Employment

As a J-1 Scholar (professor, researcher, short-term scholar or specialist), your employment in the United States is limited to the activity described on your DS-2019 form.

Scholars should not accept any new employment without first checking with OISS. This includes any kind of compensation (money, gift cards, etc…) for services, including clinical trials, guest lectures and in some cases earnings from editorial work or royalties from publications. You may be reimbursed for expenses (such as hotels, trains, planes and meals) without needing any special permission.

OISS can grant work authorization for something called, the occasional lecture or short-term consultation, but only with prior written approval. OISS will issue this letter; if your J-1 sponsor is an external agency or organization, you will need permission from this organization. A request for authorization to engage in an occasional lecture or short term consultation will be possible only if the proposed activity:

- Is directly related to the objectives of your Exchange Visitor program.
- Is incidental to your primary program activities.
- Will not delay the completion of your Exchange Visitor program.
- Is documented in SEVIS.
- And you must be employed as an independent contractor as defined by 8 C.F.R. § 274a.1(j) [1]

To obtain authorization, you must submit a J-1 Occasionally Lecture/Short Term Consultation Application Form [2] to your OISS Adviser [3] in advance of the date of the proposed activity.

Your authorization will be in the form of letter to you from your J-1 Responsible Officer. The inviting organization will need a copy of this letter in order to pay you an honorarium. You should keep a copy for your permanent record.

According to the Code of Federal Regulations 8 CFR 274 (a) (f) the term employee means an individual who provides services or labor for wages or other types of remuneration. Therefore employment is work performed or services provided with the expectation that there will be compensation, either financial or other. “Volunteer work” on the other hand refers to philanthropic activity without financial gain.

The most important employment issue that you always need to keep in mind is the issue of legal (or “authorized”) versus illegal (or “unauthorized”) employment. You must always make sure that any employment you plan to engage in is legal employment. Any unauthorized (i.e. illegal) employment - even for one day - even if you did not know it was illegal - poses a grave threat to your ability to remain in or return to the United States. And you must always make sure that you have the necessary employment authorization before you begin work, since starting work without prior authorization-even if you receive authorization later-constitutes illegal employment. If you have questions, always consult with an OISS adviser [3] before beginning any employment. This is the only way to be sure that you won’t engage in illegal employment, with all of its adverse consequences for your future in the United States.

Source URL: https://oiss.yale.edu/immigration/j-1-scholars/employment

Links:
[1] http://www.nafsa.org/_/file/_/amresource/8cfr274a.htm#274a1j
[3] https://oiss.yale.edu/about/connect-with-oiss