

# Changing Status From J Scholar to H-1B Specialty Occupation Worker

## Important Information:

- J Exchange Visitors Scholars in the Research Scholar or Professor Category may hold J Status for a maximum of 5 years.
- If a J wants to change to H-1B status, they must have one of the following:
  - Advisory Opinion stating that they are not subject
  - A Waiver Recommendation/Approval
  - Fulfilled 24 months residency requirement in country of permanent residence upon completion of J program
- Do NOT wait until the last minute to decide to apply for an H-1B. **You must plan ahead!**

### International Student and Scholar Services

- J-1 questions: [sarah.froberg@temple.edu](mailto:sarah.froberg@temple.edu)
- H-1B questions: [sharon.loughran@temple.edu](mailto:sharon.loughran@temple.edu)

## Applying for an Advisory Opinion

- Immigration documents might state that a J-1 is not subject to the requirement, but it could be incorrect or outdated.
- J-1 Scholars in the 3rd or 4th year of their J program who wish to remain in the US after completion of their J Program should request an Advisory Opinion from the US Department of State (DOS) to officially determine if they are subject. <https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/advisory-opinions.html>
- Read about the 2 Year Home Residency Requirement here: <https://iss.temple.edu/faculty-staff-and-researchers/j-1-research-scholars-professor/prospective-j-1-exchange-visitors/two-year-home-residency-requirement>

## Applying for a Waiver of the 2 Year Home Residency Requirement:

- If the J-1 is subject to the requirement, the Department should extend the J Program to the 5th year, then the J-1 can submit a Waiver Application to DOS. **It cannot be done in the opposite order.**
- **Do NOT submit a waiver application before talking to ISSS as we cannot extend or transfer a DS-2019 once DOS recommends a Waiver.**
- Note that waivers can take months, sometimes almost a year. to be processed, so **do not wait until the last minute!**
- Apply for a waiver online at <https://travel.state.gov/content/travel/en/us-visas/study/exchange/waiver-of-the-exchange-visitor/how-to-apply-waiver.html>

## Sample Timeline

Year 1 & 2

Decide if the program is a good fit between J-1 and department.

Year 3

If Dept will extend J program to for full 5 years, J-1 can apply for waiver AFTER DS-2019 is extended.  
Do not apply for waiver if DS-2019 is only extended through the 3<sup>rd</sup> year.

Year 4

J-1 should apply for a waiver no later than 4th year but only after J program has been extended to for full 5 years

6 Months Before the Program End Date in the 5<sup>th</sup> year

H-1B Petition should be submitted at least 6 months prior to the end of the J-1 program to avoid interruption in employment but only if residency requirement was satisfied or you have an Advisory Opinion stating you are not subject to the requirement.