

## **From: U. S. Immigration and Customs Enforcement**

### **International Students**

## **Becoming a Nonimmigrant Student in the United States**

**Published June 2007**

### **7. APPLYING FOR A CHANGE OF STATUS**

#### **7.1. What are the requirements for a nonimmigrant to become an F-1 or M-1 nonimmigrant student?**

The person must be in the United States in a valid nonimmigrant status. He or she *cannot* have entered under the visa waiver program.

An SEVP-certified school must have accepted the individual and issued a Form I-20 for a change of status. The nonimmigrant must pay the SEVIS I-901 fee to SEVP. Then he or she must file a [Form I-539](#), along with the fee and supporting documents, with [USCIS](#).

USCIS will adjudicate the application. If denied, the nonimmigrant must be prepared to exit the United States.

If approved, USCIS will update the student's SEVIS record to reflect the change of status, send an approval notice to the student, and issue an updated Form I-94.

#### **7.2. Can a nonimmigrant change status from a visitor/tourist (B-1/B-2) visa to a student F, M or J visa?**

Yes, however, if the adjudicating officer finds grounds to believe that the person initially entered without disclosing his or her intent to become a prospective student, USCIS may deny the application for change of status. It may also be denied if there is a significant gap between the expiration of the nonimmigrant's current status and the date the academic program starts. Nonimmigrants may wish to file for an extension of their current status if they run the risk of that status expiring while the change of status application is pending with USCIS.

A nonimmigrant who wishes to enter the United States and visit schools with the intent of possible attendance should declare his or her intention and have Prospective Student noted on the Form I-94. Otherwise, if a B-1/2 nonimmigrant wishes to change to an F-1

or M-1, he or she must provide evidence to explain the [change of his or her primary purpose](#) for entering the United States.

### **7.3. Can a nonimmigrant start classes while a change of status to F-1/M-1 is pending?**

It depends on the nonimmigrant's current status. Nonimmigrants in F-2, M-2, B-1, and B-2 may not begin taking classes until the change of status is approved.

Other classes of nonimmigrants may begin attending school but their SEVIS record will not be activated until the change of status is approved. F-1 and M-1 benefits do not start until the change of status takes effect.

We recommend that nonimmigrants contact their DSO if USCIS has not adjudicated the change of status at least 15 days before the program start date on their Form I-20. The DSO can defer the program start date. Not deferring the program start date may result in termination of a SEVIS record and a denial of the change of status application.

### **7.4. Is a nonimmigrant that is pending a change of status to F-1 or M-1 entitled to student benefits?**

No. Nonimmigrants with pending change of status to F-1 or M-1 are not entitled to any nonimmigrant student benefits (such as on-campus employment) until the change of status takes effect. Until that time, they do, however, retain the benefits for their current nonimmigrant status. So, for example, an H-1b must continue to work while a change of status is pending.