

# D'Youville

## COLLEGE

### USCIS I-539 Application to Change or Extend Nonimmigrant Status Change of Status Instructions

#### ALL APPLICANTS MUST SUBMIT THE FOLLOWING

1. Confirm that you are still in status with your current visa.
2. Download the I-539 Application to Extend/Change Nonimmigrant Status at [www.uscis.gov](http://www.uscis.gov) Click on "Immigration Forms" and scroll down to the I-539. You will also need to download the I-539 instructions.
3. Pay the SEVIS Fee if applying to change to an F, M or J visa status. It is easiest to pay online at [www.fmjfee.com](http://www.fmjfee.com) . **Failure to pay the SEVIS fee will delay USCIS adjudication.**
4. USCIS requires 4 original bank statements dated within the last 4 months.
  - a. If you have a U.S. bank account, these must be the statements not letters.
  - b. Non– U.S. Bank – Bank letters are accepted.
5. Copy of:
  - a. Your passport identity page
  - b. Visa page
  - c. I-94 (front and back) USCIS needs to clearly read your arrival stamps.
6. If you have had a change of visa status or extension of visa status approved by USCIS while in the U.S., you will need to submit copies of your I-797A showing your new visa status.
7. Write a check or get a money order for \$370.00 payable to "U.S. Department of Homeland Security". Staple this to your I-539 application.
8. A letter explaining why you want to change from your current status to the requested status.
  - a. **This letter must include:** Why you did not apply for the F-1 visa in your home country and how you will use your education at NYC in your home country.

#### *Suggested Documents (Original or certified copy):*

- A. Proof of your home residency
  - a. Tax records, family residency if living with a parent or parents, etc.

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- B. Proof you will return to your home country
  - a. Home ownership, debts, family obligations, employment, education, etc.
- C. Proof of relationship to sponsor
  - a. Birth Certificate, employment letter, marriage certificate, etc.

Remember: USCIS must receive your application I-539 for your change of status while you are still maintaining your current nonimmigrant status.

If you will not be maintaining your status up to 30 days from the program start date indicated on the submitted I-20, you could be denied a change of status. B1/B2 applicants must maintain their status until adjudication.

In addition to the above documents, the following documents must be submitted with your I-539 application based on your current visa status.

### **B-1 (BUSINESS) AND B-2 (TOURIST VISA)**

Confirm that you are still in status with your B1/B2 visa. **(Your I-94 departure date must not have passed and you must remain in B1/B2 status until expected adjudication date)**

B1/B2 applicants for a change of status to the F-1, cannot begin their studies until the change of status has been adjudicated by USCIS. This process can take 90 to 120 days. You must plan your enrollment accordingly.

### **F-2 (DEPENDENT OF ACADEMIC OR LANGUAGE TRAINING NONIMMIGRANT STUDENTS.)**

Copies of the F-1 primary visa change of visa documents required above.

Copy pages 1 and 3 of all F-2 I-20's associated with your current SEVIS ID number. CIS needs to clearly read the arrival stamps.

F2 applicants for a change of status to the F-1, cannot begin their studies until the change of status has been adjudicated by USCIS. This process can take 90 to 120 days. You must plan your enrollment accordingly.

### **H1B (SPECIALTY OCCUPATION NONIMMIGRANT VISA.)**

Confirm that you are still in H1b status.

Copies of your last 3 paycheck stubs.

Write a letter explaining why you wish to change from the H1b visa to the F-1 status

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**This letter must include:** Why you want to apply for the COS to F-1 and how you will use your education at NYC in your home country.

### **H-4 (DEPENDENT OF SPECIALTY WORKER NONIMMIGRANT VISA.)**

H-4 dependents are allowed to study full or part time as long as the H1b primary visa holder is maintaining their H1b status. If the H1b will no longer be in H1b status, you can apply for a change of nonimmigrant status.

Copies of the H1b change of status documents required above.

Write a letter explaining why you wish to change from the H4 visa to the F-1 visa.

**This letter must include:** Why you want to apply for F-1 status and how you will use your education at NYC in your home country.

### **J-1 (EXCHANGE VISITOR.)**

Confirm that you are still in J1 status.

Confirm that you are not subject to the two year home residency requirement (212e).

Copy your DS-2019.

If you are a scholar, copies of your transcripts from your J-1 institution.

If you are a researcher, copies of your last three paycheck stubs.

Any other J-1 category, copies of documentation proving that you have maintained your J-1 status.

### **J-2 (DEPENDENTS OF J-1 EXCHANGE VISITOR.)**

J-2 dependents are allowed to study full or part time while the J-1 is maintaining status. If the J-1 will no longer be maintaining their status or they will complete their program, then you can apply for a change of status.

Copies of the J-1 change of status documents required above.

Write a letter explaining why you wish to change from the J-2 visa to the F-1.

**This letter must include:** Why you want to apply for F-1 status and how you will use your education at NYC in your home country.

### **M2 (DEPENDENTS OF M-1 VOCATIONAL NONACADEMIC NONIMMIGRANT VISAS.)**

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Confirm that the primary M-1 visa holder is still in status with their M-1 visa. (They must be currently attending an M-1 school or on OPT or within the 30 day grace period.)

Copy pages 1 and 3 of all M-1 I-20's associated with their current SEVIS ID number. USCIS needs to clearly read the arrival stamps.

Copy of pages 1 and e of all M-2 I-20's associated with their current SEVIS ID number. USCIS needs to clearly read the arrival stamps.

If the primary M-1 visa holder is on OPT, copy of their Employment Authorization Document (EAD).

Get transcripts from each M-1 school associated with their current SEVIS ID number. If transcripts are not available, you need a letter of enrollment from the Dean of that school.

Make a copy of all diplomas or certificates pertaining to their current M-1 status.

M2 applicants for a change of status to F-1 status, cannot begin their studies until the change of status has been adjudicated by USCIS. This process can take 90 to 120 days. You must plan your enrollment accordingly.