



# Form I-539 Application to Extend/Change Nonimmigrant Status

## F, M and J Classifications

Service Center Operations Stakeholder Teleconference



**U.S. Citizenship  
and Immigration  
Services**

June 19, 2012

# Overview

## *“F” Academic Students*

- Definition
- Evidentiary Requirements

## *“M” Vocational Students*

- Definition
- Evidentiary Requirements



# Overview (cont'd)

## *“J” Exchange Visitors*

- Definition
- Evidentiary Requirements

## *Helpful Filing Tips*



# References

F: INA 101(a)(15)(F), 8 CFR 214.2(f)

M: INA 101(a)(15)(M), 8 CFR 214.2(m)

J: INA 101(a)(15)(J), 8 CFR 214.2(j)



# “F” Academic Students

An “F”:

- Has a residence in a foreign country, which he/she has no intent of abandoning
- Is a bona fide student qualified to pursue a full course of study



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# “F” Academic Students (cont’d)

- Is coming temporarily and solely to study at a college, university, seminary, conservatory, academic high school or other academic institution or in a language training program
- Is the spouse and/or child of a F-1 principal applicant



# Evidentiary Requirements: COS to F-1/F-2

- A SEVIS Form I-20 issued in the principal applicant's name and approved by the Designated School Official (DSO) for each applicant
- A copy of both sides of Form I-94, *Arrival and Departure Record*, for each applicant, including dependents
- The F-1's SEVIS Form I-901 fee receipt



# Evidentiary Requirements: COS to F-1/F-2 (cont'd)

- A valid passport for each applicant
- Evidence of financial support for the first year of an academic program, including tuition and living expenses, and a plan for funding for subsequent years; this may include a Form I-134, *Affidavit of Support*
- Evidence of the relationship between the F-1 and all F-2 dependents



# Evidentiary Requirements: COS from F-1/F-2

- Evidence of having maintained a valid F-1/F-2 status
- A copy of both sides of Form I-94 for each applicant, including dependents
- A valid passport for each applicant



# Evidentiary Requirements: COS from F-1/F-2 (cont'd)

- Evidence of the relationship between the applicant and all dependents
- Evidence for the new status being requested, such as a DS-2019 for a J-1
- Evidence of having paid the Form I-901 fee if required for the new status (J-1 or M-1)



# “M” Vocational Students

An “M”:

- Has a residence in a foreign country, which he/she has no intent of abandoning
- Seeks to enter the United States temporarily and solely for the purpose of pursuing a full course of study at an established vocational or other recognized nonacademic institution (other than in a language training program)
- Is the spouse and/or child of a principal M-1 applicant



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# Evidentiary Requirements: COS to M-1/M-2

- A SEVIS Form I-20 issued in the principal applicant's name and approved by the DSO for each applicant
- A copy of both sides of Form I-94 for each applicant, including dependents
- A valid passport for each applicant



# Evidentiary Requirements: COS to M-1/M-2 (cont'd)

- The M-1's SEVIS I-901 fee receipt
- Evidence of financial support for the amount indicated on SEVIS I-20; this may include a Form I-134
- Evidence of the M-1's relationship to all M-2 dependents



# Evidentiary Requirements: COS from M-1/M-2

- Evidence of having maintained a valid M-1/M-2 status
- A copy of both sides of Form I-94 for each applicant, including dependents
- A valid passport for each applicant



# Evidentiary Requirements: COS from M-1/M-2 (cont'd)

- Evidence of the relationship between the applicant and all dependents
- Evidence for the new status being requested, such as a DS-2019 for a J-1
- Evidence of having paid the Form I-901 fee if required for the new status (J-1)



# Evidentiary Requirements: M-1/M-2 EOS

- A statement from the DSO explaining why an EOS is required
- A SEVIS Form I-20 issued in the principal applicant's name and approved by the DSO for each applicant
- Evidence of having maintained a valid M-1/M-2 status



# Evidentiary Requirements: M-1/M-2 EOS (cont'd)

- A copy of both sides of Form I-94 for each applicant, including dependents
- A valid passport for each applicant



# Evidentiary Requirements: M-1/M-2 Transfer

- A SEVIS Form I-20 issued in the principal applicant's name and approved by the DSO for each applicant
- A copy of both sides of Form I-94 for each applicant, including dependents
- A valid passport for each applicant



# Evidentiary Requirements: M-1/M-2 Transfer (cont'd)

- Evidence of financial support for the amount indicated on the SEVIS I-20
- Evidence of the M-1's relationship to all M-2 dependents
- Evidence of having maintained a valid M-1/M-2 status



# Evidentiary Requirements: M-1/M-2 Transfer (cont'd)

- A copy of both sides of Form I-94 for each applicant, including dependents
- A valid passport for each applicant



# Evidentiary Requirements: M-1/M-2 Transfer (cont'd)

8 CFR 214.2(m)(11)

If the student applies for a transfer after more than six months have passed since being admitted and the student is unable to remain at the school to which they were initially admitted due to circumstances beyond their control, the student must submit:

- Evidence of being a bona fide nonimmigrant



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# Evidentiary Requirements: M-1/M-2 Transfer (cont'd)

- Evidence of having pursued a full course of study at the school he/she was last authorized to attend
- Evidence of his/her intention to pursue a full course of study at the school to which he/she intends to transfer



# Evidentiary Requirements: M-1/M-2 Transfer (cont'd)

- Evidence to establish that he/she is financially able to attend the school to which he/she intends to transfer
- A letter explaining why he/she needs to transfer to a new school that details the circumstances beyond his/her control
- Evidence supporting his/her claim that the transfer is due to circumstances beyond his/her control



# “J” Exchange Visitors

A “J”:

- Has a residence in a foreign country which he/she has no intention of abandoning
- Is a bona fide student, scholar, trainee, teacher, professor, research assistant, specialist, or leader in a field of specialized knowledge or skill, or other person of similar description



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# “J” Exchange Visitors (cont’d)

- Is coming temporarily to teach, instruct or lecture, study, observe, conduct research, consult, demonstrate special skills, or receive training, including graduate medical education or training
- Is the spouse and/or child of a J-1 principal applicant



# Evidentiary Requirements: COS to J-1/J-2

- A Department of State (DS) Form DS-2019 issued in the principal applicant's name and approved by the Responsible Officer for each applicant
- A copy of both sides of Form I-94 for each applicant, including dependents
- A valid passport for each applicant



# Evidentiary Requirements: COS to J-1/J-2 (cont'd)

- The J-1's SEVIS I-901 fee receipt
- Evidence of the relationship between the J-1 and all J-2 dependents



# Evidentiary Requirements: COS from J-1/J-2

- Evidence of having fulfilled the two-year foreign residence requirement or evidence of having been granted a waiver of that requirement if the applicant is subject to Section 212(e) of the INA
- Evidence of having maintained a valid J-1 status
- A copy of both sides of Form I-94 for each applicant, including dependents



# Evidentiary Requirements: COS from J-1/J-2 (cont'd)

- A valid passport for each applicant
- Evidence of the relationship between the applicant and all dependents
- Evidence for the new status being requested, such as a SEVIS I-20 for an F-1 or an M-1
- Evidence of having paid the Form I-901 fee if required for the new status (F-1 or M-1)



# Helpful Filing Tips

Ensure that:

- Forms I-539, DS-2019 and I-20 are signed by the appropriate individuals
- Forms I-20 show the correct reason for issuance (continued attendance, reinstatement, etc.)
- The program start dates have not lapsed and that the program dates have been updated in SEVIS



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# Helpful Filing Tips (cont'd)

- Copies of both sides of all Forms I-94 are submitted
- The applicants' passports are valid at the time of filing
- Proof of the principal applicant's relationship to all dependents is submitted



# Helpful Filing Tips (cont'd)

- That the evidence of financial support will cover the first year of an academic program or the entire length of a language program (F only)
- That the evidence of financial support will cover the entire length of a vocational program (M only)



# Helpful Filing Tips (cont'd)

- That evidence of the entire “paper trail” is submitted if a third party is involved in paying the school (F and M only)
- That all Forms I-134 are accompanied by supporting evidence



# Filing Date

- There is no restriction on how early an applicant can file Form I-539 requesting a change of status. A change to J-1 status, however, requires an approved Department of State (DOS) Form DS-2019.
- DOS does not have a restriction on how early you can file Form DS-2019. Please make sure you file early enough that you can timely file Form I-539.



# Change of Status

The date a change of status is effective is either the date requested or the date of adjudication, whichever occurs later.



# Change Requests

USCIS has limited SEVIS access.

DSOs making a change request should contact the Service Center's "Schools" e-mailbox:

[CSC.schools@dhs.gov](mailto:CSC.schools@dhs.gov)

[VSC.schools@dhs.gov](mailto:VSC.schools@dhs.gov)

Change requests need to:

- be received before the application is adjudicated;
- contain a letter from the student requesting the change;
- and,
- include an updated I-20.



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# Form I-539 Application to Extend/Change Nonimmigrant Status

## F-1 and M-1 Student Reinstatement

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# Overview

- *References*
- *Common Reasons for Student Status Violation*
- *Reinstatement Requirements*
- *Supporting Evidence*
- *Reduced Course Load*
- *Helpful Filing Tips*



# References

- F-1 Reinstatement: 8 CFR 214.2 (f)(16)
- M-1 Reinstatement: 8 CFR 214.2(m)(16)
- F-1 Reduced Course Load: 8 CFR 214.2(f)(6)(iii)
- M-1 Reduced Course Load: 8 CFR 214.2(m)(9)(vi)



# Common Reasons for Student Status Violation

- *Incorrect update in SEVIS*
- *Oversight on the part of the student*
- *Personal hardship*
- *Family emergency*
- *Medical emergency*



# Reinstatement Requirements

A student may be reinstated to F-1 or M-1 student status if he or she:

- Has not been out of status for more than 5 months (if over 5 months, evidence of exceptional circumstances required)
- Has no record of repeated or willful violations
- Is pursuing, or intends to pursue, a full course of study



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# Reinstatement (cont'd)

- Has not engaged in unauthorized employment
- Could have obtained the DSO's authorization for a reduced course load and would suffer extreme hardship due to USCIS' failure to approve student's reinstatement request



# Required Evidence

- A detailed statement explaining why the student fell out of status
- I-94, I-797 approval notice, passport pages, and/or other evidence which verifies lawful entry and status
- SEVIS I-20 issued for reinstatement by the school where the student is enrolled or intends to study



# Required Evidence (cont'd)

- Documentation demonstrating his/her ability to pay the tuition, fees and living expenses in the United States



# Reduced Course Load

- Before dropping below a full course load, a student should seek authorization for the reduced course load from the DSO
- Reinstatement applications will be reviewed, evaluated, and adjudicated according to the standards set forth in 8 CFR §214.2(f)(16) and the specific details and facts of the case



# Helpful Filing Tips

- Request reinstatement within the 5-month period after falling out of status. If reinstatement is requested after more than 5 months, evidence is required to demonstrate that the delay is due to exceptional circumstances.
- Provide a detailed statement explaining the reason for falling out of status



# Helpful Filing Tips (cont'd)

- Provide documentary evidence to support the reason for falling out of status, for example: doctor's note if out of status is due to medical reason or letter from DSO if due to DSO's error.



# QUESTIONS?



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