Understanding J-1 Scholar Status: Advanced
Office of International Affairs

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Overview:

- J-2 work authorization
- Adding sites of activity
- Occasional lectures and short-term consultations
- Transferring J-1 status
- Insurance requirements
- Two-year repeat participation bar
- Two-year home residency requirement, aka 212 (e)
- B-1/B-2 VWP
- New Request Form
J-2 Work Authorization

J-2 dependents of legal working age may apply for work authorization

- Must be in the U.S. to apply
- Complete I-765 application, compile supporting documents, pay the $380 filing fee
- OIA can review application & provide limited advisement

After 3-4 months of processing, J-2 receives Employment Authorization Document (EAD) card

With EAD dependent can:

- Apply for SSN
- Work unrestricted while the card is valid
Additional Sites of Activity

- OIA must report all J-1 sites of activity in the SEVIS system
- Please notify OIA if a J-1 scholar will work or conduct research off-campus permanently, temporarily, or part-time
- Includes occasional lectures and short-term consultations
Occasional Lectures and Short-Term Consultations

J-1 scholar may accept payment or reimbursement for an occasional lecture or short-term consultation if:

- OIA is notified in advance of activity
- Activity is incidental and directly related to scholar’s program activity with UChicago
- Activity does not delay J-1 program activities
- Faculty sponsor/PI provides written approval

To accept payment or reimbursement, scholar will need letter from OIA authorizing activity

- Scholar or department should provide OIA with details of activity including dates, location, and title/topic of activity
- A letter is not required if scholar will not receive payment or reimbursement
Transferring J-1 Status

J-1 scholars may transfer to another institution to continue their research if:

- They have time remaining in J-1 status
- Have not applied for and received waiver of 212(e) requirement
  - Unless transferring without extending J-1 status
- Objective of exchange program, as indicated in box #4 of DS-2019 form remains the same

No limit to amount of times individual can transfer, but each transfer must be approved by sponsoring institution

Transfers are done within U.S. & EV must be in U.S. at time of transfer
Transferring J-1 Status

- Submit complete and authorized J-1 request to OIA at least 2 weeks prior to transfer-in date
- OIA will coordinate transfer with scholar’s current institution
- New DS-2019 form can only be issued on day of transfer
- No gap between end date of activities with current institution and start date at UChicago
- Scholars must check-in with OIA when they arrive to campus to complete transfer process
J-1 Insurance Requirements

- All J-1 scholars & J-2 dependents must maintain health insurance that meets Department of State requirements.

- Most scholars with “postdoc” or “visiting” in their title are eligible for insurance through GPA (Garnett Powers & Associates) if here 30+ days.
  - Scholar must have UCID & complete Workday record before they can enroll in GPA policy or waive GPA coverage.

- Scholars that are not eligible for GPA and are not benefits-eligible...
J-1 Insurance Requirements

On May 15, 2015, The Department of State’s insurance requirements increased:

- Medical benefits of at least $100,000 per accident or illness
- Repatriation of remains in the amount of $25,000
- Expenses associated with the medical evacuation of scholar to home country of $50,000
- A deductible not to exceed $500 per accident or illness
- Waiting period for pre-existing conditions of no more than 6 months*
Two-Year Repeat Participation Bar

- Bars scholars from participating in the J-1 program as a Research Scholar or Professor until 2 years have passed since the end of scholar’s last RS/P category program

- Does not bar participation in J-1 Short-Term Scholar category (6 months or less)

- Applies to scholars that were previously J-2 dependents in RS/P category

- No waiver available
Two-Year Home Residency Requirement, 212 (e)

Scholars are subject to 212(e) if:

- Home country and subject field are on “skills lists”
- Scholar receives direct government funding from home government or U.S. government
- Scholar participated in medical training program sponsored by Educational Committee for Foreign Medical Graduates

Subjectivity not related to J-1 category

- Individuals in J-1 Short-Term Scholar, Research Scholar, Professor, and other categories may be subject
Individuals who are subject are ineligible for H-1B, L, K, or Legal Permanent Residency status until requirement is met or waiver is received.

To fulfill requirement, scholars must spend 2 years in home country or apply for waiver.

Once waiver is approved, scholar is no longer eligible for extension of status.
<table>
<thead>
<tr>
<th></th>
<th>2-year home residency</th>
<th>2-year repeat bar</th>
</tr>
</thead>
<tbody>
<tr>
<td>Short-Term Scholar:</td>
<td>Possible</td>
<td>No</td>
</tr>
<tr>
<td>Specialist:</td>
<td>Possible</td>
<td>No</td>
</tr>
<tr>
<td>Research Scholar:</td>
<td>Possible</td>
<td>Yes</td>
</tr>
<tr>
<td>Professor:</td>
<td>Possible</td>
<td>Yes</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th></th>
<th>Waiver Possible:</th>
<th>Indicated on DS-2019 or Visa:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Impact on <strong>H-1B Eligibility</strong></th>
<th>Impact on J-1 Eligibility</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
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<tr>
<td></td>
<td>No</td>
<td>Yes</td>
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</table>
Who can come in B-1/B-2 status or under the Visa Waiver Program?

Under certain circumstances, a visitor may come to the University in B-1/B-2 status or under the Visa Waiver Program.

B-1 is the Visitor for Business status, and B-2 is the Visitor for Pleasure status. The Visa Waiver Program (VWP) allows a traveler to come to the U.S. without a visa and stay for up to 90 days. Individuals coming under the VWP will need to have a valid ESTA registration. Similar conditions apply to B status and to the VWP; visitors should carefully check the website of the consulate or embassy for information on both. Please see a more detailed overview of various Immigration statuses.

B status allows a visitor to conduct business on behalf of a foreign company as well as business of a general nature. (It also allows for independent research. However, the kind of activity a visitor might conduct in affiliation with the University does not constitute independent research. Please see more about this below.) It does not permit employment. Some facts about B-status are noteworthy in the context of the University:

1. A visitor who comes specifically for the purpose of attending a conference or symposium or to give public lectures or presentations at the University may do so in B-status, provided that:
   - The activities fall within 9 calendar days
   - The visitor has not undertaken such activities for more than 5 different institutions in the last 6 months

Student Quick Links:
- Check-In
- Work Authorization
- Travel
- Taxes
- Prospective Student Information
Request for STAFF or ACADEMIC J-1 Status Document, Form DS-2019

This request form should be filled out by a staff member in the Department, Professional School or Research Institute where the Exchange Visitor will be working. Completed and approved requests should be e-mailed to international-affairs@uchicago.edu

Departmental Contact Information:
1. Administrator completing this request:    3. Campus Extension:
2. Department, School or Institute:    4. E-mail Address:

Personal Information on J-1 Scholar:
6. Family Name:    7. Given Names:    8. Date of Birth:
9. ☐ Male/ ☐ Female    10. E-mail Address:
11. Position in Home Country:    ☐ If visitor is already in the US, what was the occupation in the home country?
12. Institution/Employer in Home Country:
13. Number of dependents that will be accompanying the Exchange Visitor:
    (Limited to legal spouse and children under the age of 21.)

Immigration & Visa Information:
14. ☐ Initial J-1 Request – J-1 Scholar will be coming to the University of Chicago directly from abroad
    ☐ Extension Request – J-1 Scholar is now at the University of Chicago and is in J-1 status
    ☐ Amendment Request – J-1 Scholar will remain at the University of Chicago, but a change of location/ change of funding source will occur
    ☐ Change of Status Request – J-1 Scholar is now at the University of Chicago, but in a nonimmigrant status other than J-1.

    Please note: Due to lengthy processing times, a change of status to J-1 usually requires travel outside of the U.S.
    ☐ Transfer Request – J-1 Scholar is now in the US, in J-1 status, at another institution.

    Please note: When someone transfers to the University of Chicago, OIA cannot issue the new DS-2019 form until the official transfer date/ start date of the position.

Proposed Activities at the University of Chicago:
15. J-1 Program Dates:    Start:    End:
16. If appointment is six months or shorter, will an extension be requested? ☐ Yes / ☐ No
17. Primary Activity: ☐ Teaching/ ☐ Research/ ☐ Equal Responsibility for Both
18. Field of Research/Teaching at the University of Chicago:

19. Job Title:

20. Position Type: ☐ Staff / ☐ Academic (non-tenure track only)

21. Does the J-1 Scholar hold an M.D.? ☐ Yes / ☐ No

If yes, attach a "five-point" letter from the Department Chair certifying that the Visitor will not be involved in any patient care.

22. Faculty Supervisor:

23. Campus Extension:
24. Will Scholar work at any off-campus locations?  
☐ Yes  ☐ No, I will inform OIA if additional work sites are added

Please provide address(es)

Financial Arrangement

25. For the period covered by Form DS-2019, indicate salary, stipend, or other support for which you have documentation on file. Do not include travel allowances, health insurance or other perquisites. If the I-1 Scholar will be supported by more than one source, indicate each individual source & amount.

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount (in U.S. dollars)</th>
<th>☐ total ☐ year</th>
</tr>
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<tbody>
<tr>
<td>University of Chicago</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$</td>
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</tr>
</tbody>
</table>

[Total must meet minimum funding requirement as outlined on OIA's website]

Items to Attach for OIA:

26. ☐ Curriculum Vitae (not needed for extension requests)

☐ Proof of funding if the visitor will use non-University funds (incl. personal funds) for visit [see #24]

“Five-point” letter if scholar holds an M.D.

27. Mailing Instructions (for Initial Requests Only, see #14):

☐ Email or Call the Department at:
☐ Mail it to the Exchange Visitor with the attached and completed shipping label.

Approval:

28. Chair of Department, Director of Institute, or authorized representative:
   Name ___________________________ Signature: ______________________ Date __________

29. Dean of Division or Professional School, Office of Academic Affairs or authorized representative:
   [Departmental HR Administrator may sign for staff positions in the BSO]
   Name ___________________________ Signature: ______________________ Date __________
QUESTIONS???
Understanding H-1B Employee Status: Advanced

Monday, May 9, 2:30-4pm