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## Policy Alert

SUBJECT: Change of Status to Nonimmigrant Student (F-1) Visa Classification

### Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the [USCIS Policy Manual](#) regarding applications for change of status (COS) to F-1 classification.

### Background

The Immigration and Nationality Act (INA) provides certain nonimmigrants the opportunity to request a change to a different nonimmigrant classification for which they qualify.<sup>1</sup> USCIS has historically only granted applications to change to F-1 status that fall within 30 days of the program start date listed on the applicant's Certificate of Eligibility for Nonimmigrant Student Status (Form I-20). USCIS has required nonimmigrants who are applying for a COS to F-1 classification to continuously apply for and obtain nonimmigrant status up to 30 days before the program start date listed on the Form I-20. Because adjudication of the F-1 COS is difficult to align with the varying program start dates, the current policy has often resulted in requiring the filing of extensions, or the filing of an initial COS and subsequent extensions of such status so that the student would not have a "gap" in status.

To limit costs to applicants and the government, USCIS no longer requires the applicant to submit subsequent applications for extension or change of nonimmigrant status while the COS application to F-1 status is pending with USCIS, provided that the applicant's nonimmigrant status is unexpired at the time of filing the initial COS application and the applicant is otherwise eligible for a COS.

To prevent a "gap" in status, USCIS will grant the COS to F-1 effective on the day of the COS approval. If an application is approved more than 30 days prior to the program start date, these nonimmigrants must ensure that they do not violate their F-1 status during that time.<sup>2</sup> An example of a violation would be engaging in unauthorized employment, including on-campus employment, more than 30 days prior to the start of classes.

USCIS is in the process of revising the Application to Extend/Change Nonimmigrant Status ([Form I-539](#)) to reflect these changes. This update replaces the current policy as stated in the form

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<sup>1</sup> See [INA 248](#).

<sup>2</sup> Violations of status include, among others, engaging in unauthorized employment and certain criminal activity. See [8 CFR 214.1](#).

instructions. This guidance, contained in Volume 2, is effective immediately and supersedes any prior guidance on the topic.

### **Policy Highlights**

- Explains that for approvable COS applications, USCIS will grant F-1 status effective the date of approval, which may be earlier than 30 days before the program start date.
- Updates maintenance of status requirements for nonimmigrants seeking a COS to F-1 status while their COS application is pending.
- Clarifies activities that nonimmigrant students may not engage in if USCIS approves their COS application to F-1 status more than 30 days before the program start date.

### **Citation**

Volume 2: Nonimmigrants, Part F, Students (F, M), Chapter 8, Change of Status [[2 USCIS PM-F.8](#)].