



Office of International Affairs

J-1 Orientation for Scholars

OIA Contact Information

Dan P. Ashton	Associate Director
Melissa Fox	International Scholar and Employee Adviser
Reshecoa Flanders	Employee Services Assistant

Web:	http://internationalaffairs.uchicago.edu
Phone:	773-702-7752
E-mail:	international-affairs@uchicago.edu
Our Location:	International House, 2 nd floor
Our Hours:	Mon-Fri: 9.00am - 4.00pm

Terminology

SEVIS:	Student and Exchange Visitor Information System: Government database with all J-1 records
DOS:	U.S. Department of State
SEVP:	Student and Exchange Visitor Program
Exchange Visitor:	The official term for any person in J-1 status
DS-2019:	J-1 Eligibility form
EAD:	Employment Authorization Document
Program:	Your individual stay in the U.S. in J-1 status based on the same SEVIS ID number

J-1 Status

U.S. immigration law contains an alphabet soup of immigration statuses. Each is designed and intended for different groups of visitors such as tourists, pro-sport athletes, students, employees and scholars. Unlike most other non-immigrant statuses, the J-1 status contains several sub-categories that permit different types of activities study to teaching to research.

The Office of International Affairs (OIA) sponsors several J-1 categories - Student, Research Scholar, Professor, Short-Term Scholar, and Specialist. It is important to note that government

regulations pertaining to each J-1 sub-category vary and J-1 students are subject to a different set of rules than J-1 scholars. With the exception of the Specialist category, all scholar categories function in a similar manner, permit the same activities, and have the same eligibility requirements. The most important difference between these categories is the maximum duration of the individual “program”: six months for Short-Term Scholars, five years for Research Scholars/ Professors, and one year for Specialists.

As indicated above, the maximum duration of a J-1 program for Research Scholars and Professors is five years. It is possible to obtain extensions of your J-1 status up to the five-year maximum (six months for Short-Term Scholars and one year for Specialists). Any such extension must be requested by your department. If you are receiving an extension of your J-1 status, you do not need to leave the U.S. and obtain a new visa sticker to continue your program. However, a new visa sticker may be required if you intend to travel internationally. If you are ending your affiliation with your department earlier than initially anticipated, your J-1 program will need to be shortened. Please notify your department and OIA if you intend to depart earlier than initially expected. It is also recommended that you review the “departure information” on our website prior to your departure. After your program ends, you may remain in the U.S. as a tourist for up to 30 days after your J-1 program ends. This time is referred to as a “grace period”. During this grace period J-scholars are **NOT** permitted to work. The grace period simply provides you an opportunity to arrange your departure or travel within the U.S. Once you exit the U.S., you will not be permitted to re-enter in J status if your program has finished.

Transferring to another Department or Institution & Occasional Lectures

It is possible to transfer to another department or institution assuming your field of research/teaching remains the same. For example, a scholar who specializes in Physics and Music may not transfer from the Department of Physics to the Department of Music if “Physics” is listed as the subject field on the Form DS-2019. However, a move from the Department of Chemistry to the Institute of Molecular Engineering may not be out of the question for a scholar with the subject field “Chemistry” listed on the Form DS-2019. To facilitate such a transfer, OIA must receive a J-1 request prior to the transfer taking place. If you plan to transfer to another institution or university, OIA will need at least two weeks to coordinate a transfer of your J-1 status with your new institution. Individuals transferring to or from the University of Chicago do not need to travel abroad to obtain a new J-1 visa sticker at a U.S. post. They will, however, need to communicate their intent to transfer with both the current and the new J-1 sponsors so that the transfer can be executed. Once your transfer is complete, OIA can no longer access your SEVIS record and your affiliation with the University of Chicago will end.

If you are visiting another institution or organization to give a lecture, speech, or short-term consultation, a transfer of your J-1 status is not necessary. Instead, OIA can prepare a letter authorizing this visit. With this letter, you can receive payment or a reimbursement from the other institution. Before we can issue this letter, we need to verify that these activities are incidental, will not delay your program, and have been approved by your supervisor. We will also need to know the date and location of the activities, as well as the title or topic of your activity.

Travel outside of the U.S.

You may need to travel outside of the U.S. while you are here in J-1 status. To re-enter the U.S. in J-1 status, you must have a valid J-1 visa sticker in your passport, a valid passport, and Form DS-2019 with a valid travel signature. Travel signatures can be obtained from OIA without an appointment. Without a valid travel signature, you may experience difficulties re-entering the U.S. and could be denied entry.

A valid visa sticker in your passport is required for re-entry into the U.S. unless you are a citizen of Canada or you are re-entering on the basis of “automatic visa revalidation” (details below). The documents required for a visa interview vary greatly among U.S. Embassies and Consulates (posts) throughout the world. As a visa applicant, you should always consult the website of the post where you intend to apply to determine what documents are required and what the lead times are for a visa appointment. Visa stickers can only be obtained outside of the U.S. so it is important to plan ahead as processing and lead times vary depending on the post and the time of year.

Many applicants find themselves subject to background checks by the U.S. Department of State. This can delay the visa application process significantly. There are various reasons for these background checks. Some have to do with the nationality or cultural background of the applicant, whereas others have to do with the field of study or research. For employees working in scientific fields, it is helpful to provide a letter explaining your proposed activities with the visa application. Such a letter may help avoid a field of study-based background check. This letter should be written by your department, on departmental letterhead. A template for this letter is available on the OIA website. Should you not be able to avoid a background check, please note that the consular officers are not at liberty to discuss the specifics of a background check with our office; furthermore, we cannot expedite your background checks.

Not every trip requires a new or valid visa to re-enter the U.S. You may be able to re-enter the U.S. using an expired visa on the basis of “automatic visa revalidation”. If you are traveling to Canada, Mexico, or the adjacent Caribbean Islands (with the exception of Cuba), you can use your expired J-1 visa to re-enter the U.S. as long as: 1) your trip did not last longer than thirty days and, 2) you did not visit any other countries on your trip. When using automatic visa revalidation to re-enter the U.S., you must carry all relevant travel documents except a valid visa sticker in your passport. Automatic visa revalidation is not available to citizens of Cuba, Iran, North Korea, Sudan and Syria. A complete list of the “adjacent Caribbean Islands” can be found on this website: http://www.ice.gov/sevis/travel/faq_f2.htm#_Toc81222015.

After traveling, please remember to submit the travel re-entry form located on OIA’s website. 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 your documents. The form can be found on this page of our website: <https://internationalaffairs.uchicago.edu/travelreentryform>.

Dependents

Your spouse and children (under age 21) are eligible for J-2 status. The Form DS-2019 for a J-2 dependent can be issued together with a Form DS-2019 for a J-1, or at a later time, if needed. If you would like to bring your spouse and/or children here in J-2 status, you should submit a “J-1 Scholar Request to Add a Dependent,” which you can find on our website.

J-2 dependents may study and are eligible for an EAD (Employment Authorization Document). On the basis of an EAD, your dependent may work and receive pay (an EAD is not needed to

study). There are no specific restrictions on the type of employment J-2 dependents may perform. However, it is important to note that J-2 dependents may only work while the EAD is valid. At the discretion of the USCIS, an EAD is issued for a year, or until the Form DS-2019 of the applicant expires. This means that, if you and your family will be in the U.S. for a longer period of time, an EAD may need to be renewed. This renewal process is identical to the initial EAD application.

Your dependents must be in the U.S. in J-2 status to apply for an EAD; they cannot apply from abroad. Specific instructions regarding the application process can be found on OIA's website. It is important to note this application process often takes several (3-4) months. This is also the case for EAD "renewal" applications. Therefore, if your spouse's or child's EAD is about to expire but s/he wants to continue to work, s/he should time the filing of the new EAD application carefully.

Insurance

All J-1 scholars and J-2 dependents must have insurance that meets the Department of State's requirements. Please see OIA's website for details on these insurance requirements. If your appointment classifies you as an employee of the University (as determined by HR), then you qualify for regular University benefits. J-1 scholars who are here for more than thirty (30) days and hold a "Visiting-" appointment or a "Postdoctoral-" appointment qualify for the Postdoctoral Researcher Benefit Plan (PRBP) through Garnett Powers and Associates (GPA). All of the University plans and the GPA plan meet the Department of State's health insurance requirements for J-1 scholars. If you are not an employee of the University, your stay is less than 30 days, and/or your appointment is not classified as "Visiting-" or "Postdoctoral-" (for example, your appointment is "Temporary Technician" or "Guest Scientist"), OIA can provide you with information on third-party insurance providers so you can obtain insurance from a provider of your choice.

If you choose to forego PRBP's policy because you already have insurance through another provider, you must obtain a waiver of the PRBP insurance. Details on how to complete the waiver can be found on OIA's website.

Maintaining J-1 status

While you are in the U.S., it is important that you comply with the various J-1 regulations. If you fail to do this, you will jeopardize your J-1 status and you may have to stop your activities at the University of Chicago and leave the U.S. To maintain your J-1 status, you must follow these simple steps:

- 1) Continue your affiliation with the University of Chicago.
 - a. If you were to lose your position, your J-1 status would end even if you have a Form DS-2019 that appears to be valid
- 2) You and your dependents must maintain the appropriate health insurance coverage
- 3) Your documents (passport, admission stamp/I-94 card, and Form DS-2019) must remain valid.
 - a. Your visa sticker in your passport may expire without consequence
- 4) You must not work illegally on the side.
 - a. While you are authorized to teach and/or conduct research in your department, you may not accept any other positions at the University or elsewhere.

The Two-year Home Residency Requirement and Two-year Repeat Bar

Two of the most complex and commonly misunderstood aspects of the J-1 program are the two-year home residency requirement and the two-year repeat bar. Should you have any questions about the specifics of these two regulations, please contact our office. Your international adviser will be able to assist you in determining whether you are subject to these requirements and advise you on how they may impact your future options.

In short, the *two-year home residency requirement* (also referred to as 212 (e)) can apply to any person in J-status. The most common reasons a J-1 scholar at the University of Chicago would be subject to the two-year home residency requirement are the “skills list” and/or government funding. If you are subject to 212(e), you are not eligible for H-1B, K, L or Permanent Residency status and you may not apply for a change of status within the U.S. until you have spent two years in your country of home residency or obtained a waiver of the requirement.

Individuals subject to 212(e) must return to their last country of permanent residence for an aggregate of two years. In other words, you can serve the requirement out in several pieces, as long as the total amount of time equals two years. Please note that this requirement cannot be served out in a third country and time counted toward the two-year aggregate cannot begin until the J-1 program has ended. For example, an England citizen comes to the U.S. as a J-1 scholar and is subject to the two-year home residency requirement. After her J-1 program ends, she moves to Canada and becomes a permanent resident of Canada. Even though her current country of permanent residency is Canada, she would still have to return to England to serve out the requirement before she could come to the U.S. in H-1B status because England was the country of permanent residence at the time she obtained J-1 status.

For scholars who are subject to the two-year home residency requirement based on government funding from a non-U.S. source or the “skills list”, it is often possible to get a waiver of the requirement. It is nearly impossible to receive a waiver of the requirement if the scholar received U.S. government funding, such as Fulbright. A person who has obtained a waiver is no longer subject to the requirement and is eligible for H-1B, K, L or Permanent Residency status and they may apply for a change of status within the U.S. However, it is very important to note that when you obtain a waiver of 212(e), you are no longer able to extend your J-1 status, travel can become difficult, and you may not be eligible to transfer your J-1 status to another institution. Therefore, it is important to time a waiver request wisely and seek advice from your international adviser.

At times it is not clear whether or not you are subject to the two-year home residency requirement. For example, the consular official might have indicated you are subject on your visa sticker and that you are not subject on your Form DS-2019; or, it may not be clear whether your funding should be classified as “government funding.” In situations like these, you may want to request an “Advisory Opinion” from the Department of State. This Advisory Opinion will clarify whether or not you are subject to the requirement. Obtaining an Advisory Opinion does not have the same potential negative consequences as obtaining the waiver; it does not impact your ability to travel or to get J-1 status extensions.

	2-year home residency 212(e)	2-year repeat bar
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 <i>H-1B Eligibility</i>	Yes	No
Impact on J-1 Eligibility	No	Yes

The *two-year repeat bar* (also referred to as the 24-month bar) applies to anyone in the J-1 Research Scholar and/or Professor categories. Individuals subject to this requirement cannot *repeat* their participation in another J-1 Research Scholar or Professor program for a period of two years. However, someone who is subject to the two-year repeat bar remains eligible for H-1B, K, L or Permanent Residency status and they may apply for a change of status in the U.S.

People who are subject to the two-year *repeat bar* do not have to return to their last country of permanent residence to serve out the requirement. They may remain in the U.S. in any other immigration status for which they are eligible. There is no waiver available for this repeat bar. Please note that it is possible for an individual to be subject to both the two-year home residency requirement *and* the two-year repeat bar.

Taxes

OIA is not involved with taxation and cannot provide you with advice on filing your taxes. We do offer general tax advice on our website and host workshops during the tax season with Financial Services. If you have questions regarding taxes, please contact the University’s Foreign Tax Analyst, Ms. Lauren Bautista (lbautista1@uchicago.edu). Each year, OIA makes the software program GLACIER available to all individuals in J-1 status at the University of Chicago. This program will allow you to generate your own tax forms. Even if you do not need to pay taxes, you may have to file Form 8843 with the IRS (Internal Revenue Service). Again, general guidance on filing tax forms can be found on OIA’s website.

Social Security Numbers (SSN)

J-1 scholars are authorized to work and are, therefore, eligible for a Social Security Number. To apply for a SSN, you will need your Form DS-2019, I-94 record, and your valid passport. You must check-in with OIA before you apply for a SSN. If you have not yet checked-in with OIA, the Social Security Administration will not be able to accept your application for a SSN. When possible, we recommend waiting ten days before applying for a SSN to ensure the Social Security Administration can access your information. Information on applying for a SSN, including where to apply, can be found on OIA's website.

Department of State Contact Information

United States Department of State
Office of Designation
Government and Academic Programs Division
ECA/EC/AG - SA-5, Floor 5
2200 C Street, N.W.
Washington, D.C. 20522
Web: http://travel.state.gov/visa/temp/types/types_1267.html
Compliance Unit e-mail: jvisas@state.gov

Links

Departure information: <http://internationalaffairs.uchicago.edu/page/j-1-scholar-departure-information>
Driver's License: <http://internationalaffairs.uchicago.edu/page/transportation#ids>
EAD: <http://internationalaffairs.uchicago.edu/page/j-2-work-authorization>
Electronic I-94 record:
<https://i94.cbp.dhs.gov/I94/request.html;jsessionId=YjjTRVDGQHkT0KzP6yIJ79Frt07ThcGY1L132y1mpxq6nw6NYyYT!1516101203>
Financial Services: <http://finserv.uchicago.edu/>
Insurance: https://internationalaffairs.uchicago.edu/prosp_emp/required_insurance.shtml
J-1 scholar information: <http://internationalaffairs.uchicago.edu/page/j-1-scholar>
Skills List: <http://travel.state.gov/content/visas/english/study-exchange/exchange/exchange-visitor-skills-list.html>
Tourist status: <http://internationalaffairs.uchicago.edu/page/who-can-come-b-1b-2-status-or-under-visa-waiver-program>
Visa versus Status: <http://internationalaffairs.uchicago.edu/page/visa-vs-status>
Visa Wait Times: http://travel.state.gov/visa/temp/wait/wait_4638.html