J-1 Exchange Visitor Information Session

OISS May 2019
Yale Medical School
Agenda

• J-1 Basics
• Maintaining legal status
• Two Year Home Residency and Waiver Process
• Transition to other visas
• Changes in Immigration policy
• Best practices for avoiding problems
Note:

• This Power Point does not explain all details – please speak to an OISS adviser before taking action

• This presentation took place in May 2019 – some policies and regulations may have changed since that date. Please speak with an OISS adviser before taking action
J-1 Basics:
J-1 Basics: DS-2019
J-1 Basics: Embassy Visa
Look Up I-94 record

Official Site for Travelers Visiting the United States: Apply for or Retrieve Form I-94, Request Travel History and Check Travel Compliance

International travelers visiting the United States can apply for or retrieve their I-94 admission number/record (which is proof of legal visitor status) as well as retrieve a limited travel history of their U.S. arrivals and departures.
Most Recent I-94 Results

For: Mihwa LEE

Most Recent I-94

Admission (I-94) Record Number: 324626

Most Recent Date of Entry: 2017 April 04

Class of Admission: J1

Admit Until Date: D/S

Details provided on the I-94 Information Form:

Last/Surname: WISCH

First (Given) Name: ...

Birth Date: 1983

Passport Number:

Country of Issuance: Germany

GET THIS TRAVELER'S TRAVEL HISTORY
## Different Maximum Time for J-1s

### J Category Maximum

<table>
<thead>
<tr>
<th>Role</th>
<th>Maximum Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Short Term Scholar</td>
<td>6 months</td>
</tr>
<tr>
<td>Student Non-Degree</td>
<td>2 years</td>
</tr>
<tr>
<td>Research Scholar</td>
<td>5 years</td>
</tr>
</tbody>
</table>

### Yale Appointment Maximum

<table>
<thead>
<tr>
<th>Role</th>
<th>Maximum Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Postgrad</td>
<td>24 months</td>
</tr>
<tr>
<td>Postdoc</td>
<td>5 years*</td>
</tr>
</tbody>
</table>

* Including previous non-Yale postdoc
J Extensions

- Host department submits request to OISS
- OISS and Postdoc Office recommend multi-year appointments
- Extension results in new DS-2019
- Next travel may need new visa stamp

- Transfers to Yale, and from Yale to another school
Dependents (J-2)

- In some countries they ask J-1 to apply with/ or before J-2
- J-2 can work, but only after applying for and receiving work permission (3-6 months)
- Can travel and apply for visa extensions separately
- Change J-2 to J-1 - - Not always possible
- Dependents must depart with the J-1 in the grace period
International Travel Rules

- Always enter the U.S. in J status (not ESTA)
- Always check I-94 record after each re-entry
- DS-2019 signed (by OISS/visa sponsor) every 12 months
- U.S. embassy visa valid at time of re-entry
- If planning to apply for a new visa, check with OISS about any changes
- I-94 record very important traveling to Canada, Mexico, Islands
- Report to OISS difficult or negative travel experiences
- Automatic Revalidation (Canada, Mexico, Caribbean)
- Travel Ban
Maintaining Legal Status
...and Penalties
Required by law

- Report change of **residential address** within 10 days
- Maintain proper **health insurance** for all J family entire time
- Report changes to job (workplace, title, salary, PI, etc…)
- Extend DS-2019 on time (at least one month prior to expiration)
- Do not do **additional activities**/ receive additional payments
- Awards, Fellowships and Reimbursements are fine (document)
- OISS can permit occasional academic talks (ask first!)
Not Permitted

• No “change in objective”
• Now postdoc in biology – get new Yale offer to do study in electrical engineering

Examples extra activities NOT permitted:

• Clinical trials – want to do adult psychiatry study at Yale New Haven Hospital – NO
• Offer to be consultant for company in home country while on J visa – NO
• PI offers to work on non-Yale project related to your research – MABY / MABY NOT
Two-Year Home Residency Requirement
Two Year Residency

• Not everyone in J status is effected, only these

• Fulbright, or EC FMG getting a waiver is VERY DIFFICULT

• If you are not, and have the requirement:
  - ...but do not owe money to your home country – you can probably get a waiver
  - ...it only blocks you from H-1B and Green Card

• You never have more than two years

• As soon as you no longer have J visa, spending time at home counts towards 24 month aggregate
Steps in a Waiver

- Extend your J DS-2019 to the maximum (important!!!)
- Begin your on-line application with Department of State
- Mail in written statement, copies of all DS-2019 and a $$ check
- Contact your country embassy in Washington to start a No Objection Statement (each country different process)
- Depending on country 4-6 months to get No Objection
- State Department can take 2-4 months more
- The final waiver (I-612) is issued by USCIS (2-3 more months)
When to apply?

• Extend your J DS-2019 to the maximum (important!!!)
• Let OISS know you are ready to apply
• You will need around 8-10 months minimum to complete the waiver process
• You can not apply for an H-1B until you have the waiver
• The H-1B preparation can start no earlier than 6-7 months before H-1b start date
Waiver Problems

• J DS-2019 expires before you get the waiver (must leave US)

• Once you receive the State Dept. recommendation, you can not extend your J status

• Travel after the recommendation is not the best thing

• When you apply for a Waiver – your J status is frozen – and nothing can change

• If you owe money or service to your home country they may not grant a No Objection

• Some countries never grant No Objection – but most do including India, China, South Korea, etc…
Waiver Questions??
Transition to other visas
Transition to/ From F-1 Student

- On F-1 OPT now – talk to OISS about when to apply for next visa
- In many cases better to go for J, and not H until later
- If you have applied (actually mailed – not just preparing) for a green card, better to have H-1B

- Change J to F
- If have two year home residency, have to go home, get F visa and return
Change of J category (change to ECFMG)

- Must be supported by ECFMG
- Need new DS-2019 by residency start date (7/1)
Transition to H-1B Temporary Worker

• Do not have to wait for 5 year max to begin – speak to OISS adviser
• Better to wait on H
• Can run out of time and not be eligible for green card
• H has very little flexibility, J has a lot of flexibility
• Some PIs don’t want to pay USCIS fees for H (over $2,000)
Transition to Green Card

• This talk is not about green cards

• Green Cards all have two steps: I-140 (eligibility) and Adjustment of Status (I-485, etc…)

• The first step (I-140) can happen at any time (even while on J - but not recommended)

• The first step (I-140) can take a LONG time to prepare (over a year)

• Best to change to H when ready to mail out I-140

• Marriage to USC is a different and quicker process
Leaving Yale

- J-1s cannot have gaps in appointment start/end
- If you are transferring to a new J-1 new program sponsor within the U.S., know the deadlines and communicate with both OISS and your new visa sponsor
- Plan departure according to grace period rules
  - 30-day grace period for J-1
- If you have a gap (leave and want to come back on J) 24 month bar
Changes in Immigration Policy
New Policy

• Unlawful Presence – 3-year bar from entering US
• Huge penalties if you do anything wrong. Ask first
• Deference rule taken away – never assume you can extend
• Work permission taking a long time (EADs)
• H-1B applications being questioned “Specialty Occupation”
• Private sector H-1B still a problem (run out)
Best Practices for Avoiding Problems
Best Practices

• Know your expiration dates (DS-2019, travel signature, visa stamp, passport)

• Ask OISS before applying for a Waiver

• Plan ahead! Start visa transition conversations 12 months (or more!) in advance

• Read e-mails from OISS, take action

• Ask before action: contact OISS
How to get Help from OISS

• Look up your OISS Adviser and call, set an appointment, send an e-mail – or just walk in!
Questions?