

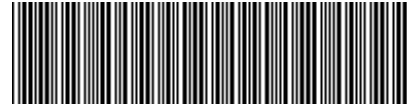
March 18, 2022

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Vermont Service Center



U.S. Citizenship
and Immigration
Services

YINGYI FU MALIK
405 RANCHO ARROYO PKWY APT 382
FREMONT, CA 94536-2753



MCT2148952397

RE: I-539, Application to Extend/Change Nonimmigrant Status

DECISION

On August 4, 2021, you filed a Form I-539, Application to Extend/Change Nonimmigrant Status with U.S. Citizenship and Immigration Services (USCIS).

After careful review and consideration of the entire record, your Form I-539 is denied for the reason(s) discussed below.

Title 8, Code of Federal Regulations (8 CFR) § 214.2(f)(3) states, in part:

Admission of the spouse and minor children of an F-1 student. The spouse and minor children accompanying an F-1 student are eligible for admission in F-2 status if the student is admitted in F-1 status. The spouse and minor children following-to-join an F-1 student are eligible for admission to the United States in F-2 status if they are able to demonstrate that the F-1 student has been admitted and is, or will be within 30 days, enrolled in a full course of study, or engaged in approved practical training following completion of studies...

You filed this application to change your status to F-2 and claimed that the principal F-1 nonimmigrant, HIMANSHU MALIK, was an F-1 student with a Student and Exchange Visitor Information System (SEVIS) record number N0029643225. However, SEVIS shows that the F-1 principal's status changed from "Active" to "Completed" on October 8, 2021 because of the approval of the Form I-129, Petition for a Nonimmigrant Worker with USCIS receipt number SRC2136150564. The F-1 principal nonimmigrant is now a/an H1B.

Since the principal F-1 nonimmigrant is no longer an F-1 student, USCIS cannot change your status to that of an F-2 dependent of an F-1 student. Accordingly, your application is denied.

Therefore, your application is denied. This decision is without prejudice to consideration of subsequent applications to extend/change nonimmigrant status filed with USCIS.

This decision may not be appealed. However, if you disagree with this decision, or if you have additional evidence that shows this decision is incorrect, you may submit a motion to reopen or a motion to reconsider by completing a Form I-290B, Notice of Appeal or Motion. A motion to reopen must state the new facts to be considered and must be supported by affidavits or other new documentary evidence. A motion to reconsider must show that the decision was legally incorrect according to statute, regulation, and/or precedent decision.

The motion must be filed within 33 days from the date of this notice. You must send your completed Form I-290B and supporting documentation with the appropriate filing fee to:

USCIS 290B
PO Box 21100
Phoenix, AZ 85036

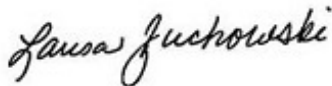
For the latest filing location, fee, requirements, and information concerning the Form I-290B, please review the form instructions, visit our website at www.uscis.gov, call the USCIS Contact Center at 1-800-375-5283 or 1-800-767-1833 for TTY, or visit your local USCIS office.

WARNING CONCERNING UNLAWFUL PRESENCE

Please be aware that, under section 212(a)(9)(B) of the Immigration and Nationality Act (INA), an alien who accrues more than 180 days of unlawful presence in the United States, and then departs, is inadmissible to the United States for a period of either three years or ten years.

You may remain in your current nonimmigrant status until the expiration date indicated on your Form I-94, Arrival-Departure Record. However, if the date listed on your Form I-94 has already passed, this Notice of Decision may leave you without lawful immigration status and you may be present in the United States in violation of the law.

Sincerely,



Laura B. Zuchowski
Director
Officer: E38