The following information is provided to assist UT Tyler students decide how to address status issues. It is not meant as legal advice. Students are strongly encouraged to consider obtaining the services of an immigration attorney who has experience assisting students changing visa categories.

GENERAL – Two Ways to Change
F-1 student status is appropriate for individuals who intend to pursue full-time studies in the United States. There are two ways to obtain F-1 status:

1. Leave the U.S., apply for a student visa at a U.S. consulate and return as an F-1 visa holder.
2. Change your current visa status to the F-1 category by applying to the U.S. Citizenship and Immigration Services (USCIS) while remaining in the U.S.

COMPARISON

<table>
<thead>
<tr>
<th>Visa process outside the U.S.</th>
<th>Change of status inside the U.S.</th>
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<tbody>
<tr>
<td>Pro</td>
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<tr>
<td>• Faster</td>
<td>• You can remain in the U.S. while USCIS processes the application if your current visa status is still valid.</td>
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<tr>
<td>• You will have visa for future travel</td>
<td>• If you are legally full-time enrolled immediately before the change, previous enrollment counts toward off-campus work eligibility.</td>
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<td>Con</td>
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<tr>
<td>• You cannot re-enter the U.S. more than 30 days before classes start.</td>
<td>• As of November 2018, processing time is 12-15 months.</td>
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<tr>
<td>• Previous full-time enrollment will not count toward off-campus work eligibility.</td>
<td>• Some visa categories are not eligible.</td>
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<tr>
<td>• If denied, you cannot re-enter the U.S. unless your current visa is valid and unexpired.</td>
<td>• The process has become very complicated and may require two applications; one to extend your current status and one for the change.</td>
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*IMPORTANT: This makes students currently in a non-study (B-1/B-2) or part-time study (F-2) category ineligible for scholarships that require full-time enrollment.
Other Issues to Consider

- If your current visa status prohibits study (B-1/B-2), you cannot legally start classes unless/until USCIS approves your change to F-1. If your current visa status limits study to part-time (F-2), you cannot legally take classes full-time unless/until USCIS approves your change to F-1.
- If your current visa status prohibits work (H-4), you cannot start any position unless/until USCIS approves your change to F-1.
- If you violate your current visa status before being approved for F-1 status (e.g. full-time study as B-1/B-2 or F-2) your change of status Form I-20 will be cancelled. This will terminate your change of status application.
- If you already have an outstanding application with USCIS, such as Lawful Permanent Resident, consult an attorney regarding the impact of an additional application.
- As processing takes many months, many visa holders are facing difficulty in keeping their current status valid throughout the process. There must be less than 30 days gap between the end of your current status and the start date of the new status to be eligible for the change. You may need to file for an extension of your current status in addition to the change application to meet this requirement.
- If you are denied the change of status and your original status already ended, the days out of status may be counted as Unlawful Presence. As processing takes so long, this could mean a sizable amount of days. Not only would you have to leave the U.S., but you could be barred from returning for 3-10 years (180-365 days of Unlawful Presence triggers a 3-year bar, over 365 days triggers a 10-year bar).

REQUIRED DOCUMENTS

The Form I-20

For either approach, the prospective F-1 student will need to obtain a school document called the Form I-20. This requires:

- Full admission to an academic program appropriate for F-1 students. For example, online and executive programs are not suitable because they don’t meet F-1 enrollment requirements.
- Proof of current valid status. If the applicant is a dependent (F-2, H-4, etc.) that includes proof that the primary visa holder (F-1, H-1B, etc.) is in valid status.
- Proof of sufficient funds for at least one year of study.

Changing at a Consulate

Refer to the website of the consulate you will use for more information. You may also wish to consult an immigration attorney.

To obtain a Form I-20, submit the following to an International Student Advisor:

- UT Tyler Change of Status Request Form
- Proof of finances for at least one year (liquid funds, statement dated within last six months)
- Copy of ID page of passport
- Copy of current visa
- I-94
- If you are F-2, copies of F-1 and F-2 I-20s

Other documents you will need at the consulate:

- SEVIS I-901 fee receipt
- Any additional documents recommended by the consulate or an immigration attorney.
Changing in the U.S.

Consult an immigration attorney for more information.

Eligibility

- If you are not currently in a valid status, you are not eligible for a change of status in the U.S.
- Visa categories C, D, K, M, WT, WB, or J subject to the 212(e) foreign resident requirement are not eligible to file for a change of status in the U.S.
- Temporary Protected Status (TPS) is not a visa category, so TPS holders cannot file for a change of status based solely on TPS status.
- If you apply for a change of status soon after arrival in the U.S., officials may decide you fraudulently used the wrong visa.
- There is a high risk of denial for B-1/B-2 visa holders.

To obtain a Form I-20, submit the following to an International Student Advisor:

- UT Tyler Change of Status Request Form
- UT Tyler Certificate of Financial Responsibility
- Proof of finances for at least one year (liquid funds, statement dated within last six months)
- Copy of ID page of passport
- Copy of current visa
- I-94
- If you are F-2, copies of F-1 and F-2 I-20s

Other documents you will need for the application:

- SEVIS I-901 fee receipt
- I-539
- Application fee
- Any additional documents recommended by an immigration attorney.

RESOURCES

SEVIS I-901 fee payment – [www.fmjfee.com](http://www.fmjfee.com)

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