



# J-1 TO J-2 CHANGE OF STATUS APPLICATION PACKET

*Updated December 5, 2008*

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The Department of State, the agency which oversees exchange visitors, does not look favorably upon requests by J-1 exchange visitors to change to J-2 dependent status, since J-1 exchange visitors are expected to return home immediately upon completion of their exchange visitor programs. The USCIS is thus likely to deny such requests, out of deference to a fellow government agency's policy interests. Should you nevertheless wish to apply to change from J-1 to J-2 status, follow the procedures outlined in this packet.

## **What is 212(e), the “two-year home-residency requirement,” and does 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. This means you cannot follow the procedure for changing to J-2 status here inside the U.S. and instead will have to leave the U.S. and obtain an J-2 visa.

For more information on 212(e), see the OISS website at:  
<http://international.uiowa.edu/oiss/documents/Immigration-2year-Req.pdf>

## **Can I register as a student while I am in J-2 status?**

Yes. Currently individuals who are in J-2 status can register as students.

## **Can I work while in J-2 status?**

Only if you apply for and receive an Employment Authorization Document (EAD card). This is done by mailing an application to the USCIS after your J-2 status has been approved. OISS has these applications available on our website. You should be aware that it can take anywhere from 2-4 months for USCIS to

authorize the employment, and that you cannot work until you receive the EAD card. Cards are issued for a 12-month period, and may be renewed each year you are in J-2 status.

### **What about my dependents in J-2 status?**

If you currently have dependents in J-2 status, who will want to be J-2 dependents on the document of your J-1 spouse, please notify the OISS adviser.

### **When do I need to apply to the USCIS to change to J-2 status?**

The short answer to this question is: **You must apply to change to J-2 status before the termination of your J-1 status or before the end of the 30 day grace period that follows the completion of your J-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-2 visa because of consular concerns about your “immigrant intent.” **If your J-1 status + the 30 day grace period has already ended, contact an OISS adviser immediately for a referral to an immigration attorney.**

You also need to remember that, if your J-2 status is approved, you are maintaining status only as long as your J-1 spouse/parent maintains his/her J-1 status. Once their J-1 status ends, so does your J-2 status.

### **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-2 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. Also, if you wish to have your application expedited because of a graduate assistantship offer, we will need to issue a special letter and follow a different procedure for sending the application via Federal Express.

### **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-2 visa outside the United States and then re-enter in J-2 status, thereby eliminating the need to apply to the USCIS to change status (again, chances are high your J-2 visa could be denied)

### **What documentation do I need to submit to the USCIS in order to change to J-2 status?**

- Filing fee \$300 (make personal check payable to “Department of Homeland Security”)*
- Form I-539 (see instructions below)*
- Waiver Letter – if you were subject to 212(e) and applied for and received a waiver*
- Letter from Department – if a J-1 scholar, indicating you had been employed there in good standing*
- 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 J-1 visa*
- Your complete, original DS-2019, signed by you on page 1*
- Three photocopies of p.1 of your DS-2019*
- Evidence of financial support (i.e., your assistantship offer letter, plus a bank statement if your assistantship covers less than 100% of your estimated costs)*
- Photocopies of your J-1 spouse/parent’s documents: DS-2019, I-94, passport pages, J-1 visa*

- Photocopy of your marriage certificate*, include a certified English translation if in another language
- Transcripts* – if you were a J-1 student, include a copy of your most recent transcript

### **Do I need to pay the SEVIS fee?**

No. Persons seeking J-2 status are not required to pay the fee.

### **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 J-1		Expires on (mm/dd/yyyy) D/S		

### For USCIS Use Only

Return Date	<div style="border: 2px solid red; padding: 5px; color: red; width: fit-content; margin: auto;">                     You must use the OISS address as shown here, not your own address.                 </div>
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:	

### 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: J-2
- 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.