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## CHANGING TO F-1 STUDENT STATUS

**Q: What is F-1 student status?**

**A:** F-1 student status is the nonimmigrant classification granted to individuals whose primary purpose for residing temporarily in the U.S. is to pursue FULL-TIME academic study. One of the most important obligations of maintaining F-1 status is enrolling in and completing a full-time course load (minimum 12 credits for undergraduate students, 12 credits for RBS Masters degree program students, 12 credits for Law School students and 9 credits for other graduate students) each semester. For the full time requirement in your program, check with your Program Director or Dean's Office. F-1 students are also eligible for certain employment opportunities on campus.

**Q: Do I have to change my status to F-1 student?**

**A:** The answer is probably no. Most visa statuses allow you to study part-time or full-time in a degree program except F-2 (F1 dependent) or B-1/B2 (Business Visitor/Tourist) status. However, some people choose to change to F-1 status to take advantage of the employment benefits for F-1 students. For example, someone in H-4 status can study full-time for a degree but is not eligible to work on campus. If s/he changes to F-1 status, s/he will be eligible to work on-campus immediately once F1 status is approved!

Some individuals are required to change their status. If you are currently holding F-2 or B-1/B-2 status, you are required to obtain F-1 status to study at a U.S. institution. For both F-2 and B-1/B-2 visa holders, the change of status must be *approved prior to the first day of classes*.

**Q: How can I obtain F-1 student status?**

**A:** There are two ways you can become an F-1 student. One way is to obtain an I-20 from Rutgers-Newark, exit the U.S., obtain an F-1 visa in a U.S. embassy/consulate and re-enter the U.S. 30 days before the program start date on the I - 20. The second way is to apply for a change of status with the United States Citizenship and Immigration Services (USCIS). This involves sending an application for a change of status to the USCIS. The application generally takes 2-3 months to be processed. The application process is detailed in this packet.

**Q: Is a change to F-1 status the same as the F-1 visa?**

**A:** No! F-1 status only permits you to remain in the U.S. in order to study full-time and get the benefits of F-1 status. If you change to F-1 status and travel outside the U.S., you will be required to apply for an F-1 visa at a U.S. embassy or consulate before you travel back to the U.S. to resume studies. Approval for a change of status within the U.S. does not guarantee that the embassy will issue an F-1 visa. The USCIS and the Department of State function autonomously and both agencies make decisions independent of one another.

**Q: Is it better to apply directly for the F-1 student visa at home or apply for a change to F-1 status here?**

**A:** Every case is different. If you are planning on traveling frequently, you may want to apply for a visa when you are outside the U.S. If you do not plan on leaving the U.S. soon or if you are subject to deadlines for requesting the change of status (F-2, B-1/B-2) and will not be traveling, you

should apply for a change of status as soon as possible. In some countries, the visa issuance process is extremely difficult. In those countries, the American Embassy may view a change to F-1 status in the U.S. as an attempt to avoid that process and will want to know why you did not apply for the F-1 visa there instead. This does not mean the visa will automatically be denied, but you should prepare to show documentation or answer questions as to why you did not originally apply for the visa at the U.S. embassy.

If you are not sure which is best for you, make an appointment with the Office of International Student & Scholar Services (OISS) for more information.

**Q: Am I eligible for a change to F-1 student status?**

**A:** You are eligible to change to F-1 status if you have been accepted to Rutgers University and are eligible to receive an I-20. You must also be currently maintaining your present nonimmigrant status and present an unexpired Form I-94 to USCIS.

**Q: What if my authorized stay in the U.S. has expired?**

**A:** If your authorized stay in the U.S. has expired, you are not eligible to file for a change of status. You must be in one legal status to be approved to change to another status.

**Q: Should I hire a lawyer to help me?**

**A:** You do not have to hire a lawyer to file for a change to F-1 status. The staff at the Office of International Student & Scholar Services has the expertise to help you in the application process. Of course, if you prefer to hire your own lawyer, we will work with you to provide the necessary documentations.

**Q: Can I start school before I change my status?**

**A:** The answer is yes with only two exceptions: F-2 and B-1/B-2 . Applicants who are applying for a change of status from F-2 or B-1/B-2 to F-1 must receive the approval notice granting F-1 status before beginning to study. These individuals should apply for a change of status no later than 3 months prior to the beginning of the semester to allow enough time for the application to be approved.

**Q: If I decide to file an application with the USCIS to change my status, when should I apply?**

**A:** It depends on what visa status you are currently in and when your current status is going to expire. As soon as you decide to change status, you should contact OISS for an appointment so we can help you to analyze your situation and give you advices about the process.

**Q: What happens to my status while I am waiting to receive an answer from the USCIS?**

**A:** You will still be in pending status. Please make sure you are maintaining your present nonimmigrant status when your application is approved which should be at least three months after your filing date.

**Q: What documents are required for the change of status application?**

**A:** Please see the attached Change of Status Filing List for a complete list of documents to be submitted with the application.

**Q: How do I file my application?**

**A:** Make an appointment with OISS, and bring your application, completed to the best of your ability to the appointment. We will answer any outstanding questions you have and help you to file

your application to the USCIS. You will send the application to the USCIS Service Center. All correspondence after your filing will go through OISS so we will be kept updated and give you advices accordingly.

**Q: What do I do once I am granted F1 status?**

**A:** When USCIS approves your application the Form I-20 will be stamped and a new form I-94 will be issued to you. The documents will be mailed to OISS. OISS staff will update your visa records in Rutgers school system and SEVIS, and will then contact you to pick up. You then must understand the F1 regulations and maintain your legal status.

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**GUIDELINES FOR STUDENT LETTER  
TO CHANGE STATUS TO F1**

*In the change of status application, you are required to write a letter to explain why you want to change status to F1. To help you to give the key points in the letter, we have developed the guidelines as follows. Please keep in mind that F1 is a non-immigrant status and is for you to be in the U.S. to study. You MUST INTEND to RETURN to your home country upon completion of your degree program. If you do not intend to go home, you should not apply for F1 visa status.*

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Date: MM/DD/YYYY

US Citizenship and Immigration Services  
Vermont Service Center  
75 Lower Welden Street  
St. Albans, VT 05479-0001

Dear Immigration Officer:

My name is: \_\_\_\_\_ . Explain the following points in your letter:

1. What visa do you hold now? (B1, B2, H4, L2, etc)  
What status are you applying to change to? (F1)  
What was your original purpose for coming to the U.S.?  
What have you been doing since you arrived in the U.S.?
2. After you arrived in the U.S., what happened that caused you to decide to become a student at Rutgers University? (If you told the consul at the American embassy that you intended to go to school in the U.S., explain that here.)
3. How will your studies at Rutgers University help prepare you for a career back home?
4. What are your plans concerning returning home permanently?
5. How are you going to support yourself financially to attend school at Rutgers University?

I am looking forward to your approval for my F1 status so I can complete my education at Rutgers University.

Sincerely,

*Signature*

Your Name

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## Change of Status Application Filing List

- \_\_\_\_\_ 1. \$300 application fee in check/money order payable to Department of Homeland Security
- \_\_\_\_\_ 2. Completed Form I-539 signed in blue ink
- \_\_\_\_\_ 3. Cover letter from OISS
- \_\_\_\_\_ 4. Letter from you explaining why you want to change your status to F-1 and how the study applies to your professional goals ***in your home country. You must express clear planning to go back to your home country after your study.***
- \_\_\_\_\_ 5. All pages of **original** Form I-20
- \_\_\_\_\_ 6. Copy of payment receipt of \$200 SEVIS fee to be paid after I-20 is issued
- \_\_\_\_\_ 7. Copy of acceptance letter if you are in F2 or B1/B2 status; OR if you are in other visa status, and already legally enrolled at Rutgers, a letter from your Academic Deans' Office verifying your major, degree program, expected ending date of program and an official transcript from the Registrar. If you are in your first semester and do not have a Rutgers transcript yet, please ask Registrar to print out an official copy of your class registration of this semester.
- \_\_\_\_\_ 8. Financial Documents – Costs vary depending on academic programs.
  - If funding is in student's own name from a bank in U.S., bank statements of **four months** with each month carrying a balance of sufficient funding for the complete cost on I-20.
  - If the financial documents are in the name of a sponsor, the sponsor must complete an Affidavit of Support form obtainable on the website of the Admissions Office or the Office of International Student & Scholar Services.
  - Other financial documents can be documentation of scholarship/assistantship awards, approved loans, or official letter in English from financial institutions outside the U.S. supported by evidence of sufficient funding.
- \_\_\_\_\_ 9. Evidence of strong ties with your home country such as residence certification, job offer, business ownership, etc.
- \_\_\_\_\_ 10. Evidence of current lawful status:
  - Copy of current I-94 card, front and back
  - Copy of visa page
  - Copy of passport, including all the necessary pages of your biographical information and current expiration date.
  - Dependents (F-2, H-4, L2, G4, etc.) should provide evidence that the principal visa holder is maintaining status (his/her visa, passport, other USCIS documents if any, and employment verification if on H1 or L1)
  - Working visa holders currently authorized to work in the U.S should provide a letter certifying your employment and two current pay stubs.
- \_\_\_\_\_ 11. If you are in A or G status, you must complete the Form I-566 and obtain all required signatures.
- \_\_\_\_\_ 12. B1/B2 visa holders should provide evidence of business/tourist activities in the U.S.

**IMPORTANT Mailing Instruction:** Use Express Mail or other type of mail that can **track confirmation of delivery** through U.S. Postal Service or a private courier to mail the documents to USCIS. To avoid "lost mail" problem, please keep the tracking information safely until you receive official receipt from USCIS within three weeks from mailing date.

USCIS Mailing Address:

**U.S. Citizenship and Immigration Services  
ATTN: I – 539 Change of Status  
Vermont Service Center  
75 Lower Welden Street  
Saint Albans, Vermont 05479 - 0001**