



Understanding J-1 Scholar Status: The Basics

The J-1 Program

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, teach, conduct research, observe etc.

The Office of International Affairs (OIA) can sponsor several J-1 categories, including the relevant categories for scholars, instructors and students. It is important to note that government regulations pertaining to each J-1 sub-category vary; J-1 students are subject to a different set of rules than J-1 scholars. There are separate J-1 scholar categories: Research Scholar, Professor, Short-Term Scholar, and – in rare instances – Specialists. 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 and Professors, and one year for Specialists.

Regulations and Policy

Not everybody is eligible to participate in the J-1 scholar categories. Prospective exchange visitors must:

- 1.) Have the appropriate academic credentials: While the regulations do not further specify what “appropriate” means, in practice (and by UChicago policy), the minimum requirement for researchers is a Bachelor’s degree in a relevant field plus relevant experience.
- 2.) Come to the University to teach or to conduct research activities in a specific, prescribed field of study or research on the basis of an approved (temporary) appointment or agreement. The J-1 scholar categories do not permit exchange visitors to perform the various support activities or to teach/conduct research at external locations/ departments.
- 3.) Not hold tenure track or tenured positions. By regulation, the J-1 program is intended for temporary cultural and educational exchanges. Therefore, individuals in a J-1 program are not eligible to hold tenured or tenure-track positions, unless they hold such a position in a “visiting” capacity: e.g. Visiting Professor.
- 4.) Have sufficient funding: OIA determines on an annual basis what the minimum funding requirement is for scholars and their dependents. For this year, the minimum amount of funding is \$2,060 per month plus \$258 per month per J-2 dependent (spouse or child under the age of 21). If a department has a specific funding requirement for a position, the higher of the two requirements prevails.
- 5.) Not perform clinical work while in a J-1 scholar category. Only individuals sponsored by the ECFMG (Educational Council on Foreign Medical Graduates) are permitted to perform clinical work. However, exchange visitors coming to the University to observe clinical work may do so on the basis of a J-1 scholar program. Individuals who hold a MD and would otherwise be eligible to perform clinical activities require a “5-point letter” which explains the limitations that are in place. A template for this letter is available on the OIA website:
- 6.) Hold insurance that meets the minimum regulatory requirements. Without the appropriate insurance, a person’s J-1 status is not valid. Many J-1 scholars qualify for some form of insurance through the University. All University-sponsored insurance policies meet the minimum requirements.

Requesting J-1 Documentation

The document that OIA issues for prospective J-1 scholars is the “Form DS-2019 – U.S. Department of State Certificate of Eligibility for Exchange Visitor (J-1) Status”. This form, commonly called the DS-2019, allows the exchange visitor to apply for a J-1 visa sticker at the US Embassy or Consulate abroad. Because the visa application process takes time, it is important that OIA receive the J-1 request form in a timely manner. While OIA only needs 3-5 days to prepare a DS-2019, we must receive the request no later than thirty (30) days prior to the requested start date.

The information collected on these request forms is required for the issuance of the DS-2019. Therefore, it is critical all fields are completed in their entirety; the start and end dates on the request should coincide with the actual appointment or enrollment dates.

Over time, the information requirements for a DS-2019 form, University policy or internal processing do change. Therefore, on occasion, the J-1 request form is updated. Please be sure to use the most up-to-date request form which you can always find on the OIA website to request a DS-2019 form.

To issue a DS-2019 form, OIA must receive a request form that has been approved by the appropriate individuals. Non-BSD requests must have signed approval from the chair of the department or director of the institute and the dean of the school or division (or an authorized representative). In the BSD, academic positions, including postdoctoral positions, must have signed approval from the chair of the department and Academic Affairs. Staff positions in the BSD must have signed approval from the chair of the department and the departmental HR administrator.

Once a DS-2019 has been issued, OIA can mail it directly to the exchange visitor via regular air mail. Most departments, however, prefer to collect the document from OIA and to send it via courier service.

The Visa Application Process

An individual is not considered to be in J-1 status until he or she has been admitted to the US in that status. To be admitted in J-1 status, an individual needs to obtain a J-1 visa sticker in his or her passport. (Canadian citizens are exempt from the visa sticker requirement.) While individuals may already have a US visa in their passport from a previous visit to the US (e.g. tourist visa [B-1/B-2] or student visa [F-1]), this visa cannot be used to enter the US in J-1 status, despite the fact the visitor is in possession of a DS-2019. A valid J-1 visa sticker is required.

Visa application processes vary greatly among US embassies and consulates (posts) in the world. Documentation requirements and scrutiny levels also depend on the nationality of the applicant. Visa applicants, therefore, should always consult with the post where they intend to apply to ascertain what documents are required and what the lead times are for a visa appointment.

Many applicants find themselves subject to a background check by the Department of State (DoS). 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. While the former can often not be avoided, we have found that providing a letter explaining the proposed activities of the scholar with the visa application may help in avoiding a background check for the latter reason. A template for this letter is available on the OIA website. *Because lead times and processing times at the various posts vary greatly, the earlier an exchange visitor can start the process the better.*

Check-In

Once your visitor has arrived in Chicago, it is important that you direct them to check-in with OIA immediately upon their arrival. Visitors can check-in electronically at: <https://internationalaffairs.sites.uchicago.edu/content/j-1-scholar-check>. To complete the check-in process, visitors will need electronic copies of their DS-2019 form, admission stamp, and visa sticker as well as their residential address in the US. Visitors may bring their documents to OIA and check-in in person if they prefer. No appointment is needed as our front desk staff can assist the visitor. Should the visitor want to speak with an adviser about his or her status when checking in, an appointment is recommended.

Extension and Shortening of Status

As indicated above, the maximum duration of a J-1 program for Research Scholars and Professors is five years. It is possible to request extensions of a scholar's J-1 status up to this maximum of five years. The standard request form can be used for extension of status requests. The exchange visitor does not need to leave the US to obtain a new visa to continue to work. However, a new visa may be required if the scholar intends to travel internationally. If a scholar is ending his or her affiliation with your department earlier than initially anticipated please contact OIA via email so we can shorten the visitor's program.

Transferring to another Department or Institution

It is possible for a scholar to transfer to another department or institution assuming that the field of research/teaching remains the same. A scholar with degrees in Music and Physics may not transfer from the Physical Sciences Division to Humanities to focus on his/her other research interest. However, a move from Medicine to Biochemistry and Molecular Biology may not be out of the question. To facilitate such a transfer, a new J-1 request is needed prior to the transfer taking place.

If a prospective scholar is already in the US in J-1 status, he or she can transfer to the UChicago. To facilitate the transfer, OIA will work with the exchange visitor's current program sponsor. While the scholar does not need to leave the US and obtain a new J-1 visa sticker at the US Embassy or Consulate before transferring to UChicago, it is important to allow time for the transfer process to be completed. Please note that regardless of when we receive a J-1 request for a scholar who will be transferring to the UChicago, we cannot issue the new DS-2019 form for that person until the effective date of the transfer. This is because OIA does not gain access to the transferred record in SEVIS until the effective date of the transfer.

Dependents

The spouse and children (under age 21) of an individual in J-1 status are eligible for J-2 status. You do not need to complete a separate request for J-2 dependents. OIA will work with the J-1 to obtain the required information for any dependent. The DS-2019 form for a J-2 dependent can be issued together with a DS-2019 form for a J-1, or at a later time, if needed. To initiate the process, the J-1 scholar should complete the Request to Add a Dependent form on our website (see link below).

J-2 dependents may study and are eligible for an EAD (Employment Authorization Document). On the basis of this EAD, the dependent may work and receive pay. (An EAD is not needed to study.) There are no specific restrictions on the type of employment the J-2 may perform once they receive the EAD, however, they may only work while the EAD is valid. At the discretion of the USCIS, an EAD is issued for a year, or until the DS-2019 form of the applicant expires. This means that, at times, an EAD may need to be renewed. This renewal process is identical to the initial EAD application.

J-2 dependents may only apply for an EAD card once they are in the US in J-2 status and the process can take 3-4 months. Specific instructions regarding this process can be found on OIA's website (see link below).

Insurance

As indicated above, any person in J-status must hold appropriate insurance coverage throughout their J-1 program. The exact insurance requirements can be found on our website (see link below). Many J-scholars qualify for some type of University insurance. Employees (as determined by HR) of the University qualify for regular University benefits; J-1 scholars holding a postdoctoral or "visiting" appointment who are here for more than thirty (30) days qualify for the Postdoctoral Researcher Benefit Plan (PRBP) – whether or not the person is in fact a postdoc. All these insurance options meet the minimum regulatory requirements. OIA can provide individuals who do not qualify for any of the University insurance options with information on third-party insurance providers so they can obtain insurance from one of several providers.

Some J-1 scholars choose to forego the University sponsored insurance because the visitor already has insurance through another provider or because they find the offering too expensive. Individuals who qualify for the PRBP, but choose to use another insurance option, must obtain a waiver of the PRBP insurance.

To ensure your J-1 scholars can indeed enroll in the PRBP insurance plan (or, waive the PRBP insurance), it is critical that Garnett Powers is aware that the individual is indeed eligible for the insurance. Therefore, it is important that the department includes the scholar on the eligibility file that is sent to GPA on a weekly basis.

Payments of Visitors

OIA is not directly involved with the payment of visitors. Please contact Elizabeth Fox (emfox@uchicago.edu) in Financial Services with any questions relating to the process of paying visitors. She can advise on what documents (internal and external) are required. Do direct your inquiries on whether a person is eligible to receive payment (from an immigration perspective) to OIA.

Social Security Numbers (SSN)

All J-1 scholars are eligible for a SSN since they are authorized to work. While the scholars do not need any specific documents beyond their immigration documents (DS-2019, I-94 record, passport) when they apply for the SSN, there are two important considerations: 1.) before the J-1 applies for a SSN, he or she must check in with OIA. Until the J-1 checks in with OIA, his or her SSN application will be declined 2.) The J-1 should wait ten (10) days from the date they complete the check-in process before applying for a SSN. It is possible to apply within these ten days, but it could result in a delay in the SSN processing as the J-1's record will have to be verified manually by the Social Security Administration.

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 one of your visitors have any questions about the specifics of these two regulations, please refer the visitor to OIA. In most cases, we can determine whether someone is subject to these requirements and can advise on the specifics.

In short, the two-year home residency requirement can apply to any person in J-status. There are several reasons why someone could be subject to this requirement, which is often called “212(e),” but the most common are the skills list and government funding. If someone is subject to 212(e), they are not eligible for (among other things) H-1B status and/or changing status to another immigration status from within the US.

The two-year repeat bar applies to any person in the J-1 Research Scholar or Professor category. Individuals subject to this requirement cannot repeat their participation in another J-1 Research Scholar or Professor category for a period of two years. However, someone who is subject to the two-year repeat bar remains eligible for H-1B status and/or a change of status from within the US.

Individuals subject to 212(e) must either go home to their country of permanent residence (as listed on the DS-2019 form) for a period of two years. It is important to note that this requirement cannot be fulfilled in a third country. A permanent resident of mainland China must serve the requirement in mainland China. Depending on the reason for the subjection to the two-year home residency requirement, the exchange visitor may be able to obtain a waiver of the requirement. A person who has obtained such a waiver is no longer subject to the requirement and is eligible for H-1B status and/or a change of immigration status. It is very important to note that once a person obtains a waiver of 212(e), it is no longer possible to extend their J-1 status and travel is also strongly discouraged. Timing a waiver request therefore is critically important. Any visitor considering a waiver is strongly encouraged to contact their International Adviser at OIA.

Individuals who are subject to the two-year repeat bar do not have to return to their last country of permanent residence to fulfill the requirement. They may remain in the US in any other immigration status for which they are eligible. However, there is no waiver available for this repeat bar. Finally, it is possible for an individual to be subject to both the two-year home residency requirement and the two-year repeat bar.

	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

Links

Electronic Check-in: <https://internationalaffairs.sites.uchicago.edu/content/j-1-scholar-check>

EAD application for J-2: <https://internationalaffairs.sites.uchicago.edu/j2workauth>

I-94 Record Retrieval: <https://i94.cbp.dhs.gov/I94/request.html>

Insurance Requirements: <https://internationalaffairs.sites.uchicago.edu/page/insurance-postdoctoral-researchers-and-visiting-scholars>

J-1 Scholar information and Request Form: <https://internationalaffairs.sites.uchicago.edu/procedures>

Request to Add a Dependent: <https://internationalaffairs.sites.uchicago.edu/content/j-1-request-add-dependents>

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>

Information for spouses and partners: <http://internationalaffairs.uchicago.edu/page/spouses-and-partners-international-students-scholars-and-employees>

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:
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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.

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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