

Change of Status Regulations and Checklist

Index

1. Before Beginning
2. If Application is Denied
3. If Application is Approved
4. Change to F-1 or J-1 Student Status
5. Travel, Transfer, Cancelling or Amending Change of Status
6. Checklist

1. Before Beginning

Persons seeking to change status from B-1/B-2 to another category cannot inside the US. This is not allowed.

The Change of Status application must be submitted and approved before the expiration of the international's current status. United States Citizenship and Immigration Services (USCIS) has started to reject or deny applications if the change of status is not approved before the expiration date of the current status. This can be a problem since it can take anywhere from 3-13 months for USCIS to make a decision on the Change of Status application. The application process currently cannot be expedited.

Before completing the application documents, the student must meet all the eligibility requirements of the new category he/she wants to change to. For information on what is required for a particular category, please contact the office of International Education.

2. If Application is Denied

If USCIS denies the application, the international is required to leave the US immediately if his/her previous status has already expired. An appeal to overturn the denial can be filed, but the chance of success can be exceptionally limited.

3. If Application is Approved

If USCIS approves the status change, the international must immediately follow all regulations of the new status. For rules pertaining to the new status, please contact the office of International Education. The legal document for the new status will need to be deferred to the next available semester start date. From that new date, the time of being in the new status starts.

4. Change to F-1 or J-1 Student Status

For Change of Status to F-1 or J-1, the F-1 or J-1 will effectively start by the next available university semester start date from the date the application was approved. This also includes the summer term. The legal document must be changed to reflect the university's next available start date as defined by the office of International Education. Failure to follow the rules of F-1 or J-1 status will result in the

Office of International Education
Tennessee Technological University

termination of the F-1 or J-1 status and the student would be required to leave the US or file for Reinstatement of Status.

One of the rules of F-1 or J-1 status requires the student to maintain a full course of study each semester including the first semester of being in F-1 or J-1 status. Undergraduate students must take a minimum of 12 credit hours, 9 of which cannot be online courses (including RODP courses). If the next available start date is summer, the undergraduate student must take a minimum of 6 credit hours, 3 of which cannot be online. For the correct number of credit hours required for graduate study, please speak to the office of International Education. For additional rules on a full course of study or credit hour requirements for Master's or Ph.D. students, please visit:

http://www.tntech.edu/files/international/Full_Course_of_Study_Requirements.pdf

If the Change of Status application is approved a few days before the start of a semester and the student does not have the minimum credit hours required of an F-1 or J-1 student, he/she **must** change his/her schedule to ensure he/she has the correct number of hours. This includes if the application is approved before the start of the summer term. If the application is approved before the start of summer, the student must be registered in a full course of study in the summer. For more information on the summer school full-time requirements, please contact the office International Education.

If the application is approved after the start of the fall semester, then the student will still be required to be full-time in the following summer. The reason for this is because students are not eligible for the summer vacation unless they have been in F-1 status for 9 months or two academic semesters whichever is longer.

In order to be eligible to apply for F-1 internship (CPT) or F-1 post-graduation work authorization (OPT), the student must be in F-1 status for 9 months or 1 academic year, whichever is longer.

Failure to follow the full course of study requirements will result in the termination of the F-1 or J-1 status.

On-campus employment is not allowed until the change to F-1 or J-1 status is approved. If a graduate student loses his/her funding for a pending assistantship because the Change of Status is not approved, and the student provided the assistantship documentation as evidence of financial support, the student will be required to present personal funding to compensate for the amount covered in the assistantship. Failure to do so can result in the termination of the F-1 status immediately once it is approved.

For additional F-1 rules the student is responsible for, please visit:

<http://www.tntech.edu/international/immigration/>

The F-1 or J-1 student is responsible to attend the mandatory immigration orientation at the first semester after the Change of Status approval.

Office of International Education
Tennessee Technological University

For changing to F-1 or J-1 status, the student's legal document (I-20 for F-1 or DS-2019 for J-1) will have a start date that is the next available school start date. If the Change of Status application is not approved before the start date on the legal document, the student must contact the International Education office to have the legal document deferred to the next available start date. This must be done within 30 days of the current start date listed on the legal document or else the Change of Status application can be denied or result in complications in the immigration status being sought.

5. Travel, Transfer, Cancelling or Amending Change of Status

If a person travels outside the US or transfers their legal status to another location while his/her Change of Status application is pending, the Change of Status application will be cancelled and a refund will not be given from USCIS. If person's application is cancelled, he/she may be illegal inside the US and may be required to leave the US immediately.

Once an application is submitted, it will be exceptionally difficult to cancel. The person may attempt to write a letter to USCIS, but the person may not receive an approval of cancellation. This can create future difficulty for the person.

It is highly unlikely or at best exceptionally difficult for a person to make any changes to their application once it is submitted.

6. Checklist

1. Form G-1145. The form can be found in the link it checklist item 2.
2. Form I-539 and I-539 fee. The fee can be made by check or money order made payable to the **US Department of Homeland Security**. Please visit the following link for the form and I-539 fee amount:
<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=94d12c1a6855d010VgnVCM10000048f3d6a1RCRD&vgnnextchannel=db029c7755cb9010VgnVCM10000045f3d6a1RCRD>
 - a. Please note, that the form is used for multiple purposes (such as reinstatement of status) so some of the questions may not be valid. Please mark questions not relevant as "N/A".
 - b. The address section on page 1 is where all documents from USCIS will be mailed. Students must ensure this address is valid during the entire time the I-539 is pending. It may not be possible to change the address once the form is submitted.
3. Form I-539 A (for certain dependents)
4. I-539 Biometrics Fee (for certain dependents)

Office of International Education
Tennessee Technological University

5. Copy of valid and properly executed Form I-20 that is marked in part 3 as "Initial Attendance-Change of Status Requested. (For change to F-1 or F-2 status. If changing to another status, please confirm with the International Education office what document is required).
 - a. Student and school official must sign page 1 of the I-20 or DS-2019.
6. Proof of payment of the I-901 fee for change to F-1 or J-1 status. To pay the fee, and for information on the price, please visit: www.fmjfee.com
7. Copy of both sides of Form I-94, or print out of the I-94 online document.
8. Copies of current immigration status documents, visa stamp, and passport ID pages.
9. Copies of financial support documents that were used to support the I-20 issuance (for change to F-1 or J-1 status). For the required amount, please visit the Office of International Education.
10. Dependent family member documentation if any dependents are requesting F-2 status. This includes all of their current immigration information, the copy of the F-2 I-20(s), and proof of financial support documentation.
11. Letter from the student
 - i. It is optional for the student to send a letter explaining why he or she wants to change status. A strong letter can help convince USCIS of the reason to change status. If the international is changing to F-1, the letter may be good to help verify the student's temporary intent as well as persuade USCIS that the student did not have a pre-conceived intention to study in the U.S.
12. Any other document for the specific immigration status the international is seeking to change to.
13. The application can then be mailed to the address supplied by the office of International Education.

*At all times, students are responsible to maintain their own immigration status.

*The above information is susceptible to change.

*The above information is not an exhaustive list pertaining to Change of Status Information.

*For additional information, students can visit: <http://www.ice.gov/sevis/index.htm>

*At all times students are responsible for properly informing the Office of International Education of their immigration status and academic status (as pertaining to immigration matters).