

## Changing Your Nonimmigrant Status

The Change of Status (CoS) application belongs to the applicant and is not the responsibility of ISSS. ISSS provides general information regarding the change of status process but please be advised that 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 does not need to 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/or*
2. The dependent spouse or child continues to be eligible for dependent status (*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 are the spouse or child of someone holding an 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.

### Inadmissibility on Public Charge Grounds

On February 24, 2020 USCIS implemented the [Inadmissibility on Public Charge Grounds](#) final rule. Under the rule, USCIS will consider when an individual is applying to change their immigration status, whether since obtaining the original status, they received one or more public benefits for more than 12 months in the total within any 36-month period (such that, for instance, receipt of two public benefits in one month counts as two months). You can find a definition of public benefits on the [USCIS website](#). ISSS recommends that you consult an immigration attorney if you have questions about this rule.

### Changing Your Status:

There are **two ways** to obtain a new status / change status. The applicant (*you/your dependents*) runs the risk of not being granted the requested status in either option.

**Option 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 through an I-94 Arrival Record.

**Option 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). It is important to have an underlying visa status during your Change of Status application process within the U.S.

### 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 a Form I-20 or DS-2019, which is given by ISSS.

- For a change to F-1/J-1 status through travel and re-entry, your new document will indicate "Initial Attendance" (F-1) or "Begin New Program" (J-1)
- For a change to F-1/J-1 status within the U.S., your new document will indicate "Change of Status Requested" (F-1) or "Begin New Program" (J-1)

- 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 the following documents to ISSS:**

- 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](#)

**Financial Support Documentation:**

Acceptable financial documentation must be less than six months old and can include:

- Letter from bank on bank letterhead indicating available balance of your account
- Financial guarantee
- Assistantship letter
- Scholarship letter
- Fellowship letter
- CU Boulder appointment/offer letter indicating salary
- An [Affidavit of Support \(Student\)](#) or [Affidavit of Support \(Scholar\)](#) completed by your sponsor (relative or third party) with a letter from your sponsor's bank on bank letterhead indicating the available balance of the account or indicating that your sponsor has at least X USD, where X is at least equivalent to the expenses required to add dependent(s) to your SEVIS record

**Eligibility for a Change of Status within the United States:**

In general, 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 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 212(e) 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)
- Persons who hold C, D, or K status
- A vocational student in M status cannot change to F status
- Persons admitted as J-1 physicians to receive graduate medical education/training

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

An applicant must file a [Form I-539](#) with all required supporting documentation with USCIS before their current nonimmigrant status expires.

Applicants must fill-out a hardcopy I-539 and [mail a complete application to USCIS](#) (see “Where to File”).

## Application Timing:

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 (F-2 or B-2), you cannot begin an academic program until your CoS has been approved. You may have to defer your attendance until the CoS is granted.
- The request for a CoS should be submitted early so that there are no gaps in status (e.g. if B-1 status ends 8/1, request the F-1 status to begin 8/2). There **cannot** be a gap in status.
- In general, 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 an application for change of status to a different nonimmigrant status can remain in the U.S. while the application is being adjudicated. This is allowed if the person is in valid nonimmigrant status when the application is filed, and the current nonimmigrant status will continue until the date 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 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 all application materials to USCIS electronically via ELIS or in hardcopy form via the mail. ISSS recommends a hardcopy application. Be sure to include all documents noted in the I-539 instruction for your change of status application. Failure to submit required documentation will delay the adjudication of your Change of Status request.

**The following items are required for all Change of Status Applications, unless otherwise noted.** Do not include original immigration documents, only copies. ISSS recommends using an express courier or other method of mailing that guarantees tracking (e.g., FedEx, UPS, DHL)

- Application: [Form I-539: Application to Extend/Change Nonimmigrant Status](#)
- [Application Fee](#): (See “Filing Fee”; Pay by Check, Money Order, or Credit Card)
  - *Credit Card Payment*: Submit the [Form G-1450](#) to authorize a credit card payment
  - *Check/Money Order Payment*: Make payable to “U.S. Department of Homeland Security”
    - Sign and date the check (month/day/year) front; do not sign the back of the check.
- I-901 SEVIS Fee Receipt
- Copy of financial support documents proving ability to support applicants during stay/status
- Copy of valid passport ID Page - Biodata, photo, and expiration
- Copy of visa or approval notice reflecting your current status, I-20 or DS-2019
- Copy of [current I-94](#) or Form I-797 approval notice (if a CoS was previously filed)

## To F-1 or J-1:

- Copy of I-20/DS-2019 issued by ISSS

**To F-2 or J-2:**

- Copy of I-20/DS-2019 indicating dependent status
- The F-1/J-1 primary's SEVIS fee receipt (dependents do not require a separate SEVIS fee payment)

*Recommended:*  Cover letter explaining the reason for the request (from the applicant)

**Strongly recommended for change to B-2 status:**

If dependents are included in your application:

- Copy of Dependent(s)' documentation
  - I-20s or DS-2019s, I-94s, passport: biodata, photo, and expiration
- Documentation of relationship to dependents
  - Copy of marriage certificate, birth certificate with English translation

**If Requesting a Change to F-2/J-2 Dependent Status:**

- Copy of F-1/J-1 primary's documentation
  - I-20 or DS-2019, I-94, passport biodata page, visa, and, if applicable, approval notice for previous CoS
- Documentation of relationship to F-1/ J-1 primary
  - Copy of marriage certificate, birth certificate with English translation

**If Requesting a Change to J-1 or J-2 Status:**

- [Insurance Compliance Form](#)

*Recommended:*  Copy of Admission Letter and/or Transcripts

*If Applicable:*  Proof of in-state status from a [Tuition Classification Officer](#)

- If you are requesting a change to F-1 or J-1 student from a status that allows in-state tuition, check with the CU Office of Tuition Classification to determine if you will continue to qualify for in-state tuition benefits.

**Additional Documentation Required for Certain Applications:**

**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.

- Your DS-2019 and the DS-2019s for any dependents included in the change of status application

*If applicable:*  A copy of the waiver recommendation

**From H-1 or L-1:**

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 original 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 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
  - When you were admitted (both of which should be 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. The 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:**

If the applicant travels outside the U.S. while the application is pending it is assumed that the applicant has abandoned the application. Generally, the application for a CoS is automatically canceled.

### **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.

### **Approval of your Change of Status Request:**

If your request is approved you will receive an approval notice that includes a new I-94 that indicates your 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 using the [ISSS Document Submission Form](#), or stop in with the approval notice during advising hours.

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).