



# I am a nonimmigrant

# C2

## How do I change to another nonimmigrant status?



U.S. Citizenship and Immigration Services

Nonimmigrant visas are issued to foreign nationals who intend to remain in the United States for a **temporary (less than permanent)** period. The period varies for different nonimmigrant categories. 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 United States; others permit tourists to visit, students to study, and diplomats to serve their home country's interests in the United States.

We understand that plans can change. If your original reason for coming to the United States changes, you may be required to change your nonimmigrant status to a different one before you lawfully begin to engage in the activities you want to pursue. This guide contains information on how to apply for a change from your current nonimmigrant status to another nonimmigrant status while you are in the United States.

### How do I know if I am eligible to change my status in the United States?

You may apply to change your status in the United States if you:

- Were lawfully admitted into the United States as a nonimmigrant;
- You have not committed any act that would make you ineligible to receive an immigration benefit;
- There is no other factor that requires you to depart the United States prior to making a reentry based on a different classification (for example, a USCIS officer may determine that you should obtain a new visa prior to being readmitted into the United States); and
- You submit an application for a change of status by mail or you can file online using USCIS ELIS for a change of status **before** the expiration date as shown on the admission stamp in your travel document on your **Form I-94**, Arrival-Departure Record. (There are certain very limited circumstances under which USCIS will excuse a late submission.)

**Please note:** Your passport must be valid for your entire requested period of stay in the new nonimmigrant classification in the United States.

### How do I know if I am not eligible to change my status in the United States?

If you were admitted in any of the following nonimmigrant categories, you cannot change your nonimmigrant status and must depart the United States:

C	(Alien in Transit)
D	(Crewman)
K-1 or K-2	(Fiancé(e) or Dependent of Fiancé(e))
K-3 or K-4	Certain Husbands and Wives of U.S. Citizens and their Dependent Children
S	(Witness or Informant)
TWOV	(Transit without Visa)
WT or WB	(Under the Visa Waiver Program.)

If you were admitted in any of the following nonimmigrant categories, there are certain restrictions concerning your ability to request a change in your nonimmigrant status:

J-1	(Exchange Visitor subject to the 2-year foreign residence requirement cannot change status, with certain exceptions)
M-1	(Vocational student cannot change status to F-1) (Vocational student cannot change status to any H classification—if the vocational training helped him or her qualify for the H classification)

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

## How do I apply to change my nonimmigrant status?

Application procedures depend 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 a Nonimmigrant Worker**, before your Form I-94 expires. The Form I-129 serves two purposes to establish that:

- You will be performing the type of work covered by the new nonimmigrant classification for the petitioner; and
- 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 and E-2	(Treaty Traders, Treaty Investors, and Employees of Treaty Traders and Treaty Investors)
E-3	(Skilled Professionals from Australia)
H-1B, H-2A, H-2B, or H-3	(Temporary Skilled or Unskilled Workers and Trainees)
L-1A or L-1B	(Intracompany Transferees)
O-1 or O-2	(Aliens with Extraordinary Ability and Their Assistants)
P-1, P-2, or P-3	(Athletes and Entertainers)
Q-1	(International Cultural Exchange Visitors)
R-1	(Religious Workers)
TN-1 or TN-2	(Canadians and Mexicans under the North American Free Trade Agreement (NAFTA))

Each of the above categories has specific requirements and limits, including limits on the length of stay in this country. For more information, contact the employer who 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 spouse or unmarried children under age 21 also want to change status to remain as your dependents, they 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 can be adjudicated about the same time. Remember, though, that they are separate applications. Therefore, you and your family members (and your employer) must follow the instructions and file all supporting documents with **each** application, even when filing forms together.

### • Other Categories:

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

A	(Diplomatic and Other Government Officials, Immediate Family members, and Employees)
B-1 & B-2	(Visitors for Business or Pleasure)
E-1 & E-2	(Dependents of Treaty Traders, Treaty Investors, and Their Employees)
E-3	(Dependents of Skilled Professionals from Australia)
F	(Academic Students and Dependents)
G	(Foreign Government Officials, Certain Immediate Family Members, and Employees)
H-4	(Dependents of Temporary Skilled or Unskilled Workers and Trainees)
L-2	(Dependents of Intracompany Transferees)
M	(Vocational 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	(Dependents of Aliens with Extraordinary Ability and Their Assistants)
P-4	(Dependents of Athletes and Entertainers)
R-2	(Dependents of Religious Workers)
TD	(Dependents of Canadians and Mexicans under the North American Free Trade Agreement (NAFTA))

**Please note:** All family members (spouse 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 required supporting documents with your application.

### Where can I file Form I-539?

At this time, we no longer accept new online filings of the Form I-539, Application to Extend/Change Nonimmigrant Status. If you need to file a Form I-539 application, refer to the table below for information on where to file by mail. You can also find additional information and instructions on our Form I-5399 page at <http://www.uscis.gov/i-539>. If you recently filed a Form I-539 online, you can still access your case electronically to respond to a request for evidence, check case status, and update your profile.

Filing Type	Filing Location
Filing Form I-539 with a principal's Form I-129, Petition for a Nonimmigrant Worker (excluding CNMI residents)	File at the USCIS Service Center with jurisdiction over Form I-129 as found on our Direct Filing Addresses for Form I-129 webpage <a href="http://www.uscis.gov/i-129-addresses">http://www.uscis.gov/i-129-addresses</a>
H-4 Spouse of an H-1B Nonimmigrant filing Form I-539 concurrently with Form I-765 for category (c)(26).  File with the <b>USCIS Dallas Lockbox Facility</b> if the receipt number of your H-1B principal spouse's most recent Form I-797 Notice of Approval for Form I-129 begins with <b>EAC</b> .  File with the <b>USCIS Phoenix Lockbox Facility</b> if the receipt number of your H-1B principal spouse's most recent Form I-797 Notice of Approval for Form I-129 begins with <b>WAC</b> .	<p><b>USCIS DALLAS LOCKBOX FACILITY</b></p> <p><b>U.S. Postal Service (USPS):</b> USCIS PO Box 660921 Dallas, TX 75266</p> <p><b>For Express Mail and courier deliveries:</b> USCIS Attn: H4 2501 S. State Hwy. 121 Business Suite 400 Lewisville, TX 75067</p> <p><b>USCIS PHOENIX LOCKBOX FACILITY</b></p> <p><b>U.S. Postal Service (USPS):</b> USCIS P.O. Box 20400 Phoenix, AZ 85036</p> <p><b>For Express mail and courier deliveries:</b> USCIS Attn: H4 1820 E. Skyharbor Circle S Suite 100 Phoenix, AZ 85034</p>
Residents of the Commonwealth of the Northern Mariana Islands (CNMI)	<p><b>U.S. Postal Service:</b> USCIS California Service Center ATTN: CNMI I-539 [insert classification requested] P.O. Box 10698 Laguna Niguel, CA 92607-1098.</p> <p><b>USPS Express Mail/Courier:</b> USCIS California Service Center ATTN: CNMI I-539 [insert classification requested] 24000 Avila Road, 2nd Floor, Room 2312 Laguna Niguel, CA 92677</p>
P-4 Dependents of Major League Sports, Athletes, or Support Personnel	<p><b>U.S. Postal Service, USPS Express Mail, and Courier:</b> USCIS Vermont Service Center Attn: I-539 75 Lower Welden Street St. Albans, VT 05479</p>
Extensions of stay for T nonimmigrant status or U nonimmigrant status	<p><b>U.S. Postal Service, USPS Express Mail, and Courier:</b> USCIS Vermont Service Center Attn: Humanitarian Division 75 Lower Welden Street St. Albans, VT 05479</p>

V Nonimmigrants	<p><b>USCIS CHICAGO LOCKBOX</b></p> <p><b>U.S. Postal Service:</b> USCIS P.O. Box 7219 Chicago, IL 60680-7219</p> <p><b>USPS Express Mail/Courier:</b> USCIS Attn: VKL 131 South Dearborn-3rd Floor Chicago, IL 60603-5517</p>
T and U Nonimmigrants	<p><b>USPS/ Courier:</b> U.S. Citizenship and Immigration Services Attn: T/U-Visa Unit 75 Lower Weldon St. St. Albans, VT 05479-0001</p>
Change of Status to A, G and NATO (for embassy, international organization, or NATO employment)	<p>Mail Form I-539 through your embassy, international organization, or NATO to:  U.S. Department of State Office of Protocol 3507 International Place, NW Suite 242 Washington, D.C. 20008</p>
Change of status to G classification (for foreign government's mission to the U.N. or U.N. Secretariat employment)	<p>Mail Form I-539 through the foreign government's mission or the U.N. Secretariat to:  U.S. Mission to the United Nations 799 United Nations Plaza New York, NY 10017</p>
Dependent spouse/child change of status to a NATO classification based on a principal NATO nonimmigrant	<p>NATO/HQ SACT Legal Affairs 7857 Blandy Road Suite 100 Norfolk, VA 23551</p>
You or the principal NATO nonimmigrant through whom you derive your status are posted at a national component or as an exchange officer.	Your embassy for proper filing through official diplomatic channels.
Extensions of stay for A-3, G-5, or NATO-7 nonimmigrants:	Your embassy, international organization, or NATO command for proper filing through official diplomatic channels.
All other Forms I-539, including:  Change of status from A, G, or NATO classifications to another nonimmigrant classification; or,  A Form I-539 filed separately from a principal's Form I-129, with the exception of Form I-539 filed concurrently with Form I-765 under category (c) (26).	<p><b>USCIS DALLAS LOCKBOX</b></p> <p><b>U.S. Postal Service:</b> USCIS P.O. Box 660166 Dallas, TX 75266</p> <p><b>USPS Express Mail/Courier:</b> USCIS ATTN: I-539 2501 S. State Highway 121 Business Suite 400 Lewisville, TX 75067</p>

For more information about how to file using USCIS ELIS, please visit our Web page at [www.uscis.gov/uscis-elis](http://www.uscis.gov/uscis-elis).

## Can I get a change of status if my authorized stay in my current status has 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 fall out of status, we cannot change your status except in certain limited circumstances beyond your control. Staying longer than the period for which you were granted admission may also negatively affect your ability to obtain other benefits or to return to the United States later. If you fall out of status, we recommend that you leave the United States to limit the possible impact on your ability to come back to the United States in the future.

**Please note:** Filing using USCIS ELIS is a simple and fast way to file.

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

Our processing times can vary. You may check our Web site, [www.uscis.gov](http://www.uscis.gov), for our current processing times. We recommend that you apply at least 45 days before your I-94 expires.

## 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 first entered. Then we will decide whether or not to grant your application. If we grant it, we will also decide how long to extend your stay in the new nonimmigrant status. We will only grant a change of status for a reason that is consistent with the terms of the requested status, or where circumstances indicate a change is warranted.

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

You may do so only **after** we approve your application for change of status.

## What if I file for change of status on time but USCIS does not make a decision before my I-94 expires?

Your lawful nonimmigrant status ends and you are out of status when your Form I-94 expires, even if you have timely applied to change your nonimmigrant status. Generally, as a matter of discretion, USCIS will defer any removal proceedings until after the petition is adjudicated and USCIS decides your change of nonimmigrant status request. Nevertheless, DHS may bring a removal proceeding against you, even if you have an application for change of status pending.

Even though you are not actually in a lawful nonimmigrant status, you do not accrue “unlawful presence” for purposes of inadmissibility under section 212(a)(9)(B) of the Act, while your change of status application is pending if it was filed prior to the expiration of your Form I-94.

If your application for a change of status is approved, the change of status will relate back to the date your Form I-94 expired, and your status during the pendency of your application will then be considered to have been lawful.

If your application is denied, you may be required to depart the United States immediately.

In addition, any nonimmigrant visa in your passport granted in connection with your classification becomes void. Once your visa is void, you must submit any new visa application at a U.S. consulate in your home country (not a third country, except in rare instances as determined by the U.S. Department of State).

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

### • Filing Paper-based Form I-539

After you file, we will mail you a receipt. This receipt will provide a number assigned to track your application, as well as the estimated processing time. Your receipt will also give instructions on how you can use this receipt number to check the status of your case on our Web site. You can also use the general information available in the **Customer Guide F1**, (General Information...How Do I... Know What Services Are Available After I File?)

### • If you recently filed a Form I-539 online

You created an account. You can still access your case electronically to respond to a request for evidence, check case status, and update your profile.

## Key Information

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

Other U.S. Government Services—Click or Call		
General Information	<a href="http://www.usa.gov">www.usa.gov</a>	(800) 333-4636
New Immigrants	<a href="http://www.welcometoUSA.gov">www.welcometoUSA.gov</a>	
U.S. Dept. of State	<a href="http://www.state.gov">www.state.gov</a>	(202) 647-6575

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If you don’t have Internet access at home or work, try your local library.

If you cannot find what you need, please call **Customer Service at: (800) 375-5283** *Hearing Impaired TDD Customer Service: (800) 767-1833*

**Disclaimer:** *This guide provides basic information to help you become generally familiar with our rules and procedures. For more information, or the law and regulations, please visit our Web site. 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.*