YPA / OISS
COVID-19 Q&A Session

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Note: This session was presented through Zoom on 4.22.2020. University and immigration policies are continually changing. Please monitor Yale and OISS updates at OISS.yale.edu/covid-19

The information contained in this presentation does not constitute legal advise.

Parker Emerson, OISS
What OISS Can Address

- **Visa regulations**
  - Maintenance of legal status
  - Taking various leaves or breaks
  - Working remotely
  - Transition to different visa/employers
  - International travel
  - Timely departure from U.S. and grace periods

- **Advocacy**
  - Representing international postdocs on issues related to career, employment, wellness and COVID-19 related concerns
  - Supporting postdocs on issues of diversity, bias, race, gender and sexuality (Belong.Yale.edu)
  - Please take time today to inform OISS of issues not addressed in this presentation

- **What OISS cannot address (can advocate, but not final decision)**
  - Protocols about academic appointments, minimum funding, leaves of absence
J-1 Visa Issues

- **Categories:**
  - Short Term Scholar – 6 months
  - Research Scholar – 5 years
  - Non-degree students – 2 years

- Must have health insurance at all times
- Need normal minimum funding levels for extensions
- Need Yale appointment, or permission for temporary Leave of Absence
- April and May expirations were “pushed out” by U.S. State Department by 60 days – even if at maximum J time….good news!
- J-2 can apply for work permission
- All J visa holders have a 30-day grace period to depart from the U.S.
H-1B Visa Issues

● Strict regulations – not flexible:
  ▪ Must continue to be full-time doing same work for same PI
  ▪ No grace period (with an exception if you lose your job)
  ▪ 6-year maximum (with a couple of exceptions)
  ▪ H-4 spouse may not work (with one small exception)
  ▪ Changing employers requires 3-4 months for the new employer to prepare (more if Cap Subject private sector)
**Both H-1B and J-1 Q&A**

**Q-** Am I allowed to work from home in New Haven?  
**A-** Yes. You are allowed to work remotely on a temporary basis during current university COVID-19 policy.

**Q-** Can I work from Boston? From Hong Kong?  
**A-**
- If you plan to be away for only a few weeks, it should be ok to work from another state or country. If you are officially relocating (changing your mailing address and official residence), then you will need university permission first. Contact your departmental business office, which in turn will seek approval from a university review committee.
- During your time out of state you will need to know how to access health care with your insurance from whatever city you are in.
- Please inform OISS if you will be working from outside the U.S. by contacting your OISS Adviser.
J-1 Only  Q& A #1

Q- My appointment has ended, but I can’t travel home right now. What should I do?

A- Please work with your department and the Office of Postdoctoral Affairs to explore all possibilities for continuing your Yale appointment. The university is trying to find accommodations to help in these situations, given these exceptional times.

Q- My funding ended but I want to stay in the U.S. doing my research. What can I do?

A- Again, please work with your department and the Office of Postdoctoral Affairs. Some protocols may be more flexible than others - ask about use of other funding sources for a temporary short term extension. Ask about vacation time and official leave of absence requests.

If you find you are “stuck” with no resolution, please contact your OISS Adviser.
Q- The State Department extended my DS-2019 by 60 days. What am I permitted to do in this time?

A- If your DS-2019 expired between April 1st and May 31st, then the State Department may have extended your J status by 60-days. OISS has already reached out to these J-1 visa holders. Many have already departed the U.S. or extended their appointment at Yale. If necessary it may be possible to remain in the U.S. without a Yale appointment, in order to wait for a flight home. You are required to have sufficient funding and health insurance.

Q- I have extended my appointment with Yale - when will I receive my new DS-2019 form?

A- OISS is processing these extensions in the Department of Homeland Security system maintaining your J-1 legal status. Once the new extension has been processed by OISS, we will e-mail both the department and the scholar. If appropriate OISS will also process the I-9 extension. However, at this time OISS is not mailing out new DS-2019 forms. We will accommodate exceptions (J-2 work permission application, etc...).
Q - I have reached the maximum time allowable on my J visa, but I can’t go home right now. What can I do?

A - If you are now a J-1 Short Term Scholar, OISS has been successful in asking the State Department to do a “change of category” moving you to Research Scholar. Please let Parker know if this is your situation. I will give you instructions on how to make the request.

A - If you are now a Research Scholar coming to the end of your 5 year maximum, you should be exploring the option of change to H-1B, which includes getting a waiver of the two-year home residency requirement. The waiver can take 10-12 months and the H-1B can take an additional 4-6 months.

If you do not have enough time for this process, please contact your OISS Adviser.
Q & A

Other Questions??