
Changing Your Immigration Status (I-539)

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

A change of status (COS) is a change from one nonimmigrant classification to another nonimmigrant classification from within the U.S. via an application and fee to USCIS. Please note, the change of status 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 problematic and at times may require the assistance of an immigration attorney.

Common requests for changes of status include: to or from F1; to or from F2; to J1 or to B1 or B2, etc. It is also possible to achieve a change to another nonimmigrant status by exiting the U.S., obtaining the necessary visa after having met the requirements for that visa category, and re-entering the country. Each method has its pros and cons. In either method, applicants for a change of status may run the risk of not being granted the requested status.

Qualifying for COS:

In general, with certain exceptions, an alien already in the U.S. can apply for a COS if he/she:

- has maintained lawful nonimmigrant status to the time the application is filed
- has had lawful admission into the U.S. with a nonimmigrant visa
- has not committed crimes which would make him/her ineligible.

However, certain categories are **NOT eligible** for a change of status from within the U.S.; for example, those current J exchange visitors who are subject to the 2 year home residency rule or M vocational students cannot obtain F-1 status without leaving and re-entering the U.S. or those who entered on the Visa Waiver Program.

COS not necessary:

The spouse or child of someone 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 United States provided the parent or spouse maintains their original nonimmigrant status and that the spouse or child continues to be eligible for dependent status, e.g. the child is under 21 years of age.

Procedures for Change of Status

1. **Make an appointment to talk with an ISSS advisor.** This is a complicated procedure to explain and you may need several visits to ISSS to finalize the application. Please be reminded that this is your application; ISSS will advise you on the process for the change of status to F-1 or J-1 unless they determine that you need to see an immigration attorney.
2. **Download the application form from this website:** <http://www.uscis.gov/files/form/i-539.pdf>
Review the instructions from USCIS, see: <http://www.uscis.gov/files/form/i-539instr.pdf>
3. **Assemble your application and bring in to ISSS copies of documents as needed.** See the attached checklist.
 - a. **If you are requesting a COS to F-1 or J-1, you will need an I-20 or DS-2019. ISSS will make a new I-20 or DS-2019 with a “change of status requested;”** this original document must be sent to USCIS, along with the rest of your application. You will have a copy of this to use while the COS application is pending.
 - b. You must **provide evidence of sufficient financial support** in order for CU to issue the new I-20 or DS-2019, which will be included in the change of status application. The amount shown is the standard amount established by the CU Admissions office, plus any additional amounts for dependents (\$6000/year for spouse and \$5500/year for each additional child). Official bank statements no older than 6 months are accepted. If personal funding is coming from someone other than you, the person providing the funding must also complete the attached affidavit of support. Current TA or RA appointment letters may be needed if you are receiving funding from CU.
 - c. **Provide proof of current valid status and eligibility for the requested status.** If the COS is from a dependent to F-1 status, the status of the dependent is determined by the status of the principal, so you must provide evidence of the

validity of the status of the principal, including copies of the principal's I-94, I-20's, visa and any other status documents.

4. Once the COS application is complete, **you will send in the application to the appropriate USCIS Service Center**, where an adjudication officer determines if you are eligible for the requested status. ISSS recommends you use a courier or some other method of mailing which allows you to track the COS application mailing.
5. If it is approved, then the **new status is stamped on the I-20 or DS-2019** and it is mailed to you with an approval notice which has your new I-94 on it. Please **do not remove** the I-94 from the approval notice, even though it instructs you to do so!
6. If you receive the new status, **please notify ISSS immediately and submit to ISSS copies** of your new I-20 or DS-2019 and the approval notice. If your new status is F1 or J1, you must make sure to bring the approval paperwork to ISSS as soon as you receive it because ***your new status is not valid until ISSS activates the new record in the SEVIS system.***

Checklist of COS Documents Needed

See: <http://www.uscis.gov/files/form/i-539.pdf> and <http://www.uscis.gov/files/form/i-539instr.pdf>

TO F-1	TO F-2	TO J-1	TO B-2	ITEMS NEEDED
				I-539 form completed and signed, download, see above link.
				I-539 fee, payable to Department of Homeland Security. Money order or personal checks (drawn on a U.S. bank) are accepted
			Not needed for COS to B2	Original I-20 or DS-2019 with COS requested (ISSS does) - original must be sent
				Copy of Current I-20, DS-2019, or approval notice, reflecting your current status
				Copy of Passport page with biodata, photo, expiration date
				Copy of Visa page(s) for your current status and previous status, if appropriate
				Copy of current I-94 – photocopy front and back (do NOT send the original , even though USCIS instructions may tell you to do so) or Form I-797 approval notice (if previously changed status within the U.S.)
				Copy of Financial support documents, bank statements or appointment letters, suggest using I-134 to prove financial support from primary.
			Not needed for COS to B2	Proof of payment of SEVIS fee, I-901 form, See: http://www.colorado.edu/oie/iss/iss/fees/fees.html
				Cover letter from applicant for COS (recommended for COS to B2, optional for others)
			Not needed for COS to B2	Copy of Admission letter and or transcripts (not required, but recommended)
				Copy of Dependent family member documentation, if needed e.g. I-20's or DS-2019's, I-94's, passport biodata page, visa(s)
				Copy of Marriage certificate, if needed to establish relationship with primary
				Copy of primary's documents, if needed (visa, passport, I-94, I-20 or DS-2019, and approval notice for COS, if appropriate)
				Copy of birth certificate, if needed to establish relationship with primary
			Not needed for COS to B2	Proof of in-state status from a Tuition Classification Officer, if Needed
		Only needed for COS to J1 or J2		J Insurance Compliance form reflecting proof of insurance meeting the U.S. Department of State Requirements

Other Issues to Consider

Studying when a change of status is pending:

Those who are in a nonimmigrant classification which allows them to take a full course of study may continue to study (e.g. H-4) while their COS application is pending. However, those who were in a nonimmigrant classification that does NOT allow for a full course of study (e.g. F-2 or B-2) MAY NOT enroll in an academic program until the COS is approved.

Timing:

There may be timing issues as the typical COS process can take anywhere from 1- 4 months. For example,

- 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.
- There should be no gaps in status: The request for a COS should be submitted early enough so that there are no gaps in status e.g. if B1 status ends 8/1, then request the F1 status to begin 8/2. The applicant is allowed to wait in the US while awaiting adjudication, but 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 any kind of employment, until you receive notice from USCIS that the COS has been approved.
- In order for an applicant to be eligible for a change of status to F-1 classification, his/her current status must be valid through at least thirty-days prior to the start-date on the SEVIS Form I-20.

Departure from the U.S. while COS is pending will cancel your application:

Generally, the application for a change of status is automatically canceled by leaving the U.S. while the application is pending since it is assumed that the applicant has abandoned the application.

Tuition Classification and COS:

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 F1 or J1 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: http://registrar.colorado.edu/students/tuition_classification_regulations.html

COS from B-2 to F-1:

This can be difficult to achieve if USCIS concludes that the applicant really meant to enter the country as an F-1 student, but used the B-2 visa instead. If USCIS infers that the applicant misrepresented his/her purpose in coming to the US by failing to reveal the intention to study when applying for a visa and entering the country, then the change of status application is likely to be denied.

F-2 Dependents changing to F-1:

Those in the United States as the spouse or child of someone in the F (Academic Student) or M (Vocational Student) visa category who wish to attend post-secondary school full-time, must apply for a change of status to F-1.

Affidavit of Support for _____, who is/will be
Student's Name
a student at the University of Colorado Boulder

(to be completed by sponsor)

I, _____, certify that I am able, willing, and do
Name of Sponsor
promise to provide the above named person, who is my _____,
Relationship
(and his/her dependents, who are named here,
spouse, _____,
Spouse's Name, if applicable
children, _____,
Children's Names, if applicable
_____,
_____),

with the minimum amount of \$ _____, payable in U.S. dollars, for his/her
tuition, fees, books and supplies, and living expenses, for the period of

Dates of Support

at the University of Colorado Boulder. Evidence of my financial resources in the form of a bank
statement accompanies this affidavit of support.

Name of Sponsor Signature of Sponsor

Today's Date

Address of Sponsor