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J-2 or J-1 with 212(e) HRR converting to F-1 student

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Submitted by Chief Editor on Oct 26th 2015

I want to pursue MS Degree from US and presently I am living in the US on J-2 visa. My wife is working as a Post doctoral Fellow here on J-1 visa. We both are subject to two years Home Residency Requirement. My concern is that how can I change my visa status from J-2 to F-1. Do I need to get a waiver before applying -F1 visa?

ANSWER:

See clip from Attorney Rajiv S. Khanna's conference call video that addresses this question.

<https://youtu.be/ZvUVIGTM-Kk?t=520>[2]

FAQ Transcript:

Answer is yes. They can't convert within the United States, but they can go outside of USA and try to get F-1 stamped and come back. That does not get rid of two year residency visa. However, remember two year residency visa requirement only says this: if you have J-1 or a J-2 which is subject to the 212 (e)HRR, you cannot convert to H, L or Green Card, but you can if you want to change to F-1 visa but not within the United States as far as I remember. It does not allow the change of status also. So you can always get a visa stamping done and you can do it without the waiver, F-1 does not require waiver. However if down the line you decide to convert to H-1, your J-1 holding spouse either must have received the waiver or a home residency a fulfillment of 2 year residence abroad to the home country.

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Unless the context shows otherwise, all answers here were provided by [Rajiv](#) [7] and were compiled and reported by our editorial team from comments and blog on [immigration.com](#) [8]

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[2] <https://youtu.be/ZvUVIGTM-Kk?t=520>

[3] <https://immigration.com/visa/nonimmigrant-visas/f-visa/f-1-visa>

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[6] <https://immigration.com/visa/nonimmigrant-visas/j-visa/home-residency-requirement>

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