Change of Status to J-1

Introduction

Acquiring J-1 status using the form DS-2019 issued by Yale can be accomplished in one of two ways:

1. By entering the United States with a DS-2019 and an J-1 visa obtained at a U.S. consulate abroad (Canadian citizens are exempt from the visa requirement); or
2. By applying to USCIS for a change of nonimmigrant status (if the individual is already in the United States and cannot travel.) In choosing this option, you will not receive a J-1 visa, only J-1 status if your application is approved. Persons in the U.S. in certain immigration categories may need to change status to J-1 in order to begin their educational or exchange program.

In any application for change of status, you will need to explain why you did not originally enter the U.S. in J-1 status. A change of circumstances or intention should be documented or explained to make the application acceptable.

Note

If you are considering an application for a change of status you must consult with your OISS adviser before submitting the application to confirm eligibility. Change of Status is a complicated process which in some cases can result in requests for further evidence or a denial. In order to submit the best possible application, it is critical that you work with your OISS adviser.

Required Documentation

- G-1145, E-Notification of Application/Petition Acceptance
- A cover letter requesting the change of status and explaining your circumstances
- Copy of Form DS-2019 from Yale University (sign the form before making a copy). Do NOT send your original DS-2019. USCIS does not require the original and will not return it.
- Receipt indicating payment of the SEVIS fee. (The SEVIS fee for J-1 status is $220.)
- Evidence of financial support (i.e., copy of offer letter, non-Yale funding letter, assistantship, bank statement, etc.)
- Complete USCIS Form I-539 Application to Extend/Change Nonimmigrant Status and appropriate USCIS fees. ($400 plus an $85 biometric services fee for you and any dependents who are filing with you.)
- Evidence that you have maintained your current immigration status. For example, if you are applying for a change of status from F-1 student to J-1 scholar, you will want evidence that you were a full time student; if also on OPT, evidence of your OPT authorizations and perhaps recent paystubs.
- Copies of all of your immigration documents (e.g., DS-2019, I-20, I-797, paper or print-out of electronic Form I-94, visa stamp, and EAD card (s) if applicable).
- Copy of the biographical page of your passport, including the expiration date of your passport, and an explanation if the passport is expiring soon.
- If changing status from an employment based visa, such as F-1 OPT or H-1B you should include three recent paystubs, or other evidence of employment.
- If you have accompanying dependents applying with you, include their immigration documents as well as a proof of their legal relationship to you (e.g. marriage certificate for spouse, birth certificate for child(ren))

How and Where to File

There two ways to submit this application to USCIS; the first is to mail in the complete application and the second option is to start the application electronically by e-filing. There are specific USCIS instructions on how to file.
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 electronically (e-file) found here. [6] There may be little difference in the USCIS adjudication time, both will take several months, but e-filing will give you a receipt sooner than mailing the application. It both instances you must make certain you are submitting all the required documents and fees.

When mailing your I-539 application, be sure to use a return address that will be valid for many months in the future. We do not recommend trying to change your I-539 mailing address once your application has been submitted to USCIS. If you know that you will be moving soon, we recommend using a friend or relative’s address in the U.S. If you select this option, make sure to include the name of your friend or relative on the line of the I-539 form that says “In care of.” Be sure to verify that their name is on their mail box.

The address that you use on your I-539 will determine which USCIS Service Center you should mail your application. [7]

If your change of status is pending with USCIS and you later decide to leave the U.S., your change of status is considered to have been abandoned. You will need to get a new DS-2019 from OISS for your travels outside the U.S. so please let your OISS adviser know at least two weeks in advance of changing of your plans, if that is possible.

Important Information about Changing to J-1 Status

- The I-539 application is your personal application. While OISS advisers may give general guidance on how to prepare a successful application, we are not permitted to give detailed legal advice. In rare cases that are very complex in nature you may need to pay an immigration attorney for a consultation. Please coordinate use of any attorney before making payments or commitments.
- Your current status must be valid until at least 30 days prior to the program start date of the DS-2019, as there cannot be a gap of more than 30 days between the Form I-94 expiration or the end of grace period and the program start date of the DS-2019.
- If you are currently in B1/B2 status and you wish to become a J-1 student, you are prohibited from enrolling in a course of study unless you apply for and USCIS approves your change of status application. If you are currently in F-2 status and you wish to become a J-1 student, refer to the information in the Study section of F-2 Dependents [8].
- If your change of status is pending with USCIS and you later decide to leave the U.S., your change of status application is deemed to be abandoned.
- As noted above, the alternative, and generally preferable, method to acquire J-1 status is through traveling and re-entering the U.S. in your new visa status. In this case, you must apply for a J-1 visa at a U.S. consulate abroad [9]. However when travel is not possible, a change of status application may be the only option.

Source URL: https://oiss.yale.edu/immigration/j-1-scholars/applying-for-a-visa/change-of-status-to-j-1

Links:
[1] https://oiss.yale.edu/about/contact-oiss
[8] https://oiss.yale.edu/immigration/f-1-students/f-2-status-for-spouses-partners-children
[9] https://oiss.yale.edu/immigration/j-1-scholars/applying-for-a-visa