

Applying For A Change Of Status From B-1 (Business) to F-1 (Student)

Please Note

It is very difficult to get such a change of status approved. The burden of proof is on the applicant to prove to the U.S. Citizenship and Immigration Services (USCIS) that he or she had no intention of becoming a student until after his/her arrival in the U.S. The prospective student must convince USCIS that something happened after arriving in the U.S. to change the his/her mind to become a student. If USCIS has any indication that the prospective student intended to be a student prior to arriving in the U.S., but entered falsely on a business visa, the change of status will be denied. Length of time in the U.S. before applying for a change of status seems to be a key factor.

Studying While on a B-1

Study as a B-1 is strictly prohibited. If a B-1 wishes to study full time, he/she must submit an application for a change of status to F-1 and have it approved before beginning classes. Casual, short-term classes that are not the primary purpose of the alien's presence in the U.S., such as a single English language or craft class would be okay without applying for a change of status.

Where to Apply

Applications should be mailed to the appropriate USCIS Regional Service Center. For residents of Lawrence, applications should be mailed to:

USCIS California Service Center
P.O. Box 10539
Laguna Niguel, CA 92607-1053

How to Apply

Once you receive your I-20, submit form I-901 and pay the required \$200 SEVIS fee. A copy of the receipt verifying payment of the SEVIS fee must be included with your change of status application. The I-901 form, along instructions and options for paying the fee may be found at:

<http://www.ice.gov/sevis/i901/index.htm>

The California Service Center prefers applications to be assembled in the following order:

1. \$300 Check or money order made payable to U.S. Department of Homeland Security.
2. USCIS Form I-539 (download from <http://www.uscis.gov>; click on Immigration Forms tab; choose I-539).
3. Clear and obvious request for a specific effective date, if necessary or desired
4. New, original SEVIS **I-20** (send all 3 pages and sign #11 on page 1)
5. Photocopy of your I-901 SEVIS fee payment receipt
6. Evidence of financial support. USCIS Form I-134 is recommended (download from <http://www.uscis.gov>; click on Immigration Forms tab; choose I-134). Other evidence that *may* be sufficient: Past 4 months of bank statements (a letter from the bank is insufficient).
7. Personal letter explaining your request (see sample questions to address on reverse side)
8. Supportive evidence of no prior intent to be a student and course of study not begun yet
9. Photocopy of I-94 card (front & back)
10. Photocopy of visa used to enter the U.S.
11. Photocopy passport pages showing photo, name, date of birth and passport expiration date

As always, it is recommended that you keep copies of all documents that you send to or receive from the U.S. Citizenship and Immigration Service. ISSS also suggests that you mail the application in a manner that guarantees proof of delivery (e.g. certified and return receipt).

Suggestions for Personal Letter

When writing a personal explanation and assembling evidence you should be sure to address the following set of questions:

1. How and on what date did you arrive at your decision to study in the U.S.?
2. Specifically, what information was given to the U.S. Embassy/Consulate when you obtained your business visa as to the purpose of your trip to the U.S.?
3. Did you indicate to the U.S. Embassy/Consulate official or to the immigration inspector at the port of entry that you might want to study in the U.S.?
4. When you arrived at the port of entry in the U.S. and applied for entry to do business, what did you tell the inspector as to the purpose of your visit to the U.S.?
5. How and on what date did you first contact the school as to your desire to enroll as an international student? (document with a copy of your dated application for admission)
6. On what date did the school inform you that you had been accepted for admission? (document with your dated letter of acceptance)
7. Did you bring the documents necessary for admission to the school with you or did you mail them to the school from abroad?
8. If your intent to attend school in the U.S. was prior to your entry into this country, why didn't you apply for the appropriate student visa from the U.S. Embassy/Consulate in your home country rather than a business visa?
9. How long have you been here doing business?
10. What kind of business matters have you engaged in since your arrival? (document, if possible)

Processing Time

Processing times can be found at: <https://egov.uscis.gov/cris/jsps/ptimes.jsp> Choose "California Service Center". Make note of the Processing Dates immediately above the top of the chart. Scroll down to Form I-539 and look for the appropriate basis for filing.

Example:

Service Center Processing Dates for **California Service Center** as of: **February 28, 2009**

Form	Title	Classification or Basis for Filing	Processing Timeframe
I-539	Application to Extend/Change Nonimmigrant	Status Change status to the F or M academic or vocational student categories	3 months

In this case, applications received on February 28, 2009, were taking approximately 3 months to process.

Online Status Check

The status of your application can be checked online with a receipt number:

<https://egov.uscis.gov/cris/jsps/index.jsp>

Moving/Change of Address

If you move or need to change the address written on the I-539 (where application receipt and approval notice will be sent) while your change of status application is pending:

- Notify USCIS at: <https://egov.uscis.gov/crisgwi/go?action=coa>
AND
- Notify ISSS

The U.S. Post Office will NOT forward any correspondence from USCIS even if you have a mail forwarding request on file.