

Maintaining Lawful J-1 Exchange Visitor Status

In order to maintain your lawful status as a J-1 Exchange Visitor you must:

- 1) Engage **only** in the activities permitted by the program and category. You cannot move to another Institute or Center, laboratory or geographic location without DIS approval.
- 2) You must notify DIS of your intention to transfer to another program (institution) **BEFORE** you accept another position.
- 3) NO unauthorized employment is permitted. DO NOT** work outside of your Institute or Center.
- 4) Work only as approved on your Form DS-2019 and have a valid, unexpired form at all times.
- 5) Obtain and maintain health insurance that meets the minimum requirements as defined by the Department of State.

Minimum coverage must include:

- medical benefits of at least \$50,000 per person per accident or illness;
- a deductible that exceeds \$500 per accident or illness;
- repatriation of remains in the amount of \$7,500; and
- expenses associated with medical evacuation in the amount of \$10,000.

Willful failure to comply can result in your termination from the J program. This insurance requirement also applies to J-2 dependents.

- 6) Notify DIS of a change of residential address at within **10 days** of your move.
- 7) Maintain a valid passport and Form I-94 at all times.
- 8) You must notify DIS if you leave your program more than 30 days in advance of the date indicated or 'end date' on form DS-2019.
- 9) Depart no later than 30 days after the completion date of your program or the date indicated or 'end date' on form DS-2019.
- 10) **Unlawful Presence** occurs when you stay beyond the ending date of your Form I-94 (Exchange Visitors typically do not have a specific end-date on the I-94) or upon determination by the U.S. Citizenship and Immigration Services (USCIS). There are serious consequences to staying unlawfully in the US. The consequences include a 3-year bar from reentering the US if you have stayed unlawfully in the US for 180 days or more, and a 10-year bar if you remain unlawfully in the US for 360 days or more. Violation of your J-1 status does not necessarily make you unlawfully present, although it does make you ineligible for any immigration benefit. Before this occurs, please consult DIS if you have any questions about maintaining your status.

Miscellaneous Exchange Visitor Information

- 1) The **Form DS-2019** is the Certificate of Eligibility for Exchange Visitor (J-1) status. The form is generated through the Student and Exchange Visitor Information System (SEVIS). All non-SEVIS forms are valid for travel until July 31, 2003.
- 2) Obtain a travel signature from DIS at least two weeks before travel outside of the US. Notify DIS if you will be applying for a new entry visa while you are abroad. Also see our handouts or website on recommended travel procedures.
- 3) Notify DIS if you intend to change Institutes or Centers or laboratories **BEFORE** you transfer.
- 4) If you move (your residence) while in the US, you must notify DIS within 10 day of the move. If you are a "Special Registration" individual you must also file Form AR-11SR with the USCIS.
- 5) Have the Institute or Center apply for extension of your J-1 program (if you are eligible and if the Institute or Center is interested in continuing your association with NIH) **two to three months prior to the expiration of your current DS-2019**. Keep in mind that the maximum allowable time in J status is dependent on your category: 3 years for research scholar and professor (**with a possible final extension of 6 months to complete a project**). Extensions beyond 3.5 years must be submitted to JVERC no later than **four months BEFORE the end of the THIRD year**; six months for short term scholar (no extensions beyond the 6 months are possible), 18 months for government visitors. Current proof of sufficient funding for the duration of your stay will be necessary to extend your program.
- 6) The Exchange Visitor program does not allow immigrant intent.
- 7) Notify DIS if you change to another immigration status or adjust your status to lawful permanent resident or obtain a waiver of the two-year residency requirement (212e).
- 8) Exchange Visitors and J-2 dependents that work are required to file both state and federal tax returns. New arrivals should attend an DIS sponsored tax workshop.
- 9) At the end of the program period as indicated on form DS-2019, the Exchange Visitor may remain in the U.S. to prepare for departure, up to 30 days. This period of time is called the "grace period."
- 10) Transfer to another program sponsor is possible only if you are released first by DIS and will continue to work toward your program objectives in the same category at the new institution. If you plan to transfer please make an appointment with your Immigration Specialist to discuss the procedure well **in advance** of your proposed transfer date.
- 11) Have the department notify DIS if you have completed your program or are withdrawing from your program early so that DIS can comply with notification and reporting requirements.
- 12) The exchange visitor must request and receive written permission from DIS for incidental employment related to program activities **prior** to the dates of employment. You must also obtain permission from your IC. NIH has strict rules related to employment outside of NIH.

13) After being in J-1 status for more than 6 months in a category other than Short Term Scholar, you must have a break of one year to be eligible to begin a new program as a J-1 Research Scholar or Professor. This is known as the "12-month bar."

14) Change of Status from J-1 or J-2 is possible only if the exchange visitor is not subject to 212(e), the two-year home country physical presence requirement.

15) Individuals subject to 212 (e) can make an appointment with their Immigration Specialist to discuss waiver possibilities.

16) Once a waiver of the two-year rule is granted, **extensions of program are not possible.**

17) J-2 dependents may be eligible to work in the United States. To work, the dependent must apply for work permission from the USCIS and must not use the revenue to support the J-1 Exchange Visitor. The J-2 dependent can only work once work permission is granted by the USCIS and only for the period authorized. J-2 Dependents have similar travel requirements to J-1 Exchange Visitors. If your J-2 dependents require entry visas, please notify DIS for assistance in preparing travel documentation.