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 home or outside the U.S., apply for an F-1 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 may 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, there is a very slight chance that you may not succeed in obtaining an F-1 visa at a U.S. 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 have maintained and currently be in lawful status as an H-1B, be admitted to a degree program at UB and have received a new I-20. Your current status should also be valid until the program start date on your I-20.

If you are no longer in H-1B status or your H-1B status will end more than 30 days before the program start date on your I-20, you cannot apply for a change of status inside the U.S. Instead, you will have to change your status by traveling outside the U.S., applying for an F-1 visa and entering the U.S. as an F-1 student.

If you have applied for permanent residency or are included in someone else’s application for permanent residency, you may be considered ineligible for F-1 status. You should contact an immigration lawyer to discuss this situation.

How do I obtain an I-20?

If you are applying for admission to UB and requesting a change of status at the same time, the Office of International Admissions will issue your I-20. The documents required will be explained as part of the admissions process.
If you are already admitted to UB and are currently enrolled as a student, the International Student & Scholar Services (ISSS) office will issue your I-20 after you submit the following documents:

- Copies of your current valid immigration documents, including the biographic page of your passport
- Financial documents indicating you have sufficient funds for your studies. For more information on acceptable financial documents, visit www.buffalo.edu/intlservices/documents/FinancialDocumentation-LH.pdf
- Name and contact information for your academic advisor
- Address in your home country. Note: F-1 is a non-immigrant visa category which means that you must intend to return to your home country after your studies.

How do I change my status by traveling?

1. Obtain an “initial” I-20. During your application to UB or while working with an International Student Advisor in ISSS, please indicate that you plan to change your status by traveling. You will then be issued an “initial” I-20.
2. Pay the SEVIS Fee. For more information on how to pay the SEVIS Fee, visit www.buffalo.edu/intlservices/f1.html#sevis. Note: You must bring the SEVIS fee payment receipt with you to the U.S. Consulate where you will apply for the visa.
3. Prepare additional supporting documentation to be used during the visa interview. For more information on these requirements, visit www.buffalo.edu/intlservices/visa2.html.
4. After receiving your F-1 visa stamp, re-enter the U.S. using the I-20 and F-1 visa stamp. Submit copies of these documents to ISSS upon your arrival.

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

1. Obtain a “change of status” I-20.
2. Pay the SEVIS Fee. Please read “The SEVIS Fee Requirement” handout at www.buffalo.edu/intlservices/f1.html#sevis for more information on how to pay the fee.
3. Submit the following to the USCIS:
   - **Application fee of $290.** This should be a check or money order payable to “U.S. Department of Homeland Security”.
   - **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 the reasons 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. You should provide your dates of employment and request that your F-1 status be effective on the day following your last date of employment. For example, if your last day of employment is September 1, you should request that your F-1 status be effective on September 2. Be aware that the F-1 effective date MUST be within 30 days of the program start date in item 5 of your I-20.
   - **Form I-539 “Application to Extend/Change Nonimmigrant Status”** *(Please use the fillable form available at www.buffalo.edu/intlservices/documents/i-539_expires2012.0229_001.pdf)*
Add the “effective date” (explained above) in Part 2. Application Type 1.b under “The new status I am requesting is: __________.

- A copy of your SEVIS fee receipt verifying that you have paid the SEVIS fee
- Photocopy of your “change of status I-20”. Please sign your I-20 on Page 1 before making the photocopy.
- Photocopies of the financial documentation you submitted when you requested an I-20
- Photocopy of the front and back of your I-94 card with a legible date stamp OR your electronic I-94 printed from www.cbp.gov/i94. If you do not have either of these documents, then a photocopy of the admission stamp in your passport is acceptable. (Make sure the date stamp is legible.)
- Photocopy of your passport biographic / picture page
- Photocopies of your H-1B documents (I-797 Approval Notice, H-1B visa stamp, three most recent pay stubs verifying current employment, any other documentation establishing that you were in and maintained valid H-1 status).

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

If I am mailing my application, where do I send it?

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.

Is it possible to submit my application online?

Change of status applications may be submitted online using the USCIS Electronic Immigration System (ELIS). Generally, the same documents listed above are required when you submit the application electronically (with a few exceptions). First, you must create an account. Then, you will be asked to provide information about yourself and your immigration status, and upload copies of your immigration documents and supporting documentation. Last, you will pay the application fee online. You may save your work and return to it later. Processing times are
approximately the same as for applications mailed to the USCIS. For more information on ELIS, please visit:

www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=e18a386c21278310VgnVCM100000082ca60aRCRD&vgnextchannel=b1659e415d116310VgnVC
M100000082ca60aRCRD

NOTE: If you plan to submit your application online using the USCIS ELIS system, an International Student Advisor can review your documents before you submit them, but you must follow the steps outlined above and submit the application on your own.

**How long will processing at the USCIS take?**

Estimated processing time is 3-6 months. After the USCIS receives your application, it will mail you a Form I-797 Notice of Receipt with your assigned case number. You can check the status of your application online by following the directions on the form.

When you receive a response from the USCIS, you must report the outcome to International Student and Scholar Services. **If your application is approved, send or bring a photocopy of your I-797 Approval Notice 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.

**If I mail my application to the USCIS, may I travel outside the U.S. while the application is pending?**

No, you may not travel outside the U.S. while your application is pending. If you depart the U.S. while your change of status application is pending, your application will be denied.

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