



University at Buffalo
The State University of New York

Office of International Education
International Student and Scholar Services

CHANGE OF STATUS: H-1B EMPLOYEE TO F-1 STUDENT

What is a Change of Status?

A change of status is a change in one's primary purpose for being in the U.S. There are two ways to change one's immigration status. One way is to travel back home or outside the U.S., apply for a new visa at a U.S. Consulate and re-enter the U.S. in the new status. The other way is to submit a change of status application to U.S. Citizenship and Immigration Services ("USCIS") while remaining in the U.S. The USCIS reviews applications for changes of status based on the applicant's ability to document and justify a change of primary purpose for being in the U.S. since having arrived in the U.S.

Are there any risks associated with changing one's status from H-1B to F-1?

Yes. Because the H-1B visa category is "dual intent" (immigrant and non-immigrant intent), it will be more difficult to prove non-immigrant intent when attempting to change your status to F-1 or when applying for an F-1 visa. Even if you are successful in changing your status to F-1 through the USCIS, you may not succeed in obtaining an F-1 visa at a U.S. Embassy or Consulate.

Am I eligible to apply for a change of status from H-1B to F-1?

To be eligible for a change of status to F-1, you must first have been admitted to a degree program, and have received a "change of status" SEVIS I-20 from the Office of International Admissions.

How do I apply for a change of status from H-1B to F-1?

FIRST – you must pay the SEVIS fee.

Please see our handout "**The SEVIS Fee Requirement**" before submitting your change of status application. A copy of your **SEVIS fee receipt** verifying that you have paid the SEVIS fee must be included with your change of status application.

NEXT, submit the following to the USCIS:

- **Application fee of \$290.** This should be a check payable to the "USCIS". Write your 11-digit "admission number" from your I-94 card on the front of the check.
- A **cover letter** from you addressed to the USCIS, requesting a change of status from H-1B employee to F-1 student, and explaining your circumstances. Include why you entered the

U.S. as an H-1B employee (or why you changed your status to H-1B), why and how your intentions changed and any other information relevant to your decision to study in the U.S. Explain as well how this education will help you when you return to your home country.

- **Form I-539:** "Application to Extend/Change Nonimmigrant Status" (*please use the fillable form on our website: www.wings.buffalo.edu/intlservices/documents/i-539_expires2012.0229_001.pdf*)
- A copy of your **SEVIS fee receipt**, verifying that you have paid the SEVIS fee.
- **Your original I-20** for admission to UB from the Office of International Admissions. Please sign item #11 on page 1.
- Photocopies of the **financial documentation** you submitted for your I-20
- A photocopy of the **front and back of your I-94** card with a legible date stamp
- A photocopy of your **passport** biographic / picture page
- Photocopies of your H-1B documents (I-797 Approval Notice, H-1B visa)

We recommend that you schedule an appointment with an International Student Advisor to review your completed application before submitting it to the USCIS.

Where do I send my application?

Mail your completed application to the Dallas Lockbox. We recommend using a reliable, express mail/courier service.

For express courier deliveries (e.g. UPS, Fed Ex) use the following address:

USCIS
ATTN: I-539
2501 S. State Highway 121 Business
Suite 400
Lewisville, TX 75067

For regular U.S. Mail use the following address:

USCIS
P.O. Box 660166
Dallas, TX 75266

Please photocopy your entire application and supporting documents for your own file before sending them to the USCIS.

How long will processing at the USCIS take?

Estimated processing time is 2-6 months. When you receive a response from the USCIS, please report the outcome to International Student and Scholar Services. Send or bring a photocopy of your I-20 and new I-94 to ISSS, 210 Talbert Hall.

May I begin attending classes full-time as soon as I have submitted the Change of Status application to the USCIS Service Center?

You may attend classes while your change of status application is pending. However, you may not begin an assistantship, or engage in on-campus employment of any kind until your change of status to F-1 student has been approved.

Please note that F-1 students are not eligible for in-state tuition.