Office of International Affairs (OIA)

J-1 Exchange Visitor Orientation
OIA: Who We Are

Employee and Scholar Services Team: Provide immigration advisement to UChicago’s foreign national employees, scholars, and visitors.

- **Dan Ashton**: Department of Medicine (BSD), Center for Translational Data Science (BSD), BSD Dean’s Office, Pritzker School of Molecular Engineering, Provost & President’s Office, and all clinical cases

- **Reshecoa Flanders**: Physical Sciences Division and Humanities Division

- **Alexandra Kirshenbaum**: Social Sciences Division, IT Services, and Professional Schools (Booth, Harris, Graham, Divinity, Law School, SSA, Alumni Relations, College, Chapin, etc.)

- **Courtney Singleton**: Biological Sciences Division, except Medicine, Dean’s Ofc, and CTDS

Student Services Team - Provides immigration advisement and programming to UChicago’s foreign national student population (primarily those in F-1 and J-1 student status).

Administrative Services Team - Provides operational support for the OIA.

- **Nick Seamons**, Executive Director and Assistant Dean of Students
OIA Services

• Immigration advising & processing for J-1 Scholars, J-2 Dependents, F-1 & J-1 Students, Non-Degree Visiting Students, H-1B Employees, H-4 Dependents, TN Employees & TD Dependents, E3 & E3 Dependents

• Orientations and programming for UChicago’s international and foreign national populations

• Limited advice on SSNs, State of Illinois driver’s licenses, housing, taxes, lawful permanent residency, and other daily matters that affect the non-immigrant experience in the U.S.
Understanding the Basics:
J-1 Exchange Visitor Program
Overview of J-1 Program

• **History:**
  • The J Exchange Visitor Visa category was developed to implement the Mutual Educational and Cultural Exchange Act (Fulbright-Hayes Act) of 1961

• **Purpose/Objective:**
  • To increase mutual understanding between the people of the United States and the people of other countries by means of educational and cultural exchanges

• **Sub-categories of J-1 Scholar:**
  • Research Scholar/Professor
  • Short-Term Scholar
  • Specialist
  • UChicago does not sponsor Student Interns, Alien Physicians, or Trainees
Overview of J-1 Program

U.S. regulations for each J-1 category are different:

• **Professor**: A foreign national whose primary purpose is teaching, lecturing, observing, or consulting at post-secondary accredited academic institutions, museums, libraries, or similar types of institutions. A professor also may conduct research where authorized by the sponsor.
  
  – 5-year maximum duration

• **Research Scholar**: A foreign national whose primary purpose is conducting research, observing, or consulting in connection with a research project at research institutions, corporate research facilities, museums, libraries, post-secondary accredited academic institutions, or similar types of institutions. A research scholar also may teach or lecture where authorized by the sponsor.
  
  – 5-year maximum duration

• **Short Term Scholar**: A foreign national who is a professor, research scholar, or person with similar education or accomplishments who enters the United States for a short-term visit for the purpose of lecturing, observing, consulting, training, or demonstrating special skills at research institutions, museums, libraries, post-secondary accredited academic institutions, or similar types of institutions.
  
  – 6-month maximum duration

• **Specialist**: A foreign national who is an expert in a field of specialized knowledge or skills who enters the United States for the purpose of observing, consulting, or demonstrating special knowledge or skills.”
  
  – 1-year maximum duration
Maintaining Your Status
General Maintenance Requirements

• Failure to maintain your status and employment/appointment will jeopardize your J-1 status and eligibility to remain in U.S.
  ○ May require that you stop your activities at UChicago and leave the U.S.

• In order to maintain your status, you must:
  ○ Continue your affiliation/appointment/job with UChicago
  ○ Have the appropriate insurance coverage for self and J-2 dependents (if any)
  ○ Not conduct any unauthorized work or activity during your stay; inform OIA of any upcoming changes to program
  ○ Maintain all of your documents – your Form DS-2019, passport and I-94 record must remain valid at all times
Health Insurance

• J-1 Scholars and their J-2 dependents must maintain the required health insurance throughout their entire J visa program, even when out of U.S.

• Must carry health insurance that meets U.S. Department of State requirements to maintain status

• Minimum coverage shall include:
  o Medical benefits of at least $100,000 per accident or illness;
  o Repatriation of remains in the amount of $25,000;
  o Expenses associated with the medical evacuation in the amount of $50,000;
  o Deductible not to exceed $500 per accident or illness.

• You must enroll in health insurance within 30 days of your arrival to the U.S. in order to maintain status

• OIA can answer general health insurance questions, but we are NOT experts in this field
Health Insurance

• Certain positions and appointments are provided health insurance coverage by their department/UChicago
  
  o Postdoctoral Scholars, Postdoctoral Fellows, and Visiting Scholars:
    o Postdoctoral Researcher Benefits Plan (PRBP) via Gallagher
    o [https://clients.garnett-powers.com/pd/uchicago/](https://clients.garnett-powers.com/pd/uchicago/)
  
  o Staff and faculty positions:
    o BlueCross Blue Shield via PPO or HMO plans

• These plans meet the J-1 health insurance requirements including medical evacuation, repatriation of remains, etc.

• If you do not qualify for either plan, you have the option to purchase other insurance coverage that meets the Department of State requirements (see OLA website)

• If you have outside coverage, please email Candace Nicholson to confirm that that insurance meets government requirements. Email: candace_nicholson@ajg.com
Short-Term Consults & Occasional Lectures

• It may be acceptable to receive an honorarium or reimbursement for an occasional lecture or consultation if it is:
  
  o Incidental & does not change the primary focus of your visit
  
  o **Directly** related to your activities at UChicago
  
  o Does not delay the completion date of your J-1 program
  
  o Approved by your faculty sponsor/principle investigator
  
  o Not permitted to work for any other employer/entity

• Contact OIA **before** such activity occurs

• OIA will update your record in SEVIS and issue the letter needed to accept payment/reimbursement

• **Always inform OIA about any changes to your job at UChicago**
J-1 Status Documents
Form DS2019

• Form DS-2019 allows Exchange Visitor to visit U.S. consulate or embassy abroad and apply for J-1/J-2 entry visa stamp/sticker/foil

• Represents proof of legal status to teach or conduct research in the U.S. at an affiliated sponsor/university

• Important Information on DS-2019:
  - SEVIS ID Number
  - Program start and end date/status validity dates
  - Exchange Visitor Category
  - Subject/Field Code
  - 212(e) designation by Consular Officer (more on this later)
Form I-94

• Confirms the details of your admission to the U.S.

• Retrievable online: https://i94.cbp.dhs.gov/I94/

• The “Admit Until Date” for J-1 is marked as D/S for Duration of Status. This means you are eligible to remain in the U.S. until your status (reflected on your DS-2019 form) expires or your appointment/affiliation ends

• Your “Class of Admission” should read: J-1

• If your I-94 lists any incorrect information, please contact your OIA Adviser. We will defer you to CBP to request a correction.
Form I-94

Most Recent I-94

Admission (I-94) Record Number: 2222222222
Most Recent Date of Entry: 2015 February 28
Class of Admission: J1
Admit Until Date: D/S
Details provided on the I-94 Information form:

Last/Surname: OIA
First (Given) Name: I-House
Birth Date: 1873 Jan 1
Passport Number: CX3337Y
Country of Issuance: Germany

Get Travel History

Effective April 25, 2013, DHS began automating the admission process. An alien lawfully admitted or paroled into the U.S. is no longer required to be in possession of a preprinted Form I-94. A record of admission printed from the CBP website constitutes a lawful record of admission. See 8 CFR § 1.4(d).

If an employer, local, state or federal agency requests admission information, present your admission (I-94) number along with any additional required documents requested by that employer or agency.

Note: For security reasons, we recommend that you close your browser after you have finished retrieving your I-94 number.
Visa (Sticker in your passport)

• Your entry visa stamp/sticker/foil may expire
• Your J-1/J-2 status (represented by your DS-2019 form) may not
• It is OK to have an expired visa while you are inside the U.S.
  • However, a valid J-1/J-2 visa sticker is needed for entry or reentry into the U.S. in J-1/J-2 status
• Visas can only be obtained outside of the U.S. by applying at a U.S. consulate or embassy
• It is recommended that you apply in your home country; 3rd country applications are discouraged but technically allowed
Visa expiration date ≠ Status expiration date
Entry Stamp

• Entry stamps issued by US Customs and Border Protection (CBP) are being phased out at larger airports of entry.

• If you are not issued a stamp—not to worry. Check your I-94.

• If you are issued a stamp:
  • Always check your admission (entry/reentry) stamp in your passport before stepping away from the CBP Officer’s station to ensure your admission was recorded correctly
  • Class: “J-1” (“J-2” for dependents)
  • “D/S” means you are eligible to remain in the U.S. as long as your status is valid
J-1 Program Changes
Extension of J-1 Program

- It is possible to extend your program within the maximum duration if the extension is initiated by your Department prior to the expiration of your DS-2019 form.

- To be eligible for an extension:
  - You must be in valid J-1 status
  - You must have time remaining in J-1 status
  - Your appointment with the University must also be extended
  - You must have appropriate and sufficient financial support and health insurance to support your J-1/J-2 extension
Extension of J-1 Program

• OIA will extend your J-1/J-2 status and process new, extended/updated Form DS-2019s for you once an authorized request is received by your host department.

• You do not need leave the U.S. for an extension of status

• You do not need to pay the SEVIS fee again

• Your dependents’ status will be extended along with yours

• 2-3 business day turnaround

• New travel signature will be provided
J-1 Transfer

- It is possible to transfer your J-1 SEVIS record to another department or institution so long as the following criteria is met:
  - Your field of research/teaching remains the same
  - You have time remaining in your J-1 program
  - There will not be a gap between your appointment with UChicago and the institution to which you are transferring

- It is important to contact OIA well in advance of a transfer so we can coordinate the transfer of your SEVIS record with the new institution.

- You must be in the U.S. at the time of your transfer, plan travels accordingly.
Out of Country and Working Remotely

• If you travel outside the U.S. and remain abroad for 30+ days, please notify your OIA Adviser.

• An Out of Country designation will be placed on your J-1 record in SEVIS:
  - Provide OIA with your address abroad and dates of travel.
  - J-1 status will remain Active in SEVIS
  - All J-2 Dependents must travel with their J-1 spouse/parent if gone for more than 30 days.

• Working Remotely:
  - OK to temporarily work from home/remotely due to Covid-19
    - Your department and HR/Payroll must approve remote work first
  - Email your OIA adviser so we have your current residential address updated in SEVIS
J-1 Program End

• There are no formal immigration-related requirements for when your J-1 program reaches its end.

• If your J-1 program will end earlier than the listed end date on your DS2019 you must notify OIA:
  o OIA is required to shorten your J-1 program (if it ends more than 15 days early)
  o OIA is required to report why to SEVP:
    ▪ program objectives completed early, death or illness, sick family member, culture shock, financial reasons, etc.
  o Send OIA a copy of your resignation or termination letter

• OIA can help advise you on future visa options available
J-2 Dependents
J-2 Dependents

- Spouses and children under the age of 21 are eligible for J-2 dependent status.

- DS-2019 forms for J-2 dependents can be issued with scholar’s initial DS-2019 or can be added to record at a later time by completing OIA’s “Request to Add Dependent.”

- J-2s must maintain status, including proper health insurance coverage.

- J-2 dependents may study and are eligible to apply for EAD (Employment Authorization Document). Once EAD is obtained, J-2s may work and receive payment.
J-1 Repeat Participation Bars
Repeat Participation Bars

• 24-Month Repeat Bar: Prior Participation as a Research Scholar/Professor:
  
  ○ Individuals in the J-1 and J-2 Research Scholars and Professor categories are subject to a two-year bar from participating in another J-1 Research Scholar or Professor program.

  ○ You may not participate in another J-1 Research Scholar or Professor program until two years have passed since the end date of your last J-1 or J-2 Research Scholar or Professor program.
Repeat Participation Bars

• 12-Month Repeat Bar for Prior Participation in Other J-1 Categories:
  - Individuals who have participated in a different J-1 category (noted below), for more than 6 months, must wait 12 months following the completion of their J-1 program before being eligible to participate in a Research Scholar/Professor J-1 program.
  - Applies to those who have participated in the following J-1 categories:
    - Student Non-Degree
    - Student
    - Specialist
    - J-2 Dependent of any J-1 category
Repeat Participation Bars

• Rules do not apply to participants of a Short-Term Scholar.

• Repeat Participation Bars do not impact ability to apply for H-1B, L, K, F, J-1 Short Term, or Legal Permanent Residency.
212(e) Two Year Home Country Residency Requirement
What is 212(e)?

INA 212(e) [8 USC 1182(e)] Regulatory Definition:

- No person admitted under section 101(a)(15)(J) or acquiring such status after admission
  - (i) whose participation in the program for which he came to the United States was financed in whole or in part, directly or indirectly, by an agency of the Government of the United States or by the government of the country of his nationality or his last residence,
  - (ii) who at the time of admission or acquisition of status under section 101(a)(15)(J) was a national or resident of a country which the Director of the United States Information Agency pursuant to regulations prescribed by him, had designated as clearly requiring the services of persons engaged in the field of specialized knowledge or skill in which the alien was engaged, or
  - (iii) who came to the United States or acquired such status in order to receive graduate medical education or training,
- shall be eligible to apply for an immigrant visa, or for permanent residence, or for a nonimmigrant visa under section 101(a)(15)(H) or section 101(a)(15)(L) until it is established that such person has resided and been physically present in the country of his nationality or his last residence for an aggregate of at least two years following departure from the United States.
212(e) in Brief:

• IF …
  1. Your last home country of residence is on the skills list, or
  2. Your J-1 participation was funded through either U.S. or other government funds, or
  3. Your J-1 participation objective is to receive graduate medical education or training

• THEN…

• You are subject to return to your country of last permanent residence for at least two years (cumulatively) prior to:
  o Obtaining H, K, L, or Permanent residency status
  o Completing a change of status from within the U.S.
What does this mean….

• You must spend 2 years (24 months) in your country of legal permanent residency (as indicated on DS-2019 form) before becoming eligible to obtain U.S. employment sponsorship or permanent residency.

• If you have no intention of obtaining employment sponsorship or permanent residency, then this requirement will likely not impact you.

• The 24-month clock starts once J-1 program ends and you have departed from U.S.

• The timing does not need to be consecutive. You can accumulate time spent at home.

• Does not impact your eligibility to return to the U.S. in the F-1 status or tourist (B1/B2) status.
Who is Subject to 212e?

• Anyone in J-1 status can be subject to the 212(e)/2-year home residency requirement.

• Most common reasons:
  
  o Last Country of Legal Permanent Residency is on the U.S. Department of State skills list (your country wants you to return)

  o Government funding – U.S. government funding (such as Fulbright) or funding from your home country.
How Do I Find Out if I am Subject to 212(e)?

- The only entity that confirms whether you are subject is U.S. Department of State (not OIA).

- This is determined:
  - When you apply for the J-1 visa at the U.S. embassy/consulate, OR
  - Through a change of status to J-1, granted by USCIS.

- 212(e) is noted on the following documents:
  - Your DS2019: Note, this is not always marked
  - Your visa
U.S. Department of State Advisory Opinion

• If it is not clear whether you are subject to 212e, you can request an advisory opinion from U.S. Department of State.

• An Advisory Opinion is a review of your exchange visitor program documents to determine if you are subject to this requirement.

• Information on this can be found on U.S. DOS website
Waiver of 212(e) Requirement

• If you do not want to or cannot fulfill the requirement, then you can apply for a waiver of the requirement.

• Grounds for waiver:
  
  o No Objection statement from your home country

  o Exceptional Hardship, Persecution, Interested Gov’t Agency, Underserved Area: extremely difficult, usually requires assistance of an attorney

  o If you are subject due to government funding, then it is highly unlikely a waiver will be granted.
Waiver of 212(e) Requirement

- Timing a waiver is important:
  - Once a waiver is granted, J-1 program should **not** be extended; J-1 program should **not** be transferred to new J-1 sponsor

- Extend J-1 program to max time possible/allowed **before** applying for a waiver of 212(e)

- Avoid international travel while waiver is pending
  - May consider travel as abandonment of application
  - May become subject again if apply for a new visa sticker

- More information on the waiver process can be found on the U.S. Department of State’s [website](#).
OIA Advisement of 212(e)

• Our advisement is quite limited. We can provide general guidance.
• We do not track waivers and do not have insight into the process, given oversight by U.S. Department of State (DOS).
• Discuss your intentions to apply for a waiver with your OIA adviser.
• Consult with DOS and/or an attorney who specializes in supporting waiver applications.
International Travel
International Travel

• Domestic travel is possible without restriction

• International travel and re-entry to the U.S. requires:
  o Valid passport (valid at least 6 months into the future)
  o Valid visa sticker (Not required for Canadian nationals)
  o Original Form DS2019 with travel signature, dated no more than a year prior
  o Letter from your department confirming your UChicago affiliation/job/appointment

• Visas (sticker in passport) are only available outside of the United States at U.S. consulates: https://www.usembassy.gov

• Check the expiration date on your visa sticker before you travel internationally; schedule visa appointment in advance
Current Travel Considerations

• International travel and visa renewals continue to be interrupted due to COVID19 related delays.

• Consult with your adviser and department on any upcoming travels.

• Delays re-entering the U.S. can have implications to your university appointment/employment/visit.

• OIA provides travel updates on the homepage of our website.

• Travel risk varies
Travel Re-Entry Form

• We recommend completing the OIA Travel Re-Entry Form.

• Allows OIA to review re-entry information issued by CBP
  o We review for common mistakes that can have immigration and/or employment implications

• Form located on OIA website:
  https://internationalaffairs.uchicago.edu/content/travel-re-entry-form

• Requires uploading entry documents
Travel Re-Entry Form

This form and a copy of your recent I-94 record and/or admission stamp (if issued one) should be submitted to OIA whenever you or your dependents return from traveling outside of the U.S. Your adviser will verify the status in which you were admitted to the U.S. and your status end date. We will contact you if there are any issues with the documents. If you received a new visa stamp while you were abroad, please include a copy of it.

First Name: *

Middle Name:

Last (Family) Name: *

Gender:

Date of Birth: *

Email Address: *

Division: *
Automatic Visa Revalidation (AVR)

• If you take a brief (less than 30 days) trip to Canada, Mexico or the adjacent Caribbean Islands (not Cuba), you may be eligible to re-enter the U.S. with an expired J-1/J-2 visa.

• Only for visits to these geographical areas.

• This benefit is not extended to exchange visitors from Syria, Sudan, Iran, Cuba, or North Korea.
Administrative Processing for Visa Application

• In some cases, the U.S. consulate may refer a visa to "administrative processing" or 221(g) (background check) based on various factors such as your field of study or research, type of job in U.S., country of citizenship, location of the visa application, etc.

• This can add 4 to 8 weeks to the visa process, although times vary
  o Requests by universities or applicants to expedite are not encouraged
  o Please notify your OIA adviser if you are subject to administrative processing
  o If a specific document is requested from the employer, let us know ASAP

• If you conduct research in the hard sciences, you are encouraged to bring letter from your department/PI detailing your specific area of research.
Secondary Inspection at US Port of Entry

• If CBP cannot quickly confirm your admissibility into the U.S. in H-1B, TN or E-3 status, they may refer you to Secondary Inspection at the airport/port of entry for closer examination of your documents.

• If you are referred to secondary inspection, prepare for a potentially lengthy wait time; remain polite and cooperate with the process.

• We recommend having OIA’s contact information available:
  - Regular office hours: 773-702-7752
  - After hours: call UChicago Police
J-1 Program Participation
Dual Purpose
Dual Purpose of J-1 Program

- **J-1 Program Activity**
  - Conducting research, teaching, observing or demonstrating special skills at UChicago
  - Giving lectures, listening to speeches, going to conferences

- **J-1 Program Cultural Exchange**
  - Explore all Chicago has to offer
    - Millennium Park, museums, lakefront, restaurants, zoos, sports stadiums, concerts, etc.
  - Visit tourist attractions in the U.S.
    - New York City, Grand Canyon, Hollywood, Niagara Falls, Miami Beach, Yosemite, Rocky Mountains, etc.
  - Make new friends, expand your English language, learn about U.S. traditions, culture and holidays, and teach others about yours
Experience All that is Around You!

• **English Language Institute**
  - Through academic, professional, and intercultural programming, the English Language Institute supports individuals for whom English is an additional language at the University of Chicago: [https://esl.uchicago.edu/](https://esl.uchicago.edu/)

• **UChicago International House Events**
  - Various events throughout the year including Global Voices Performing Arts & Lecture Series, Diplomatic Encounters Series, and happy hour every Tuesday (summer only) at 6 p.m. in the court yard:
  - [https://ihouse.uchicago.edu/events/upcoming_programs/](https://ihouse.uchicago.edu/events/upcoming_programs/)

• **UChicago Arts**
  - The arts are central to the mission of the University of Chicago. With a strong tradition of cross-disciplinary practices, intricately mixed with intellectual curiosity and creative energy, the University fosters a bustling arts community on Chicago’s South Side: [https://ihouse.uchicago.edu/events/uchicago_arts_guide/](https://ihouse.uchicago.edu/events/uchicago_arts_guide/)

• **UChicago Institute of Politics**
  - A non-partisan extracurricular program with lectures and speakers with political leaders of the world:
  - [https://politics.uchicago.edu/events](https://politics.uchicago.edu/events)
Explore Chicago

Review these websites for fun activities in Chicago!

• Chicago Cultural Center
• Choose Chicago
• Chicago Park District
• Chicago Museums
• Chicago Public Library
• Chicago Plays
• Chicago Sports
Thank you for attending!

Questions?