



# I Am a Nonimmigrant...

**C2**

How do I...Change to Another Nonimmigrant Status?



U.S. Citizenship  
and Immigration  
Services

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Nonimmigrant visas are issued to foreign nationals who intend to remain in the United States (U.S.) for, depending on the particular nonimmigrant classification, a **temporary period or otherwise less than permanent period of time**. There are more than 40 nonimmigrant U.S. visa categories; each is used for a different, but very specific purpose. For example, some authorize temporary employment in the U.S.; others permit tourists to visit, students to study, and diplomats to serve their home country's interests.

We understand that plans can change. If your original reason for coming to the U.S. changes, you may be required to change your nonimmigrant status to a different one before you may lawfully begin to engage in the activities you want to pursue. This Fact Sheet contains information on how you may be able to change your nonimmigrant status to another nonimmigrant status while you are in the U.S.

## How do I know if I am eligible to change my status in the U.S.?

You may apply to change your status in the U.S. if you:

- Were lawfully admitted into the U.S.; and
- You have not committed any act that would make you ineligible to receive an immigration benefit; and
- There is no other factor that, in the sole discretion of USCIS, would warrant requiring you to depart the U.S. prior to making a reentry pursuant to a different classification (for example, a USCIS officer may determine for any number of reasons that you should obtain a new visa prior to being readmitted into the U.S.); and
- You submit an application for a change of status before the expiration date on your **Form I-94, Arrival-Departure Record** (There are certain very limited circumstances under which USCIS will excuse a late filing of such an application.)

**Please note:** Your passport must be valid for your **entire** request-period of stay in the new nonimmigrant classification in the U.S.

## How do I know if I am *not* eligible to change my status in the U.S.?

If you were admitted in any of the following nonimmigrant categories, you will not be able to change your nonimmigrant status:

C	(Aliens in Transit)
D	(Crewmen)
K-1 or K-2	(Fiancé(e) or Dependent of Fiancé(e))
S	(Witness or Informant)
TWOV	(Transit without Visa)
WT or WB	(Under the Visa Waiver Program, you would have been issued a green <b>Form I-94W, Nonimmigrant Visa Waiver Arrival-Departure Record</b> )
J-1	(Exchange Visitor subject to the two-year foreign residence requirement, with certain exceptions)
M-1	(Vocational student changing to F-1 or H – if the M training helped him or her qualify for the H classification)
Q-2	(Irish Peace Process Cultural and Training Program Participant – subject to two-year foreign residency requirement)

**Please note:** If you are in any of the above categories, you must depart the U.S. on or before the date your I-94 expires.

## How do I change my nonimmigrant status?

How you apply depends on the nonimmigrant status to which you want to change –

### **Employment-Based Categories:**

If you want to change your status to one of the following employment-based nonimmigrant categories, your **prospective employer** should file a **Form I-129, Petition for Nonimmigrant Worker** on your behalf **before** your Form I-94 expires. This form serves two purposes: it is used to establish that (1) you will be performing the type of work covered by



the new nonimmigrant classification for the petitioner, and (2) you personally meet the requirements for changing your status. You **cannot** begin work in the new classification until we approve the change of status.

E-1 or E-2	(Treaty Traders and Investors)
H1B, H-2A, H-2B or H-3	(Temporary Workers)
L-1A or L-1B	(Intracompany Transferee)
O-1 or O-2	(Aliens with Extraordinary Ability)
P-1, P-2, or P-3	(Athletes and Entertainers)
Q-1	(International Cultural Exchange)
R-1	(Religious Workers)
TN-1 or TN-2	(NAFTA Canadians and Mexicans)

Each of the above categories has specific requirements and limits, including those on length of stay in this country. For more information, contact the employer that has offered you temporary employment or qualified immigration counsel.

**Please note:** If your prospective employer files a Form I-129 to change your status, and your husband/wife and/or unmarried children under age 21 also want to change status to remain as your dependents, they will need to file a **Form I-539, Application to Extend/Change Nonimmigrant Status**. Note that they can all be included on one I-539. It is best to file the I-129 and I-539 forms together, so that they may be adjudicated on or about the same time. Remember, though, that they are separate applications, and, therefore, you and your family members (and your employer) should follow the instructions and file **all** the supporting documents with *each* application, even when filing forms together.

#### **Other Categories:**

If you wish to change your status to one of the following non-immigrant categories, you should file Form I-539:

A	(Diplomatic and Other Government Officials, Immediate Family members, and Employees)
B-1 and B-2	(Visitors for Business or Pleasure)
E	(Treaty Traders and Investors dependents)
F	(Academic Students and dependents)
G	(Foreign Government Officials and Certain Immediate Family members)
H-4	(Temporary Worker dependents)
K-3 and K-4	(Spouse of U.S. Citizen and Minor Child Accompanying/Following to Join)
L-2	(Intracompany Transferee dependents)
M	(Vocational and Language Students and dependents)
N	(Parents and Children of Certain People Who Have Been Granted Special Immigrant Status)
NATO	(NATO Representatives, Officials, Employees, and Immediate Family members)
O-3	(Aliens with Extraordinary Ability dependents)

P-4	(Athletes and Entertainer dependents)
R-2	(Religious Worker dependents)
TD	(TN dependents)

**Please note:** All family members (husband/wife and unmarried children under 21) who are requesting the exact same change in nonimmigrant category can be included on one Form I-539. Remember to submit all the required supporting documents with your application.

#### **Can I get a change of status if my status already expired?**

If your status expired before you filed an application with USCIS to change your status, or if you have otherwise violated the terms of your status, such as by working without authorization, then you are out of status. If you have fallen out of status, except in certain limited instances related to circumstances beyond your control, we cannot change your status. Staying longer than the period of time for which you were granted admission may also have a negative effect on your ability to get other benefits or to return to the U.S. at a later time. If you fall out of status, we recommend you leave the U.S. as soon as possible to avoid, or at least minimize, the possible impact on your ability to come back to the U.S. at a later time.

#### **When should I file, and how long will it take to process my application?**

Our processing times can vary. You can check our website for our current processing times. We recommend you apply no later than 60 days prior to your I-94 expiring to change your status. You may also apply up to six months before your I-94 expires to have your status changed.

#### **If I am eligible for a change of status, and file on time, will my application be approved?**

A change in status is not automatic. We will look at your situation, your current status, the reasons you want to change your status, and the reasons you did not apply for this kind of visa before you entered, and will decide whether to grant your application and, if we grant it, how long we will extend your stay in the new nonimmigrant status. We will not grant a change of status for a reason inconsistent with the terms of the requested status, or where circumstances suggest it would be inappropriate.

#### **When can I engage in the activities for which the new nonimmigrant status I am applying for is required?**

You may not do so until we approve your application for change of status.

#### **What if I file on time but USCIS doesn't make a decision before my I-94 expires?**

If we receive your application before your nonimmigrant status expires (or, in exceptional cases, we excuse filing after your status expires due to circumstances beyond your control), and if you have not violated the terms of your status and you meet the basic eligibility requirements, then you may remain in the U.S. until we make a decision on your application. But remember, you cannot start the activities allowed by the status you are applying for until we approve your application and change your status. Further, once your original nonimmigrant status expires, even though you will generally be allowed to remain in the U.S. while your extension of stay application is pending. You will not be deemed to be in any nonimmigrant status until such time as we may approve your change of status.



application. Therefore, you may not, for example, engage in employment during this period, even if your original nonimmigrant status would have allowed you to do so. If we deny your change of status application, you will be considered to have been "out of status" for the entire period following the expiration of your original nonimmigrant status and will be required to depart from the U.S. immediately upon notification of such denial of status.

**After I file, how can I check the status of my change of status application?**

After you file, we will mail you a receipt. This receipt will provide a number assigned to track your application, as well as the projected processing time. Your receipt will also give instructions about how you can use this receipt number to check on the status of your case on our website. You can also use information in Fact Sheet F.

**Key Information**

Key forms referenced in this Fact Sheet	Form #
Arrival-Departure Record	I-94
Nonimmigrant Visa Waiver Arrival-Departure Record	I-94W
Petition for Nonimmigrant Worker	I-129
Application to Extend/Change Nonimmigrant Status	I-539

**USCIS**

• **On the Internet at: [uscis.gov](http://uscis.gov)**

For more copies of this Fact Sheet, or information about other citizenship and immigration services, visit our website. You can also download forms, e-file some applications, check the status of an application, and more. It's a great place to start! If you don't have Internet access at home or work, try your library. If you can't find what you need, call customer service.

• **Customer Service: 1-800-375-5283**

• Hearing Impaired TDD Customer Service: 1-800-767-1833

**Disclaimer:** This Fact Sheet is a basic guide to help you become generally familiar with our rules and procedures. For more information, or the law and regulations, see our website. Immigration law can be complex, and it is impossible to describe every aspect of every process. You may wish to be represented by a licensed attorney or by a nonprofit agency accredited by the Board of Immigration Appeals.

**Other U.S. Government Services—click or call**

<b>In general</b>	<a href="http://www.firstgov.gov">www.firstgov.gov</a>	1-800-333-4636
<b>U.S. Department of State</b>	<a href="http://www.state.gov">www.state.gov</a>	1-202-647-6575

