

Applying for a Change of Status from NATO to “F-1” (Student) Visa *IN THE UNITED STATES* for a Degree Programme at Old Dominion University

This document was prepared by representatives in the HQ SACT Office of the Legal Advisor in coordination with Old Dominion University (ODU) Visa & Immigration Service Advising (VISA) officials and provides general information for changing your visa status FROM “NATO” or “A” visa TO “F-1” (Student) visa whilst remaining in the United States for a Degree Program at ODU. This document is relevant to all NATO personnel and their dependents who wish to remain in the United States and change their visa status.

This information is offered as a courtesy. It is strictly informative in nature and does not, nor is it intended to, constitute legal advice or counselling.

There are two ways to apply for F-1 visa status (if eligible):

1. **depart** the U.S. and apply for an “F-1” visa at a U.S. Embassy or consulate overseas (see ABROAD information sheet); OR
2. **remain** in the United States and apply for a change of status through the U.S. Department of State and then U.S. Citizenship and Immigration Services (USCIS). Applications for a change of visa status (COS) from “NATO” or “A” visa status to “F-1” visa status are the responsibility of the Principal Alien (i.e. the staff member) and dependent (applicant). **NOTE:** A Change of Status in the United States is currently taking **8-10 months**. During such time, students can attend classes but are likely precluded from participating in other activities (i.e., internship, teaching assistant, employment, etc.).
NOTE: Consult officials in the VISA office at ODU for information and guidance.

This document ONLY addresses the process of applying for a change of status to an “F-1” (Student) whilst remaining in the United States.

HQ SACT Office of the Legal Advisor and ODU VISA Officials are involved in the administrative process of a change of visa status in the United States. Consult officials in the VISA office at ODU and HQ SACT Office of the Legal Advisor for information.

ELIGIBILITY

There are generally two instances when our personnel or their dependents are eligible to enter the United States on a visa other than their derivative NATO or A category visa. Those instances are:

1. **End of Tour/Employment Contract of Principal Alien:** Serving personnel (i.e., the principal alien) and dependents are required to depart the United States, or apply for a change of visa status or adjustment of status, within 30 days of the last duty/employment contract day of the principal alien;
2. **Cessation of Dependent’s Status:** Immediate family members who are recognised as your dependents by the Sending Nation and meet the US Department of State criteria for issuance of a derivative (“NATO” or “A”) visa are generally not eligible to change their status to a student visa (F-1) during the staff member’s tour of duty/employment contract. The most common categories of immediate family members for our NATO/PfP families are spouses and unmarried sons and daughters.
 - Spouses: ordinarily a decree of divorce (dissolution of the marriage) is required to justify a change of visa status out of NATO or A visa status.
 - Unmarried sons and daughters: while the US Federal regulations were recently changed (and an unmarried son/daughter now ages out upon their 23rd birthday even when studying full-time), they may still qualify as an immediate family under a third (“Other Individuals”) category. Please contact representatives in the Office of the Legal Advisor for additional information and assistance.

Timing and planning ahead are CRITICAL to the processing of a successful application

IMPORTANT CONSIDERATIONS FOR APPLYING FOR F-1 STUDENT VISA WITHIN THE UNITED STATES

- As mentioned above the processing period for changes of visa status in the United States is currently 8-10 months! During such time, students can attend classes but are likely precluded from participating in other activities (i.e., internship, teaching assistant, employment, etc.). Consult officials in the VISA office at ODU for information and guidance on this matter.
- The F-1 visa stamp is not physically placed in passport during the application process within the United States; instead, upon approval from USCIS, a new I-94 annotating the new visa category is issued, allowing the student to remain legally in the U.S. along with a valid Form I-20 and a valid passport (see next page for further details regarding Form I-20).
- Should the applicant depart the U.S. while the application is pending OR if the applicant departs after approval and is returning to resume his/her studies, it will be necessary to apply for and obtain the visa (i.e., visa stamp) from a U.S. consulate overseas. In either situation, the applicant should discuss travel plans with an ODU VISA advisor before leaving the country.

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WHAT DOCUMENTATION DO I NEED? The following items must be submitted to the HQ SACT Office of the Legal Advisor, who will then review and endorse Forms I-566 and forward them along with the supporting documentation to the U.S. Department of State for their endorsement of Forms I-566:

- Original Form I-20 prepared and signed by the applicant/student and an official of ODU’s VISA office. Request the Form I-20 (“Certificate of Eligibility for Nonimmigrant [F-1] Student Status”) from ODU’s VISA website (www.odu.edu/visa). Select the FORMS link on the right side. Near the bottom of the page under the section entitled “Visa Document (I-20/DS-2019) Extension or Update”, click on “Request a New I-20 or DS-2019”. If the “Program Start date” noted on Form I-20 is greater than thirty (30) days following the sponsor’s end of assignment/contract date, please notify ODU VISA officials immediately;
- Provide printed receipt Form I-901 SEVIS fee, which is currently \$200. Instructions from ODU’s VISA office will be emailed to the applicant/student upon issuance of the I-20;
- **USCIS Form I-566** (found at www.uscis.gov under “FORMS”) in duplicate original. This form can be prepared online and printed or handwritten in black ink. Please provide two originals. Both original Forms I-566 must contain the applicant’s original signature at Part 4 and be countersigned at Part 6 by the sponsor if the applicant/student is under the age of 18 years. As previously noted, the HQ SACT Office of the Legal Advisor is only permitted to endorse and forward the change of visa status application to the United States Department of State on the staff member’s last assignment/employment contract day or within thirty days after the last assignment/employment contract day, or upon presentation of documentation from the sending nation that the child’s dependency status has ceased.
- **USCIS Form I-539** (found on ODU’s VISA website (www.odu.edu/visa) under “F-1 Student Visa” and then “Changing to F-1 Visa Status”). This form can be prepared online and printed or handwritten in black ink. Please provide one original. Please note that although there is a fee for this form, it is not required at this stage in the process but will be submitted later directly to USCIS;
- Valid passport containing “NATO” or “A” visa;
- **Most Recent I-94** printed out from the Customs and Border Protection (CBP) web site (<https://i94.cbp.dhs.gov/i94/#/home>) OR Original paper Form I-94 (small white card received from the Customs and Border Protection (CBP) officer upon arrival);
- Copy of biographical page of principal alien’s (staff member’s) passport, “NATO” or “A” visa and both sides of paper Form I-94 or **Most Recent I-94** printed out from the CBP web site (<https://i94.cbp.dhs.gov/i94/#/home>);
- Copy of orders (translated into English by National Liaison Representative officials); and
- Original letter from the relevant National Liaison Representative/Partner National Liaison Representative to SACT confirming end of assignment day and transfer from HQ SACT or from Civilian Human Resources confirming end of contract day.

**HQ SACT Office of the Legal Advisor review and endorsement takes approximately 2-3 days.
U.S. DEPARTMENT OF STATE’S REVIEW AND ENDORSEMENT OF FORMS I-566 takes approximately 3-4 weeks.**

Upon Legal’s receipt of the endorsed Forms I-566 from STATE: The applicant/student will be contacted by the HQ SACT Office of the Legal Advisor and should be prepared to collect the package **within 24-48 hours**.

ALL REMAINING REQUIREMENTS INVOLVE ODU VISA OFFICIALS AND USCIS OFFICIALS DIRECTLY.

Once we return the original package to the applicant/student, the applicant/student should then make an appointment with ODU’s VISA officials within 2-3 business days. On the day of the appointment with ODU’s VISA office, take all of the above documentation (which will be returned to you by the HQ SACT Office of the Legal Advisor) along with the following:

- Personal or cashier’s check payable to “U.S. Department of Homeland Security” for \$370 with “I-539” and the applicant’s SEVIS ID number (found on the I-20) at the bottom left; no money orders are permitted;
- Applicant/student’s explanation letter can be found on the Changing to F-1 Student Status on the F-1 Student Visa page of ODU VISA’s website and should be signed in blue ink. Information on what should be included in the letter can be found on ODU’s VISA website for those wishing to change to F-1 status; and
- Official transcript obtained from ODU’s Registrar (www.odu.edu/registrar) if already enrolled at the university.

ODU’s VISA office will scan the application and then notify the student when it is ready for collection. The applicant/student is responsible for sending the packet to USCIS via the address provided. ODU’s VISA office strongly encourages the use of a courier service or traceable means of mailing (e.g. United Parcel Service or FedEx) and paying the additional fee for delivery confirmation. The packet must be received and forwarded to USCIS within 30 days of U.S. Department of State’s endorsement date of Form I-566. A receipt notice from USCIS will be mailed to the address provided on Form I-539. If that address should change while the application is pending, the student must contact USCIS at the number on the I-797 application receipt to update it. ODU VISA officials must also be notified. The receipt number on this document can be used to check on the status of the application on the [USCIS website](http://www.uscis.gov).

Upon receipt of I-797 Approval Notice (8-10 months): The applicant/student must make an appointment with the appropriate ODU VISA advisor (based on the first letter of the family name/surname) to receive a second Form I-20 and information on ODU’s mandatory health insurance plan. This should be done within a week of the receipt of the I-797 approval notice (which should be brought to the appointment). **Failure to do this may result in the termination of the new visa status.**

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TIMELINE & CHECKLIST - APPLYING FOR F-1 STATUS WITHIN THE UNITED STATES

- 60 - 90 days before eligible:** Visit HQ SACT Office of the Legal Advisor to discuss your plans and to ensure you have all of the required information and an understanding of the process. Also, consult officials in the VISA office at ODU for information and guidance.
- 30 days before eligible:** Request the Form I-20 as noted on previous page.
- Submit financial documentation** via email (intlstu@odu.edu) to ODU’s VISA office one month before eligible: All documents must be accompanied by the Financial Form and dated within the last six months. Consult officials in the VISA office at ODU for information and guidance on this requirement. Acceptable documentation can be found at: <http://www.odu.edu/international/services/resources/financial>.
- Upon notification by ODU’s VISA officials of Form I-20’s issuance (up to 10 business days after request submission):** Pay the I-901 SEVIS fee (instructions will be provided in the notification e-mail from ODU’s VISA office) and provide a copy of the receipt with the paperwork submitted to the HQ SACT Office of the Legal Advisor.
- Within 30 days of eligibility:** Dependent submits change of status forms and supporting documentation to the HQ SACT Office of the Legal Advisor for review (2-3 days).
- On staff member’s last assignment/employment contract day OR within 30 days of the staff member’s last assignment/employment contract day OR cessation of dependency status:** Documentation submitted to the HQ SACT Office of the Legal Advisor will be reviewed and endorsed and will then be forwarded to STATE for their endorsement of Form I-566. The U.S. Department of State (STATE) officials request that “NATO” and “A” visa holders obtain endorsement of USCIS Forms I-566 by the sponsoring command. In the case of NATO or PFP personnel posted to HQ SACT (to include subordinate and affiliated commands (NCIA, CJOS COE, etc.)) representatives in the HQ SACT Office of the Legal Advisor provide this endorsement for their personnel and dependents.
- Once the I-566 is approved** by STATE (3-4 weeks) and returned to HQ SACT Office of the Legal Advisor: Representatives in the Office of the Legal Advisor will contact the applicant for collection of the paperwork.
- All documentation** must be submitted to ODU’s VISA office for final review and preparation of documents for submission to USCIS. If desired, applicant is welcome to make an appointment with his/her VISA advisor to do this, but it is not required. Application will be mailed to USCIS by applicant.
- 1-4 weeks after application is mailed to USCIS:** USCIS will send a receipt (can also be used for tracking the status of the application) to the applicant’s U.S. home address as provided on Form I-539.
- 8-10 months** after application is mailed to USCIS: Approval notification (I-797) will be sent to applicant. An appointment with the appropriate ODU VISA advisor **must be made—via the ODU VISA web site—within one week of receipt.**

NOTE: All documentation received from Immigration must be saved and kept with other important papers **FOREVER**.

NOTE: If you depart the United States prior to receiving confirmation of your change of status from USCIS, your application will be deemed abandoned and you will then be required to apply for the “F-1” Student visa abroad.

NOTE: HEALTH INSURANCE-- While awaiting USCIS’ decision (of your change of status into F-1), you may enrol in ODU’s health insurance plan (provided by UnitedHealthcare StudentResources)—if desired. Once the F-1 visa status is approved by USCIS, you will be REQUIRED to enrol in the university health insurance plan. More information on ODU’s health insurance requirement and enrolment procedure will be provided by the VISA office after you receive approval of your F-1 status. There are only **two** exceptions to this requirement: 1) full sponsorship of all education and living expenses by the home government and the insurance is provided by a U.S. carrier; **or** 2) a spouse or a parent in the U.S. is employed by a U.S. company and is provided with U.S.-based plan that provides coverage for dependents. For further details on international student health insurance requirement and plan, please visit VISA’s International Student Health Insurance Requirement [page \(http://odu.edu/international/insurance#tab132=6\)](http://odu.edu/international/insurance#tab132=6).

I have received this information sheet and understand that I am personally responsible to comply with University and U.S. Policy and Regulations:

NAME: (Sponsor) _____ NAME: (Applicant) _____
 SIGNATURE: _____ SIGNATURE: _____
 DATE: _____ DATE: _____