



F-1 TO J-1 CHANGE OF STATUS APPLICATION PACKET

Updated December 5, 2008

The USCIS views changes from F-1 to J-1 with great suspicion, and usually presumes that you are requesting J-1 status in order for your spouse to be able to obtain J-2 employment authorization. Unless you can overcome that USCIS presumption, your application will be denied. For this reason the OISS advises you to obtain a letter from your sponsor or home institution requesting that you be subject to 212(e).

What is 212(e), the “two-year home-residency requirement,” and will it apply to me? How can I avoid it?

A J-1 or J-2 exchange visitor who is subject to the two-year home-country physical-presence requirement [212(e)] is required to return to their home country for two years before they are eligible to return to the U.S. in certain types of immigrant and non-immigrant status. There are also restrictions about changing status from inside the U.S. J visitors become subject to 212(e) for a variety of reasons, including whether or not they receive funding from the U.S. or home government, or whether their area of study or research appears on what is called the “Skills List.” If subject to 212(e), the only way to avoid it is to apply for and obtain a waiver. Exchange visitors in the U.S. for graduate medical education are ineligible for any change of status.

For more information on 212(e), see the OISS website at:

<http://international.uiowa.edu/oiss/documents/Immigration-2year-Req.pdf>

I have been offered employment. Can I begin my employment before my J-1 status is approved?

Because the employment situation of an F-1 who is attempting to change to one of these categories can be complicated, discuss this with an OISS adviser.

When do I need to apply to the USCIS to change to J-1 status?

The short answer to this question is: **You must apply to change to J-1 status before the termination of your F-1 status or before the end of the 60 day grace period that follows the completion of your F-1 status.** Otherwise, you will be “out of status” and thus ineligible to change to another status. As a result, the USCIS will deny your change of status application and you will be forced to return home, where it may be very difficult to obtain a J-1 visa because of consular concerns about your “immigrant intent.” **If your F-**

1 status + the 60 day grace period has already ended, contact an OISS adviser immediately for a referral to an immigration attorney.

Do I need to make an appointment with an OISS adviser in order to apply to change to J-1 status?

Yes. The OISS must now keep track of all students and scholars who change to J-1 status. For this reason we will require you to use our address on your I-539 application form, and all correspondence from the Department of Homeland Security regarding your application will be sent to our office. Please bring an email address to your appointment; we will use this email address to notify you whenever we receive correspondence or information regarding your application.

Other reasons you will need to make an appointment with an OISS adviser:

- you are (or might be) out of status for any reason.
- you prefer to obtain a J-1 visa outside the United States and then re-enter in J-1 status, thereby eliminating the need to apply to the USCIS to change status.

What documentation do I need to submit to the USCIS in order to change to J-1 status?

- Filing fee: \$300 (make personal check payable to "Department of Homeland Security)*
- I-797 Receipt showing payment of \$180 SEVIS fee (see next section for details)*
- Form I-539 (see instructions below)*
- Letter from your sponsor or home institution indicating they approve your change to J-1 status and wish you to be subject to 212(e)*
- A photocopy of your Form I-94 (front and back)*
- A photocopy of your passport personal data page(s) (i.e., the page(s) with your photograph and the expiration date of your passport)*
- A photocopy of your F-1 visa*
- Your complete, original DS-2019, signed by you on page 1*
- Three photocopies of p.1 of your DS-2019*
- Photocopies of all I-20's you have had*
- Evidence of financial support (ex: your assistantship offer letter, or job offer letter from a department if applying for J-1 scholar)*

What is the SEVIS fee, and do I have to pay it?

The SEVIS fee is the charge, effective September 1, 2004, assessed by the U.S. Department of Homeland Security, whereby all J-1 visitors to the U.S. must pay a fee of **\$180** to supplement federal government expenses involved in the maintenance and administration of the Student and Exchange Visitor Information System (SEVIS).

If you are attempting to change from F-1 to J-1 status, you will be required to pay the SEVIS fee *before* you can mail in your change of status application. There are two ways to pay this fee:

To Pay Online (*highly recommended to pay this way instead of by mail*)

1. Find the Form I-901 at www.FMJfee.com.
2. Complete the form online and supply the necessary Visa, MasterCard or American Express information. Be sure to write your name exactly as it appears on your I-20 form.
3. Print a copy of the online receipt.
4. Be sure to make copies of your receipt, and keep it with your other important immigration documents. You will need to submit a copy of this receipt along with your other change of status application material.

To Pay By Mail (*this method could delay your application by weeks*)

1. Obtain a Form I-901 "Fee Remittance for Certain F, J, and M Nonimmigrants" from www.FMJfee.com or request the form by phone at 1-800-870-3676 (inside the US)
2. Complete the Form I-901. Be sure to write your name exactly as it appears on your I-20 form.
3. Prepare a check, international money order or foreign draft (drawn on US banks only) in the amount of \$180 US Dollars, made payable to "The Department of Homeland Security" (OISS strongly suggests you use a personal check, since it is easy to trace these.)
4. Mail the completed I-901 and payment to the address listed on the Form I-901.
5. A Form I-797 receipt notice should be mailed within 3 days of processing the fee. Be sure to make copies of your receipt, and keep it with your other important immigration documents. You will need to submit a copy of this receipt along with your other change of status application material.

Remember, your change of status application cannot be mailed until the SEVIS fee is paid and you have a receipt proving payment. Should your change of status application be denied, the SEVIS fee is not refundable. However, if you apply for J-1 status again within the 12 months following your denial, you will not have to pay the fee again.

Where and how do I submit my application?

U.S. Citizenship and Immigration Services
California Service Center
P.O. Box 10539
Laguna Niguel, CA 92607-1053

Send your application via "**certified mail, return receipt**," so that you have a record of the arrival of your application at the USCIS.

IMPORTANT: If there is a delay in the processing of your application, the OISS will not be able to help you without a photocopy of your application and your certified mail receipt.

What will happen when the USCIS receives my application? How long will it take the USCIS to approve my application?

If your application is incomplete, the USCIS will send you (c/o OISS) a "Request for Evidence." You will need to furnish whatever information or documentation is missing.

You should receive a Form I-797 Notice of Action/Receipt Notice from the USCIS within two to four weeks. Your Notice of Action is very important, both because it proves that you filed your application and because it provides the "WAC number" which you must use if you need to track your application's progress. **If you do not receive a Notice of Action within five weeks, please notify the OISS immediately.**

If your application is complete, the USCIS will approve your application and send to the OISS your DS-2019, with a notation in the upper right corner indicating approval of your change of status application. The USCIS will also send to the OISS your Notice of Action/Approval Notice, with your new I-94 printed in the lower right-hand corner. You will want to cut out and staple your new I-94 (staple both parts, although the instructions on the form indicate only the portion on the left) into your passport, **after making a copy of your entire Notice of Action/Approval Notice and DS-2019 to keep separately in a safe place.**

SAMPLE I-539 Form – Follow these instructions carefully:

1. Go to <http://www.uscis.gov/files/form/i-539.pdf>
2. Fill out the form using OISS instructions below, **not** the instructions found on the USCIS website.
3. Print and bring the completed form to your meeting with an OISS adviser.

OMB No. 1615-0003; Expires 12/31/08

I-539, Application to Extend/ Change Nonimmigrant Status

Department of Homeland Security
U.S. Citizenship and Immigration Services

START HERE - Please type or print in black ink.

Part 1. Information about you

Family Name Seedorff		Given Name Lee		Middle Name M
Address - In care of - c/o OISS Adviser - University of Iowa				
Street Number and Name 1111 University Capitol Centre			Apt. #	
City Iowa City	State IA	Zip Code 52242	Daytime Phone # 319-335-0335	
Country of Birth United Kingdom		Country of Citizenship India		
Date of Birth (mm/dd/yyyy) 07/27/1925	U. S. Social Security # (if any) 123-45-6789		A # (if any) Leave Blank	
Date of Last Arrival Into the U.S.	Date from I-94	I-94 # From I-94 card		
Current Nonimmigrant Status F-1		Expires on (mm/dd/yyyy) D/S		

For USCIS Use Only

Return Date	
Date	
Resubmit Date	
Date	
Relocation Date	
Date	
Reloc Rec'd Date	
Date	
<input type="checkbox"/> Applicant Interviewed on	Date
<input type="checkbox"/> Extension Granted to (Date):	
Change of Status/Extension Granted	
New Class: From (Date):	
To (Date):	
If Denied:	
<input type="checkbox"/> Still within period of stay	
<input type="checkbox"/> S/D to:	
<input type="checkbox"/> Place under docket control	
Remarks:	

You must use the OISS address as shown here, not your own address.

Part 2. Application type (See instructions for fee.)

1. I am applying for: (Check one.)

- An extension of stay in my current status.
- A change of status. The new status I am requesting is: I-1
- Reinstatement to student status

2. Number of people included in this application: (Check one.)

- I am the only applicant.
- Members of my family are filing this application with me.
The total number of people (including me) in the application is: _____
(Complete the supplement for each co-applicant.)

Part 3. Processing information

1. I/We request that my/our current or requested status be extended until (mm/dd/yyyy): D/S
2. Is this application based on an extension or change of status already granted to your spouse, child, or parent?
 No Yes. USCIS Receipt # _____
3. Is this application based on a separate petition or application to give your spouse, child, or parent an extension or change of status?
 No Yes, filed with this I-539.
 Yes, filed previously and pending with USCIS. Receipt #: _____
4. If you answered "Yes" to Question 3, give the name of the petitioner or applicant:

If the petition or application is pending with USCIS, also give the following data:
Office filed at _____ Filed on (mm/dd/yyyy) _____

Part 4. Additional information

1. For applicant #1, provide passport information:
Country of Issuance India Valid to: (mm/dd/yyyy) 01/01/2075
2. Foreign Address: Street Number and Name
7 Race Course Road Apt. # _____
- City or Town
New Delhi State or Province
Uttar Pradesh
- Country
India Zip/Postal Code
123456

Be sure to fill out the remaining pages of the I-539, including employment information and/or financial support information. Ask an OISS adviser if you have any questions.

