

## 5. Maintaining Immigration Status (J-1 and J-2)

Maintenance of your legal immigration status is a shared responsibility between you, as the Exchange Visitor, your faculty or staff sponsor and OIE. Below is a brief outline of what must be done.

### **Basic requirements to maintain J-1 status:**

An Exchange Visitor (Scholar/Researcher, Short-Term Scholar, Student, Trainee) must pursue the stated intent of the program in item # 4 of the DS-2019.

1. Maintain a passport valid for at least 6 months from today.
2. Complete your exchange program by the end date in item # 3 of the DS-2019.
3. Apply for an extension of stay, transfer to another program, or change of visa status, before the expiration date in item # 3 of the DS-2019.
4. Before you accept any employment, consistent with DS-2019 item # 3, secure authorization from the Responsible Officer at the Office International Education.
5. **Insurance coverage:** Maintain the required health insurance for yourself and any dependents who may be with you in the United States.
6. **Address change:** Notify the Office of International Education within 10 days whenever you change your residence address and or telephone number.

**Passport:** your passport must be valid for at least 6 months from today. Passport renewals are made by your home country Embassy or Consulate.

**Program Intent:** All your activities as a Scholar, Professor/Researcher, Short-Term Scholar or Intern must be consistent with the program intent stated in item # 4 of the DS-2019.

**Occasional employment:** Although you may be eligible for some limited employment, before you accept to offer an 'occasional' lecture away from California State University, Chico, you must first have written authorization from the Responsible Officer. Such activity however, must be supported, in a written request, by your faculty/staff host and must be consistent with your program plan stated in item # 3 of the DS-2019. Please discuss any possibilities with your host Department faculty/staff host/sponsor. Upon receipt of authorization, the Responsible Officer will make necessary adjustment to your SEVIS record.

**Program duration:** You must complete your exchange program within the stated period in item # 3 of the DS-2019.

**Program extension:** In the event that additional time is required to complete your program, you must **apply for an extension before** the expiration date of the current program as stated in item # 3. Your host department (faculty/staff) must be consulted and will submit a written request for the extension request to OIE.

**Transfer:** If eligible, you may request to transfer to another J-1 program at any time but no later than 30 days after the program end date on your current DS-2019. Official proof of acceptance to the new program must first be presented to OIE.

**Health Insurance Coverage:** You are required to maintain the required health insurance for yourself and your dependents, if they are in the United States. Failure to meet the health insurance requirement is reason for immediate termination of the exchange program. As outlined in the Department of State's Welcome document, you are required to have in effect, from the point of your arrival until your departure from the United States, a health insurance policy with the following minimum coverage: **(1)** medical benefits of at least \$50,000 per person per accident or illness; **(2)** expenses associated with medical evacuation in the amount of \$10,000 **(3)** repatriation of mortal remains in the amount of \$7,500. **(4)** The policy may not have a deductible exceeding \$500 per incident. Proof must be provided to the Office of International Education upon your arrival when you check in.

**Residence Address:** Upon arrival in Chico, immediately provide your residence address and related directory information (telephone numbers and emergency contact, email, etc.) information to the Office of International Education located in Student Service Center, Room 440.

**Address change:** If you change your residence address, you are required to report the new address within 10 days of the move. A post office box number is not an accepted residence address.

**Change of Status:** While it is possible to change status from J-1 to another visa category, the process is not that simple or necessarily fast. Be advised however, that if you are subject to the two-year physical presence requirement (INA 212(e)), you may not change your status to H, L, or K, and may not change to a legal permanent resident (LPR). As soon as possible, discuss your plans with the Responsible or Alternate Responsible Officer. For more details, also consult the regulations at: [http://exchanges.state.gov/jexchanges/j-1\\_visas/waivers.html](http://exchanges.state.gov/jexchanges/j-1_visas/waivers.html)

**Program evaluation:** Working with your host/sponsor, complete and submit a program evaluation at the end of your program before you leave campus.

**Grace Period:** Regulations permit you to remain in the United States for 30 days after the program end date in item 3. Please note that you are not allowed to continue working or engaging in exchange program related activities. Rather, you expected to be preparing to leave, or, if you are eligible, change your visa status, or transfer to another program. Once you leave the United States, you must secure another visa in order to return.

**Departure Notification Requirement:** Before you leave, inform the OIED of your intended or actual date of departure from the United States. This will enable OIED to comply with the Department of State reporting requirements and ensure that your record will be in order, should you wish to return to the US. Complete the Departure Notification Form available from OIED.

### **Additional regulations:**

**1. The 12-Month Bar:** A J-1 Research Scholar or a J-1 Scholars Professor who has been in the United States for more than six months during the last year (12 months) is not eligible to enter the United States as a J-1 Research Scholar or Professor category until 12 months (one year) have elapsed. The 12-month bar applies to both the J-1 principal and any J-2 dependents. The 12-month bar does not prevent individuals from returning to the United States in any other visa status including the J-1 Short-term category. J-1 Short-term Scholars are exempt from this 12 month bar. Relevant information may be viewed at: 22 C.F.R. 62.20(d)(2).

**2. The 24-Month Bar - C.F.R. 62.20(d)(3). Note that this is not the same as the INA 212(e) physical presence regulation.**

Beginning 11/18/06, a visiting scholar who participates and completes an exchange program in a J-1 Researcher Scholar or Professor category, is subject to a 24-month bar on "repeat participation" in those categories. A Visiting Scholar in this situation may not return to the United States, for a period of 24 months, to start a new exchange program in a J-1 Research Scholar or Professor Scholar category. This bar also applies to J-2 dependents. (This is not the Two Year Home Residence Requirement). The 12-month bar does not prevent individuals from returning to the United States in any other visa status including the J-1 Short-term category. Relevant information may be viewed at: 22 C.F.R. 62.20(d)(3).

### **3. Two-Year Foreign Residency Requirement – INA 212(e):**

[http://www.travel.state.gov/visa/temp/info/info\\_1288.html](http://www.travel.state.gov/visa/temp/info/info_1288.html) (INA 212(e))

If you are subject to the two-year foreign residence requirement, you may not change your status to that of H, L, or K, or to immigrant or legal permanent resident status until you have fulfilled the two-year foreign residence requirement by going back to your home country or receiving a waiver of this requirement from the Department of State.

### **4. You may be subject to INA 212(e) if any of the following apply:**

- a. Your program is funded by the United States Government
- b. Funded by your (home) foreign government,
- c. Funded by an international organization
- d. The exchange program listed in item 3 of your DS-2019 is placed on the Exchange Visitor Skills List (1997 Amendment) by your home country.
- e. On January 10, 1977, or subsequent to this date, you applied and were granted a J-1 visa to receive graduate medical education or training.

**5. Unlawful Presence:** 180 – 360 days == 3 years; 360 days + 1 day == 10 years

**Unlawful presence:** is time spent in the United States following entry without inspection or after the expiration of an alien's I-94.

The "3 and 10 year bar" to reentry is part of the Illegal Immigration Reform and Immigrant Responsibility Act ("IIRAIRA") of 1996. It states that an alien who accrues more than six months (180 days), but less than one year (-360 days) of "unlawful presence" in the United States, will be barred from readmission to the United States for a period of three years, and any alien having accrued more than one year of such "unlawful presence" will be barred from readmission for ten years.

### **Dependents:**

**Immigration benefits:** All the immigration benefits of J-2 visa holders, including the right to remain in the United States, are entirely dependent on the ability of the J-1 principal to maintain status. If the J-1 principal fails to maintain 'status' all the privileges of the J-2 end immediately.

**Health Insurance:** A J-2 visa holder must have health and accident insurance at the same levels as the J-1 as outlined in the Department of State's welcome, from the time of your arrival until your departure from the United States. The following minimum coverage must be met: **(1)** medical benefits of at least \$50,000 per person per accident or illness; **(2)** expenses associated with medical evaluation in the amount of \$10,000 **(3)** repatriation of mortal remains in the amount of \$7,500. The policy may not have a deductible exceeding \$500 per incident.

**Dependent Employment:** Regulations allow a J-2 visa holder to apply for permission to accept employment. Such employment, however, may not be intended to support the J-1 principal. The regulations read as follows, 'Income from the spouse's or dependent's employment may be used to support the customary family's recreational and cultural activities and related travel, among other things. Employment will not be authorized if this income is needed to support the J-1 principal alien.' Please consult with the Responsible or Alternate Responsible Officer for assistance with the application process, should you choose seek employment.

**Studying:** J-2 dependents are eligible to study part-time or full-time without changing status to F-1 student status. However, the J-2 must meet the admission requirement relevant to the level of studies being sought. Additionally, the J-2 will be responsible for all appropriate fees and non-resident tuition in effect at the time of admission and or registration.