



WVHEPC J-1 Exchange Visitor Program

Change from Exchange Visitor Status to Another Status

Your eligibility to change to another nonimmigrant status may be limited. If you did not come to the United States to receive graduate medical education or training, are not subject to the two-year home country residence requirement, or have had that requirement waived, you may apply for a change to any other nonimmigrant status for which you are qualified. If you are subject to the two-year home country physical presence requirement, you are eligible to change only to A (diplomatic or government official) or G (international organization) status, provided that you are accredited by the foreign government or international organization to the Department of State.

An alien outside the United States who previously had been in the United States as an exchange visitor may apply for a different non-immigrant visa at a U.S. Embassy or Consulate. Authority to grant such a visa lies within the discretionary power of the consular officer. No minimum time abroad is required to obtain a different visa unless you are subject to the two-year home country physical presence requirement, in which case you must satisfy that requirement or have it waived before being eligible for an immigrant H or L visa. Returning to the United States in another status does not absolve you from a previously incurred two-year home country physical presence requirement.

If you are eligible to apply for a change of status you may do so by submitting to USCIS the Form I-539, the Form I-94, the required fee, and any other documentation needed to demonstrate eligibility for the new status. USCIS and the DOS generally do not look favorably on a request by a J-1 exchange visitor to change to J-2 dependent status, since the J-1 exchange visitor is expected to return home immediately upon completion of the exchange visitor program in the United States. Such requests usually are either denied or referred to the DOS. An alien who wishes to request such a change of status should submit to the USCIS his or her Form I-94, the Form DS-2019 and Form I-94 of the principal J-1 alien whose dependent he or she will be, Form I-539 with appropriate fee, information about passport validity, and a letter explaining the reasons for the requested change and justifying the extended period of stay in the United States.