Changing Non-Immigrant Status

This is general information on how to change a person’s immigration status. However, this should never be attempted without first consulting with an International Advisor.

Some examples of changes in non-immigrant status in which the International Faculty and Staff Services office must be involved are: F-1 to J-1, F-1 OPT to J-1, J-2 dependent to J-1, J-1 to J-2 dependent, and F-1 to J-2 dependent.

There are only two ways a person can change from one immigration status to another:

1) **Inside the U.S.**: Once a DS-2019 has been applied for and received from the IFSS office, an I-539 application for change of status must be submitted to the U.S. Citizenship and Immigration Services (USCIS) for processing along with the DS-2019 and additional supporting documents. Link to form: [http://www.uscis.gov/i-539](http://www.uscis.gov/i-539) The processing time for the I-539 varies. It could take three to six months or more for USCIS to adjudicate the application.

2) **By travel**: Once a DS-2019 has been applied for and received from the IFSS office, the applicant takes all the required paper work and leaves the U.S. and, advisedly, returns to the home country. The person must schedule an appointment at the closest American Consulate and apply for the U.S. visa stamp of the new status. The appointment can be scheduled before leaving the U.S. Once the new stamp is received, the individual may reenter the U.S. on the new visa. Immigration authorizes the new status on the I-94 card at the port-of-entry.

Further considerations:

- Certain J-Exchange Visitors subject to the "two-year home country residence requirement (212e)" which obligates certain J-1s to return to their country of nationality or permanent residence for an aggregate of at least two years upon completion of their program. [22 C.F.R. 514.31(a)(1)].
  
  ✓ If the person in J-1 or J-2 status is subject to the "2-year home residency requirement (212e)," the change of status can **ONLY** be done by travel (indicated in #2 above).

- The change of status application must be filed before the current status ends.

- If a change of status application is filed and the new status is not approved by the time the current status ends, the individual does not need to leave the U.S. However, the individual cannot work once the current status ends. He cannot begin working again until the new status has been approved. This means if the individual holds a paid position on campus, he/she must stop working the date the current status expires and cannot continue to receive payment. Payment can resume once the new status is granted.