

Change of Status Eligibility

[Change of Status Eligibility](#) [1]

You may be able to change your status while remaining in the U.S. If not, you will be required to travel outside the U.S. to apply for your new status. Find general eligibility guidelines below, and be sure to speak with your OISS adviser before making any decisions.

What is a Change of Status?

A change of status is when a nonimmigrant, lawfully admitted to the U.S., who is continuing to maintain the status in which they were admitted or previously changed, the opportunity to change from one classification to another, with certain restrictions. A change of status allows a nonimmigrant, in meritorious situations, to avoid the delay and expense of departing from the U.S. and returning, in order to engage in activities other than those permitted in his or her original or current nonimmigrant visa category.

Determining Change of Status Eligibility

Current Status Validity

The status in which you entered the United States must still be valid in order to apply for a change of status. If your status has expired, you are no longer eligible for a change of status, as you do not have a valid legal status. If you are nearing the end of your valid status or are in the grace period of your current status, please note that change of status applications could take several months to process (when filed without premium processing) and therefore, you may need to file a bridge application.

Before you undertake a change of status, it is critical that you speak with [your OISS Adviser](#) [2] about the process as early as possible to determine the appropriate process and timeline.

Preconceived Intent

When reviewing your change of status application, USCIS will exercise their discretion. This means, if USCIS believes that at the time you entered the United States in your current status you had a “preconceived intent” to actually be in the status now being requested, the application for a change of status can be denied on the theory that you tried to circumvent the visa process by entering on one visa and then changing to another status after entry.

Some considerations could be the time between entry in one status and an application to change status and when and how quickly you began taking steps towards obtaining the new status. The best practice is to wait at least 90 days (about 3 months) before filing a change of status application.

Two-Year Home Residency Requirement

Your possible subjectivity to the [two-year home residency requirement](#) [3] will impact your eligibility to change status. You can determine if you are subject to the two-year home residency requirement based on [the information on our website](#) [3].

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If you are subject, and (i) have not obtained a waiver of the two-year residency requirement (ii) nor have you been physically present in your country of permanent residence for an aggregate of two years since the completion of your J program, then you are not eligible to change status within the United States.

[Contact your OISS Adviser](#) [2] for more information.

Nonimmigrant Intent

If you have applied for immigrant intent to the United States, for example by filing and I-140 or I-130, you may not be eligible for a change of status. Additionally, if you cannot prove you have residence abroad, you may not be eligible for a change of status.

[Contact your OISS Adviser](#) [2] for more information.

Financial Ability

You must demonstrate you have sufficient financial support from the appropriate entity to be eligible for certain visa categories. The specifics of the financial support is based on the visa category you wish to change to.

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Source

URL: <https://oiss.yale.edu/immigration/h-1b-temporary-worker/maintaining-legal-status/change-of-status-eligibility>

Links

[1] <https://oiss.yale.edu/immigration/j-1-scholars/maintaining-legal-status/change-of-status-eligibility> [2] <https://oiss.yale.edu/about/connect-with-oiss> [3] <https://oiss.yale.edu/immigration/j-1-scholars/understanding-j-1-status/two-year-home-country-residence-requirement>