



NOVA SOUTHEASTERN UNIVERSITY

Office of International Affairs

# I-485 PERMANENT RESIDENT PENDING DECISION FORM FOR F-1 STUDENTS

When you file the I-485 application to adjust your status from a non-immigrant to an immigrant you are considered to be pending for permanent residency or sometimes called PR Pending or I-485 Pending. This gives you legal status to remain in the U.S. during this pending period. You can file the I-765 form to apply for work permission while you are in this pending time frame. Once you file the I-485, it will still be months or years before you have your "permanent residency" interview. If you file the I-485 application, you have to choose between 2 paths to follow:

## I-485 Pending Pathway 1: F-1 Backup Plan

When you file the Form I-485 application you are legal to remain in the U.S. without maintaining your F-1 status. Although maintaining student status is no longer required once you file the I-485 there is a practical benefit to maintaining your legal F-1 status. If you choose to maintain your full-time F-1 status while you are PR pending, you may be eligible to be reinstated back to F-1 student status if you become ineligible for PR. Without doing this, you will probably be forced to return home. This pathway provides a backup plan in case you fail to become a PR and still want to stay in the U.S. You will be tracked in SEVIS so that there is proof of maintaining your F-1 status in case you need to use the backup plan. If you follow Pathway 1 and fail to maintain F-1 status for even one semester, you will still be legally PR pending but you will no longer have a backup plan available if you fail to become a PR.

## I-485 Pending Pathway 2: No Backup Plan

If you have filed the I-485 (PR pending), you have legal status in the U.S. and do not have to obey F-1 regulations. You can totally drop out of school. If you follow Pathway 2 from the start or switch to it after beginning Pathway 1, you will have no "backup plan" for PR denial. More than likely, if denied, you will be forced to leave the U.S. and return to your home country. Following Pathway 2 means, "Putting all your eggs in one basket" to use an American idiom. You are completely counting on your PR to be approved. You have no backup plan.

**NOTE: Once you receive your permanent residency card (e.g. green card; although it is no longer green) or have an I-551 stamp in your passport, please bring one or both of these documents to the Office of International Affairs so your NSU record can be changed to reflect your Immigrant (Alien Permanent) status. Keep in mind that being classified as a "Resident" for tuition purposes DOES NOT change your immigration or visa status.**

### Please Complete the Following Information

Name: \_\_\_\_\_ Student ID: \_\_\_\_\_

SEVIS ID: N \_\_\_\_\_ Phone: \_\_\_\_\_

Located above the bar code on your I-20

- Pathway 1:** I have filed the I-485 application and I voluntarily choose comply with the F-1 regulations and maintain my legal F-1 status. This will provide me with a "backup plan" to reinstate to F-1 status if my PR application or petition fails. I will still be coded as F-1 at NSU and in SEVIS. Yet my actual legal status is I-485 pending I can switch to **Pathway 2** at any time by informing the Office of International Affairs.
- Pathway 2:** I have filed the I-485 application and I do **not** intend to comply with the F-1 student regulations. I realize that my F-1 record in SEVIS will be terminated for lawful reasons. I will be coded as PR (permanent resident) at NSU. I have legal status in the U.S. because I am I-485 pending.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_