

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.**
- 4) Work only as approved on your Form DS-2019, and have a valid, unexpired form at all times. Report any changes to the DIS. For example, if your funding source has changed, notify the DIS **BEFORE** the change occurs.
- 5) Obtain and maintain health insurance within 30 days of your arrival 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 within **10 days** of your move.
- 7) Maintain a valid passport, Form DS-2019, 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), Department of Homeland Security (DHS). 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.

Additional 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). Keep copies of all Forms DS-2019 issued to you and any J-2 dependents. Store the original documents in a safe place. Never discard any immigration document!

2) There are different types or “categories” of J-1 Exchange Visitors. At NIH, the majority of Exchanges Visitors are in the “Research Scholar” category. For short visits, we may also use the “Short-term Scholar” or “Government Visitor” category. Universities often use the “Professor” or “Research Scholar” categories.

3) 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. Refer to our travel handouts or website with recommended travel procedures (<http://dis.ors.od.nih.gov/advisories/trvladvisories.html>).

If you plan to be outside the US for more than 5 weeks for extended personal leave (e.g. vacation, medical leave) **OR** you plan to pursue research activities abroad (other than short travel to attend conferences or meetings), you must also complete our “Request for Extended Absence Abroad,” available on our website at <http://dis.ors.od.nih.gov/forms/RequestforExtendedAbsenceAbroad.pdf>.

4) Notify DIS if you intend to change NIH Institutes or Centers or laboratories **BEFORE** you transfer.

5) Have the Institute or Center apply for an 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**. Extensions are only provided to allow for a continuation of your research objectives. Current proof of sufficient funding for the duration of your stay will also be necessary to extend your program.

The maximum allowable time in J-1 status is dependent on your J-1 category:

- Five (5) years for Research Scholars
 - In limited circumstances, extensions beyond the maximum duration for Research Scholars may be possible on a case-by-case basis (see DIS Technical Advisory 11 at <http://dis.ors.od.nih.gov/advisories/technicaladvisory11.pdf>).
- Six (6) months for Short-term Scholars.
 - It is not possible to extend beyond the maximum duration for Short-term Scholars.

6) Exchange Visitors and J-2 dependents who work are required to file both state and federal tax returns. New arrivals should attend a DIS-sponsored tax seminar to learn about U.S. tax responsibilities.

7) At the end of the program period as indicated on form DS-2019, you may remain in the U.S. to prepare for departure for up to 30 days. This period of time is called the "grace period." You are not permitted to work in any capacity (paid or unpaid) during the grace period.

- 8) Transfer to another program sponsor is possible only if you are released first by the DIS and will continue to work toward your research objectives at the new institution. If you plan to transfer, please refer to our transfer form (<http://dis.ors.od.nih.gov/forms/j1transfer%20OUT%20request.pdf>) and make an appointment with an Immigration Specialist to discuss the procedure **well in advance** of your proposed transfer date. Typically, J-1 Research Scholars must have at least one year of J-1 eligibility left from the initial 5 years for the DIS to consider the transfer.
- 9) Have the Institute or Center notify DIS when you have completed your program or are withdrawing from your program early, so that DIS can comply with notification and reporting requirements. Review our guidance on "Leaving NIH," available on our website at <http://dis.ors.od.nih.gov/advisories/leavingnih.pdf>.
- 10) You must request and receive written permission from the DIS for any incidental activities related to your J-1 research program **prior** to beginning the activity. You must also obtain permission from your Institute or Center, and may also need approval from the NIH Office of Intramural Research. To request permission, submit our "Request for Outside Activity," available on our website at <http://dis.ors.od.nih.gov/forms/RequestforOutsideActivity.pdf>.
- 12) Once you have ended your J-1 Research Scholar program (whether completed on time or early), you must have a break of 24 months to be eligible to begin a new program as a J-1 Research Scholar or Professor. This is known as the "24-month bar." This bar also applies to any J-2 dependents. This bar, however, does not apply to J-1 Short-term Scholars and their dependents.
- 13) After being in J-1 or J-2 status in any J category for more than 6 months, you must have a break of 12 months to be eligible to begin a new program as a J-1 Research Scholar or Professor. This is known as the "12-month bar." Note that the bar does not apply to J-1 Short-term Scholars.
- 14) The Exchange Visitor program does not allow immigrant intent.
- 15) Change of Status from J-1 or J-2 is possible only if the exchange visitor is not subject to the two-year home country physical presence requirement (Section 212(e) of the Immigration and Nationality Act). All those who are sponsored by the NIH are subject to the two year home residence requirement. Refer to the back of your Form DS-2019 for details about this requirement.
- 16) If a waiver of 212(e) is granted, extensions and transfers of the J-1 status are ***not*** possible.
- 17) Notify DIS if you change to another immigration status; adjust your status to lawful permanent resident; or obtain a waiver of the two-year residency requirement (212e).
- 18) Notify DIS if you are arrested, as this can have a negative impact on your J-1 status. We will most likely direct you to seek assistance from an immigration and a criminal attorney.
- 19) 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 any 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. Details on this process are available on our website at <http://dis.ors.od.nih.gov/forms/j2employauthorization.pdf>.
- 20) 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.