

## 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 items you may need to complete before leaving NIH.

- Notify your Lab/Branch Sponsor/Supervisor
- Notify your Lab/Branch Administrative Key Contact - forward copy of completed termination notice to DIS ([http://dis.ors.od.nih.gov/forms/nh829\\_5\\_Rev\\_9\\_11.pdf](http://dis.ors.od.nih.gov/forms/nh829_5_Rev_9_11.pdf))
- Notify the Division of International Services (DIS) at DIS@mail.nih.gov
- Leave a valid forwarding address with above offices
- Unsubscribe from NIHsbNews (the DIS Listserv)
- If applicable, obtain proper authorizations to depart with lab/branch equipment or specimens
- Keep originals and copies of all your immigration documents and accomplishments, as they may help you join a new program/employer in the U.S.
- 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 immigration 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 H-1B 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 re-enter, unless you are in an authorized program with NIH.

Rev. 2/2012



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and Human Services

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