



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

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THE UNIVERSITY OF  
**CHICAGO**

**Campus and  
Student Life  
International Affairs**



## 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



## Two-Year Home Residency Requirement, 212 (e)

- 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

	<b>2-year home residency 212(e)</b>	<b>2-year repeat bar</b>
Short-Term Scholar:	Possible	No
Specialist:	Possible	No
Research Scholar:	Possible	Yes
Professor:	Possible	Yes

Waiver Possible:	Yes	No
Indicated on DS-2019 or Visa:	Yes	No

Impact on <b><i>H-1B Eligibility</i></b>	Yes	No
Impact on J-1 Eligibility	No	Yes

# Who can come in B-1/B-2 status or under the Visa Waiver Program?

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## Student Quick Links

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[Work Authorization](#)

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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

## 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](mailto:international-affairs@uchicago.edu)**

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### Departmental Contact Information:

1. Administrator completing this request: \_\_\_\_\_ 3. Campus Extension: \_\_\_\_\_  
2. Department, School or Institute: \_\_\_\_\_ 4. E-mail Address: \_\_\_\_\_
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### 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.) \_\_\_\_\_
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### 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.

Current Institution's Name: \_\_\_\_\_

*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.*

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### 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 J-1 Scholar will be supported by more than one source, indicate each individual source & amount.

<u>Source</u>	<u>Amount</u> (in U.S. dollars)	
University of Chicago	\$	<input type="checkbox"/> total <input type="checkbox"/> year
Other	\$	<input type="checkbox"/> total <input type="checkbox"/> year
Total	\$	<input type="checkbox"/> total <input type="checkbox"/> year

(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: ← for courier service
- Mail it to the Exchange Visitor with the attached and completed shipping label: ← for courier service

**Approval:**

28. Chair of Department, Director of Institute, or authorized representative:

	Name	----- Signature:	Date
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29. Dean of Division or Professional School, Office of Academic Affairs or authorized representative:

(Departmental HR Administrator may sign for staff positions in the BSD)

	Name	----- Signature:	Date
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# QUESTIONS???



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## Upcoming Trainings

# Understanding H-1B Employee Status: Advanced

**Monday, May 9, 2:30-4pm**



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