

To: Prospective Visiting Scholars at Berkeley
From: Trond Petersen
RE: What if you want to come here before having the J-1 Visa?
Date: July 1, 2003

If come here before having received the J-1 Visa, there is at least one option.

Note: You cannot come on the Visa Waiver Program (VWP) if you are to change from a B-1 or B-2 to J-1 visa, unless you only do points 3 and 6 below.

1. Apply in Norway for a B-1 (business) or B-2 (tourist) visa. Ask for a 6-months visa.
2. When you apply for the B-1 or B-2 visa in Norway, do the following:
 - (1) State your intent to change to a J-1 visa while in the U.S.
 - (2) Ask embassy to annotate your passport as "Prospective Visiting Exchange Scholar"
 - (3) Show embassy the invitation letters from Berkeley: (a) from me, and if you have received them, (b) from the department, and (c) from the VSPA office, as well as other documentation you may have
 - (4) Tell embassy that Berkeley has not been able to issue the DS-2019 form on time and that you need to arrive in U.S. before you can get DS-2019 form

3. When you arrive at the U.S. airport, state again that you intend to change to a J-1 visa while in the U.S. Show the immigration officer the various invitation letters from Berkeley, plus the documentation you have that you will return to Norway, including return tickets, letter from your employer in Norway that you will be a Visiting Exchange Scholar, and other relevant documentation.

Ask the immigration authorities at the airport to annotate your I-94 form (which you receive once you arrive here) with "Prospective Visiting Exchange Scholar".

4. Once you are in the U.S., you need to wait for the DS-2019 form to arrive.

5. Once you have the DS-2019 form, you need to file the I-539 form. There is a fee for doing this. To the best of my knowledge, you can then get a change from a B-1 or B-2 to a J-1 visa without having to leave the U.S.

6. There is an alternative to filing the I-539 form. That is to travel to Vancouver, Canada, and have the J-1 visa issued there. You can fly up in the morning, have an appointment with the embassy same day, and hopefully leave with the J-1 visa the same afternoon. This can also be done if you come on the VWP. But you still need to get the DS-2019 form from UC Berkeley.

7. Another alternative is to apply for an extension of your B-1 or B-2 visa. It can be given for up to a year. In that case you will not get a J-1 visa.

I had a consultation with an Immigration Lawyer. He claims that this works as spelled out in points 1-5. I don't know of anyone who has done this. But I don't see a reason why it should not work. It is however not entirely easy to figure out what the rules and procedures are from just studying the Websites for visas to the U.S. I have spent several hours researching this. I know of several cases in previous years that have done the procedures in points 6 and 7.

(FILE: \VIS\UCB_FORMS\B-1_to_J-1_visa_via_I-539.DOC)