



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

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You are eligible to change to J-1 status only if you have been maintaining J-2 status, and you are considered to have been maintaining J-2 status only if your spouse has been maintaining J-1 status.

Moreover, it is unlikely that the USCIS will allow your spouse to change from J-1 to J-2 status upon completion of his/her program in order to remain with you for the duration of your stay. 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. Therefore, if your spouse's current DS-2019 has an ending date prior to yours, you should address this concern in your initial application by including **a letter--and, if available, documentation--demonstrating either that your spouse has already made plans and fully expects to return home before you do OR that your spouse has every reason to expect his/her own program to be extended.** Please see an OISS adviser if you have any questions about your letter.

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-1 status here inside the U.S. and instead will have to leave the U.S. and obtain a J-1 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 still in J-2 status?

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

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

Maybe. If you currently possess an Employment Authorization Document (EAD card) that was granted to you for J-2 employment purposes, and which is still valid, you can begin employment, including a graduate assistantship. This also assumes that your J-1 spouse/parent is still maintaining J-1 status – if his/her J-1 status has ended, then so has your J-2 status, and any employment authorization will end as well.

However, if you do not possess a valid EAD card, you **cannot** begin any employment at the University of Iowa (or anywhere else) until you are in J-1 status and receive the appropriate employment authorization.

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 spouse/parent's J-1 status or before the end of the 30 day grace period that follows the completion of your spouse/parent's 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-1 visa because of consular concerns about your “immigrant intent.” **If your spouse/parent's J-1 status + the 30 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. 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-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?

- OISS letter to USCIS requesting expedited processing (if you have been offered a graduate assistantship)
- Filing fee: **\$340** (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)
- Waiver Letter – if you were subject to 212(e) and applied for and received a waiver
- Letter demonstrating either that your spouse has already made plans and fully expects to return home before you do OR that your spouse has every reason to expect his/her own program to be extended
- 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-2 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*, translated into English if necessary (if your J-1 spouse/parent's name appears on your J-2 visa, this will not be necessary).
- ❑ *Transcript* – If your J-1 spouse/parent is a student, submit a copy of the most recent transcript
- ❑ *Letter from Department* – If your J-1 spouse/parent is a visiting scholar, have the department write a letter saying he/she is employed there in good standing

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 F-1 and 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 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.

If I have been offered a graduate assistantship, where and how do I submit my application?

Because you will be asking for expedited processing, the OISS must mail your application for you via overnight express mail. The OISS cannot pay for the cost of sending your application by Fed Ex, so we will also need you to **provide a credit card number along with expiration date**, to which the cost of mailing will be charged.

If I have not been offered an assistantship, or I plan to become a J-1 scholar, 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.*