

J-1 RESPONSIBILITIES

Individuals in J-1 status are responsible for learning, understanding, and complying with applicable U.S. immigration regulations. These responsibilities include, but may not be limited to, the following items. By following these items, you will have “maintained” your lawful status as a J-1 Exchange Visitor.

- 1) Engage **only** in the research activities permitted by your research program and J-1 category (per your Form DS-2019). Report any changes to the DIS **BEFORE** they occur. Such changes include:
 - NIH Designation (such as changing from Visiting Fellow to Supplemental Visiting Fellow)
 - Site of activity (that is, the location where you conduct research)
 - NIH lab/office telephone number
 - NIH email
 - Funding source
 - Area of research
- 2) Maintain a valid passport, valid Form DS-2019, and Form I-94 marked “D/S” (Duration of Status) at all times. This requirement also applies to J-2 dependents.
- 3) Obtain and maintain health insurance **within 30 days of your arrival** that meets the minimum requirements as defined by the Department of State. This insurance requirement also applies to J-2 dependents. Minimum coverage must include:
 - Medical benefits of at least \$50,000 (*\$100,000 as of May 15, 2015*) per person per accident or illness;
 - A deductible that exceeds \$500 per accident or illness;
 - Repatriation of remains in the amount of \$7,500 (*\$25,000 as of May 15, 2015*); and
 - Expenses associated with medical evacuation in the amount of \$10,000 (*\$50,000 as of May 15, 2015*).

In addition, J-1 and J-2 dependents may also be subject to the requirements of the Affordable Care Act or “ACA” (<http://www.hhs.gov/healthcare/rights/index.html>). **Willful failure to comply can result in your termination from the J program.**

- 4) Notify DIS within **10 days** of a change of U.S. residential address, local telephone number, and email address. You must report these changes for your J-2 dependents as well.
- 5) **Engage in outside activities/employment (paid OR unpaid) only with advance authorization!**
 - You must request and receive written permission from the DIS for any incidental activities related to your J-1 research program **BEFORE** beginning the activity. You must also obtain permission from your Institute or Center (IC), and may also need approval from the NIH Office of Intramural Research (OIR). To request permission, submit our “Request for Outside Activity,” available on our website at <http://dis.ors.od.nih.gov/forms/RequestforOutsideActivity.pdf>.
- 6) Inform DIS of your intention to transfer your J-1 to an outside program sponsor (institution) **BEFORE** you accept another position.
 - 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. Make an appointment with an Immigration Specialist to discuss the procedure **well in advance** of your proposed transfer date and then submit our “J-1 Transfer Out” form (<http://dis.ors.od.nih.gov/forms/j1transferoutrequest.pdf>). 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.

- 7) Notify DIS of your final departure from NIH (whether you leave early or on the actual end date listed on your Form DS-2019). This is necessary for the DIS to comply with notification and reporting requirements
 - Have your IC submit a "Separation/Termination Notification" to the DIS (https://oma.nih.gov/public/MS/forms/NIHE-Forms/NH829_5.PDF). Also review our guidance on "Leaving NIH," available on our website at <http://dis.ors.od.nih.gov/advisories/leavingnih.pdf>.
- 8) Notify DIS of your J-2 dependents' final departure from the United States (whether your dependents leave early or on the actual end date listed on their dependent Form DS-2019). Again, this is necessary for the DIS to comply with notification and reporting requirements.
- 9) Depart no later than 30 days after the end date of your J-1 program (whether you leave early or on the actual end date listed on your 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." Additional details are at <http://j1visa.state.gov/participants/current/adjustments-and-extensions/>
- 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 U.S. The consequences include a 3-year bar from reentering the U.S. if you have stayed unlawfully in the U.S. for 180 days or more, and a 10-year bar if you remain unlawfully in the U.S. 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), a system maintained by the U.S. Department of Homeland Security (DHS). Keep copies of all Forms DS-2019 issued to you and any J-2 dependents. Store the original documents in a safe place. Do not send copies of Forms DS-2019 via fax or e-mail. Never discard any immigration document!
- 2) Obtain a travel signature from DIS **at least two weeks** before travel outside of the U.S. 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>). Note that these travel procedures also apply to J-2 dependents.

If you plan to be outside the U.S. 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>.

- 3) You are assigned a particular NIH category or designation during your stay at the NIH. The NIH Intramural Research Sourcebook (<http://sourcebook.od.nih.gov/>) provides a summary of policies governing the terms and conditions to conduct biomedical research at the NIH. Dependent upon your NIH designation, further terms and conditions of your NIH stay are outlined in various NIH policy chapters. The most common ones are:
 - Visiting Fellows: <http://oma1.od.nih.gov/manualchapters/person/2300-320-3/>
 - Special Volunteers and Guest Researchers: <http://oma1.od.nih.gov/manualchapters/person/2300-308-1/>
 - Research Collaborators: <http://oma1.od.nih.gov/manualchapters/person/2300-308-4/>
 - Employees (Full-Time Equivalents or FTEs): <http://hr.od.nih.gov/default.htm>

- 4) Have your IC submit a request to the DIS to extend your J-1 program (if you are eligible and the IC is interested in continuing your stay) **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 typically five (5) for J-1 Research Scholars and six (6) months for J-1 Short-term Scholars.
- 5) 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>.
- 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 and visit the DIS website for tax resources at http://dis.ors.od.nih.gov/advisories/05_workshops.html.
- 7) Once you have ended your J-1 Research Scholar program (whether completed on time or early), you are not eligible to begin a new J-1 Research Scholar or Professor program for a period of 24 months. 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 J-2 dependents.
- 8) After being in J-1 or J-2 status in any J category for more than 6 months, you are not eligible to begin a new J-1 Research Scholar or Professor program for a period of 12 months. This is known as the "12-month bar." Note that the bar does not apply to J-1 Short-term Scholars.
- 9) The Exchange Visitor program does not allow immigrant intent. Upon conclusion of the J-1 program, NIH-sponsored Exchange Visitors are required to return home for a period of 2 years to share the knowledge, skills, and abilities gained during their NIH stay. This is known as the 2-year home country physical presence requirement (Section 212(e) of the Immigration and Nationality Act). Refer to page 2 your Form DS-2019 for additional details.
- 10) Change of Status from J-1 or J-2 is possible only if the Exchange Visitor is not subject to the 212(e) requirement.
- 11) If a waiver of 212(e) is granted, extensions and transfers of the J-1 status are ***not*** permitted.
- 12) 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 [212(e)].
- 13) 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 both an immigration attorney and a criminal attorney.