice and new I-94.** You can scan and email the documentation to [adviser@colorado.edu](mailto:adviser@colorado.edu) or stop in with the documentation during advising hours so a copy can be made for your file.
- Upon receipt of this documentation and if applicable, ISSS will activate the new record in the SEVIS system (if changing to F-1 or J-1 status).