

## LEAVING NIH

The following is a checklist of items to consider when leaving NIH due to termination, resignation or completion of award or appointment. It is not an exhaustive list. There may be other things you may want to take care of before leaving NIH.

- Notify your Lab supervisor
- Notify the Lab Administrative Officer (AO) - forward copy of completed termination notice to DIS
- Notify the Division of International Services (DIS)
- Leave a valid forwarding address with above offices
- If applicable, obtain proper authorizations to depart with lab equipment or specimens
- If you are subject to Special Registration (NSEERS), depart from a valid port
- Keep originals/copies of all your immigration documents, as they may help to enter the U.S. when joining a new program
- Remember to file your tax returns (IRS); the annual statement of earnings (e.g. W-2 or 1042S) will be sent to your forwarding address

DIS notifies appropriate Federal Agencies of your departure from NIH. For J-1 Exchange Visitors, DIS will update their last day at NIH in the Student and Exchange Visitors Information System (SEVIS). The United States Citizenship and Immigration Services (USCIS) is notified by DIS of the termination date of H-1/O-1/TN employment.

### Avoid Unlawful presence

Unlawful presence is the term used when you overstay your authorized time in the U.S. If you accrue more than 180 days of unlawful presence, you will be barred from reentering the U.S. for three (3) years. If you accrue one (1) consecutive year or more of unlawful presence, you will be barred from reentering the U.S. for ten (10) years. In addition, you will no longer be eligible to apply or obtain a nonimmigrant visa in a country other than your home country.

To avoid unlawful presence or a violation of immigration rules, you must depart the U.S. on or before your last lawful day:

- J-1 – 30 days from expiration date of DS-2019 or end of program, whichever is earlier
- H-1 – depart by end date of I-94 or after end of employment, whichever is earlier
- O-1 – depart by end date of I-94 or after end of employment, whichever is earlier
- TN – depart by end date of I-94 or after end of employment, whichever is earlier
- F-1 – 60 days after end of I-20ID or end of program of studies or OPT, whichever is earlier

You are considered to be lawfully in the U.S. after your end of program if you have filed a non-frivolous petition with USCIS to extend your stay, change your status or adjust your status before expiration of your lawful stay.

### WARNING!!

**Do not** use NIH documents to return to the U.S. if you are no longer in an authorized program; that is, you are no longer sponsored by the NIH, such as a J-1 Exchange Visitor or H1B employee.

Do not use unexpired visas for improper entry; for example, do not use an unexpired J-1 visa (based on NIH's sponsorship) to reenter, unless you are in an authorized program with NIH.

Rev. 11/06



U.S. Department of Health  
and Human Services

National Institutes of Health

Office of Research Services

9000 Rockville Pike  
Building 31, Room B2B07  
Bethesda, Maryland 20892-2028

ph (301) 496 6166  
fx (301) 496 0847  
<http://dis.ors.od.nih.gov/>