

Change-of-Status to F-1 Guide – Form I-539

Students who are in the U.S. and want to change their visa status to F-1 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-1 and schedule an advising appointment. Additionally, please discuss your change-of-status options with a reputable U.S. immigration attorney.

Step 1: Be admitted to or currently enrolled* at Tarleton.

- If you have not yet applied to Tarleton, please go to our [International Admissions](#) (graduate students) or [International Applicants](#) (undergraduate students) page for details on the international student application process.
- If you are currently enrolled, you need to meet full-time enrollment requirements, as defined below, to qualify for an I-20. If summer will be your first semester in F-1 status, then you must meet summer full-time enrollment requirements. (Please see pages 3, 6, and 7 for more information about enrolling while your I-539 is pending.)

Fall and Spring Semester Credit Hour Requirements

	Undergraduate	Graduate	Doctorate
Full Course of Study	12	9	6
Face-to-Face	9	6	3

Summer Semester Credit Hour Requirements

	Undergraduate	Graduate	Doctorate
Full Course of Study	12	9	6
Face-to-Face	9	6	3

***Do not enroll full time unless your current status allows full-time enrollment.**

- Examples:
 - Nonimmigrants may not enroll while in B-2 status. The applicant must wait to enroll full time until their change of status to F-1 is approved.
 - Nonimmigrants in F-2 status may only enroll part time.
 - Nonimmigrants in H-4 status may study full time. They may be enrolled while their change-of-status application is pending.

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- Technically, students whose visa permits full-time enrollment do not have to enroll full time before their change of status is approved. However, they must be enrolled full time when their I-539 is approved to avoid falling out of status.
- 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>.

Step 2: Submit required immigration documents and receive a change-of-status I-20.

- Submit your passport, financial documentation, foreign address, proof of current visa status, and I-94 to internationalstudents@tarleton.edu. After receiving your documentation, Undergraduate Admissions – Immigration will issue your 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 I-20 will be emailed to you. ****Please let International Programs – Immigration know if you have any dependents who will be applying for F-2 status so we can issue him or her a dependent F-2 I-20.**

Step 3: Pay SEVIS I-901 fee.

- Pay your I-901 SEVIS fee online at <https://www.fmiffee.com/i901fee/index.html>. Be sure to print your receipt for your records.

Step 4: File Form I-539 with USCIS to apply for a change of status to F-1.

- If you are filing with no dependents 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 dependents 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.
 - I-901 SEVIS fee payment receipt
 - Change-of-status I-20 from International Programs – Immigration
 - 3 months' worth of bank statements that are less than 2 months old
 - Proof of current visa status (I-94 and visa, if applicable)
 - Copy of passport biographical page

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- I-539A and copies of immigration documents for each dependent included in your application, if applicable
- Official Tarleton transcript if enrolled or acceptance letter if not enrolled
- 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-1
 - Why you want to pursue the degree listed on your I-20 at this time
 - Why this degree is useful and/or not available in your home country
 - Your intent to return home after completing this degree
- [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
- Along with the above-mentioned documentation, please go to page 6 to see what additional supporting documents you need to submit based on your specific change-of-status situation.
- 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 5: 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 6: Enroll full time once I-539 is approved.

- If your previous status did not allow full-time enrollment, you may now enroll full time. Please see page 1 for full-time enrollment requirements.

Step 7: Complete check-in process and online new international student orientation.

- Once USCIS approves your change-of-status request, you need to complete your two-step check-in with International Programs – Immigration. If you are a newly

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admitted student, you will receive an email at your Tarleton email address approximately 30 days before the first day of class detailing the check-in process. If you are currently enrolled at Tarleton, you will receive an email at your Tarleton email address once International Programs – Immigration receives approval notification from either you or SEVIS.

- The check-in email also contains information about the online new international student orientation that is required of all new F-1 students.

Special Considerations

- A change-of-status request can take several months for USCIS to adjudicate.
- 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.
- Depending on your current status, you may be unable to enroll until your change-of-status request is adjudicated (see table on pages 6 and 7).
- You may not receive F-1 benefits while your Form I-539 is pending.
- If you file your Form I-539 with USCIS before your current visa status expires, you do not have to maintain your current status while your application is pending. However, if you do not maintain your current status and USCIS denies your change-of-status request, you must leave the U.S. immediately to avoid accumulating days of unlawful presence.
- You must be enrolled full time for one academic year before you become eligible for OPT and CPT. Time spent enrolled full time in another status before your change of status to F-1 counts towards the one academic year requirement for OPT and CPT.
- If you travel outside the U.S. after your change-of-status request is approved, you will have to apply for an F-1 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-1 visa.
- 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.

Special Considerations for students changing from B-1/B-2 to F-1

- **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

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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.
- [AFR 30.3\(c\)\(3\)\(D\) Note 2](#): *Preconceived Intent. The adjudicator will encounter applications where it appears, either from the statements made on the application or from the sequence of events (from initial visa application and issuance, admission, obtaining supporting documents for a new status, until the date of filing) that the applicant concealed his or her true purpose for entering the U.S., either on the visa application or to the inspector at the time of admission. Most frequently, this situation occurs in requests to change status from B-2 to F-1. The issuance dates of Forms I-20, affidavits of support, etc. are often helpful in determining whether preconceived intent or actual fraud exists.*
- **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-1/B-2 to F-1. A student who has done this should not travel outside the U.S. until they have completed their program of study and either have become a permanent resident or have no intention of returning to the U.S. 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.

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Please review the table below to see what I-539 supporting documentation you must submit to USCIS in addition to the documentation listed on page 2.

<p>B-2 to F-1</p> <p>Additional Supporting Documentation: None</p> <p>Notes:</p> <ul style="list-style-type: none"> Carefully read the section about preconceived intent starting on page 4. Do not apply for a change of status before you have been in the U.S. for at least 90 days unless your visa states “prospective student.” You may not enroll in classes until your I-539 is approved.
<p>E or L to F-1</p> <p>Additional Supporting Documentation:</p> <ul style="list-style-type: none"> If a dependent, provide copies of primary visa holder’s immigration documents (e.g., approval notice, visa, and passport) Marriage or birth certificate proving your relationship to the primary visa holder with English translation, if applicable <p>Notes:</p> <ul style="list-style-type: none"> You may enroll in classes full time or part time while your I-539 is pending. Primary may not work on campus until their I-539 is approved. E-1, E-2, and L-2 spouse may work on campus without EAD. E-3 and E-3D spouse may work on campus with EAD. E children and L-2 children may not work on campus until their I-539 is approved.
<p>F-2 to F-1</p> <p>Additional Supporting Documentation:</p> <ul style="list-style-type: none"> Copy of spouse’s (or parent’s) I-20 that lists you as a dependent Copies of spouse’s (or parent’s) F-1 immigration documents (e.g., approval notice, visa, and passport) Marriage or birth certificate proving your relationship to the F-1 with English translation, if applicable Official transcripts or employer letter verifying OPT employment for F-1 spouse or parent <p>Notes:</p> <ul style="list-style-type: none"> You may not enroll in classes full time until your I-539 is approved.
<p>H-1B to F-1</p> <p>Additional Supporting Documentation:</p> <ul style="list-style-type: none"> Copy of H-1B approval notice Letter from your H-1B sponsor stating the reason for and date of departure from employment. <p>Notes:</p> <ul style="list-style-type: none"> You may enroll in classes full time or part time while your I-539 is pending. You must either be in valid H-1B status or have terminated your employment no more than 10 days before your filing date to file an I-539. You may not work on campus until your I-539 is approved.

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H-4 to F-1

Additional Supporting Documentation:

- Copies of H-4 approval notice
- Marriage or birth certificate proving your relationship to the H-1B with English translation, if applicable
- Copies of H-1B's immigration documents (e.g., approval notice, visa, and passport)
- Letter of employment from H-1B's sponsor verifying current employment or, if applicable, stating the reason for and date of departure from employment

Notes:

- You may enroll in classes full time or part time while your I-539 is pending.
- Children of H-1B may not work on campus until their I-539 is approved.
- Spouse of H-1B may work on campus with EAD.