

## Change-of-Status B-2 to F-2 Guide – Form I-539

Students who are in the U.S. and want to change their visa status to F-2 have two options for doing so:

- Change of Status through travel (also known as exit and reentry)
- Change of Status through petition by submitting a Form I-539 to USCIS

This guide addresses the process of filing a Form I-539 with USCIS.

**STOP:** Before continuing, you must notify International Student Services of your intent to change your visa status to F-2 and schedule an advising appointment. Additionally, please discuss your change-of-status options with a reputable U.S. immigration attorney.

### Step 1: Submit required immigration documents and receive a dependent F-2 I-20.

- Submit your passport, financial documentation, foreign address, proof of current visa status, and I-94 to [internationalstudents@tarleton.edu](mailto:internationalstudents@tarleton.edu). If more than one dependent needs an F-2 I-20, please submit a copy of each dependent's passport, visa, and I-94. After receiving your documentation, International Programs – Immigration will issue your dependent I-20(s) and a new F-1 I-20. Please go to our [International Admissions](#) (graduate students) or [International Applicants](#) (undergraduate students) page for details on the estimated cost of attendance at Tarleton and to access our financial affidavit. Your financial documents must show sufficient funding to cover the F-1's education and living expenses **AND** each F-2's living expenses. Once your I-20s are ready, they will be emailed to you.
- **Please note:** The F-1 must be a student here at Tarleton. If the F-1 is a student at another U.S. college or university, you must contact that school's International Office for assistance with changing your visa status to F-2.

### Step 2: File Form I-539 with USCIS to apply for a change of status to F-2.

- If you are filing without co-applicants and will not require any legal counsel during the application process, go to <https://www.uscis.gov/i-539> to access the online Form I-539 application.
- If you are filing with co-applicants and/or will require legal counsel, you must file by mail. Go to <https://www.uscis.gov/i-539> to access the paper I-539 and I-539A applications and instructions.
- Submit the following documentation with your I-539.
  - Dependent F-2 I-20 from International Programs – Immigration
  - Evidence of financial support as described in step 1
  - Proof of current visa status (I-94 and visa, if applicable)

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- Copy of passport biographical page
- Copies of spouse’s (or parent’s) F-1 immigration documents (e.g., passport, visa, I-94, I-797 Notice of Action, I-20, SEVIS fee receipt)
- Official transcripts or valid post-completion (or STEM) OPT EAD for the F-1 spouse or parent
- Marriage or birth certificate proving your relationship to the F-1
- I-539A and copies of immigration documents for each co-applicant included in your application, if applicable
- A signed and dated personal statement that is addressed “To Whom It May Concern” and includes the following information:
  - Why you want to change to F-2 status
  - A brief immigration history explaining how you originally came to the U.S. and whether you have previously changed your visa status
- [Form G-1145](#), if applying by mail
- [Application and biometrics fees](#)
  - Online filers will pay at the time of application submission.
  - Mail filers: Include a U.S. check or money order with application packet
- Go to <https://www.uscis.gov/forms/filing-guidance/form-filing-tips> for form filing tips if you will be applying by mail.
- Go to <https://www.uscis.gov/i-539-addresses> for a list of Form I-539 mailing addresses.
- International Programs – Immigration cannot assist you in completing your I-539 application.
- You are highly encouraged to seek the assistance of a reputable U.S. immigration attorney while you are going through the Form I-539 application process.

### **Step 4: Remain in the U.S. while application is pending.**

- USCIS considers any departure from the U.S. as abandoning the application.
- If you must travel outside the U.S. while your Form I-539 is pending, please seek the guidance of a reputable U.S. immigration attorney.

### **Step 5: Do not enroll in classes until your I-539 is approved.**

- Nonimmigrants in B-2 status may **NOT** enroll in any educational program that requires an I-20, as enrolling in a program of academic study is a violation of your B-2 status. You must wait to enroll until your I-539 is approved.
- Once approved, nonimmigrants in F-2 status may enroll part time as degree-seeking students at the postsecondary level in any certified program at an SEVP-certified school.
- F-2 dependents may also enroll full time in avocational or recreational programs.

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- F-2 minor children must comply with Texas education laws requiring kindergarten through 12<sup>th</sup> grade enrollment. They may enroll full time in public schools, which need not be SEVP certified. If you would rather have your child attend a private school, please contact the school's DSO for enrollment information.
- For more information on which nonimmigrants may and may not study and what restrictions may apply, go to <https://www.ice.gov/doclib/sevis/pdf/Nonimmigrant%20Class%20Who%20Can%20Study.pdf>

### Special Considerations

- A *dependent* is defined as a spouse or an unmarried child under the age of 21.
- Dependent children age 21 and older are not eligible to hold F-2 status. They must file an I-539 to change their status to F-1 **BEFORE** their 21<sup>st</sup> birthday if they want to remain in the U.S. and continue their studies. They may also apply for F-1 status through exit and reentry.
- F-2 dependents derive their status from the F-1. Once the F-1 completes his or her program, the F-2s have to leave the U.S. at the same time as the F-1. Additionally, if the F-1's SEVIS record is terminated, both the F-1 and the F-2s will have to leave the U.S. immediately.
- A change-of-status request can take several months for USCIS to adjudicate.
- Nonimmigrants may not work in F-2 status.
- If you entered the U.S. under the visa waiver program, you are not eligible to study, change your visa status, or extend your stay in the U.S. You must change your status through exit and reentry.
- You must file your Form I-539 with USCIS before your current visa status expires. Additionally, you must maintain your current status while your application is pending. USCIS recommends that you file your Form I-539 application at least 45 days before your stay expires or as soon as you determine that you need to change your visa status to avoid creating a "gap" between the end of your current status and the start of your F-2 status. However, due to lengthy USCIS processing times, you may still end up having to file another I-539 to extend your current status until your F-2 status begins.
- If you travel outside the U.S. after your change-of-status request is approved, you will have to apply for an F-2 visa at your local embassy before reentering the U.S., unless you are from Canada or Bermuda and do not need to have an F-2 visa.

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- Traveling after you change your status through USCIS can be risky because visa issuance is not guaranteed. The U.S. State Department generally can deny a visa for any reason. However, the risk of a denial can be higher after a change of status. The consular officer may deny a visa due to a determination of preconceived intent (please see below) even if USCIS did not. Ultimately, you should seriously consider whether to travel and consult a reputable U.S. immigration attorney about the risks of traveling. Please go to <https://www.ice.gov/sevis/travel> for more information about traveling in F-2 status.

### Special Considerations for students changing from B-2 to F-2

- **Preconceived Intent:** A change-of-status request may be denied because USCIS concluded that the student used the change-of-status process to circumvent normal visa issuance procedures. USCIS routinely denies applications if the applicant cannot prove that there was no preconceived intent to study before applying for admission to the U.S. For example, if a student files for a change of status shortly after entering in another nonimmigrant status, USCIS may conclude that the nonimmigrant had the intent to study before being granted admission into the U.S. and did not disclose this intent to U.S. Customs and Border Protection. This omission could be seen as a willful misrepresentation of their true intent. Therefore, their application may be denied at the USCIS adjudicator's discretion. This denial often happens with changes of status from B to F. It is recommended that you do not file your I-539 until you have been physically present in the U.S. for at least 90 days to help avoid the perception of "preconceived intent."
- **Travel:** As noted above, traveling after you change your status through USCIS can be risky. This risk is especially true if you who have changed from B-2 to F-1 or F-2. While there may be an exception, consulates generally assume that these students lied to get a B visa when their true intent was to study.