Immigration Rights and Responsibilities of Scholars in J-1 “Exchange Visitor” Status

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Purpose

This information is intended for J-1 Exchange Visitors sponsored under Boston University’s J-1 program. It summarizes your rights and your responsibilities as a J-1 exchange visitor in the United States (U.S.). You will find important information about required reporting information for yourself and for any dependents in J-2 status and relevant U.S. Department of State (DOS) and U.S. Department of Homeland Security (DHS) regulations to help insure that you maintain your status in the U.S. In addition it identifies situations for which you should seek assistance from BU’s International Students and Scholars Office (ISSO). As regulations and procedures do change from time to time, we recommend that you contact us and refer to the ISSO website at www.bu.edu/isso any time you have questions related to your J-1 program at BU.

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1. Definitions

Exchange Visitor Program: The J-1 Exchange Visitor Program in the U.S. is administered by the Bureau of Educational and Cultural Affairs under the U.S. Department of State. DOS grants authority to certain approved institutions to serve as designated J-1 Program Sponsors, with permission to host exchange visitors participating in activities that foster mutual understanding and enhance international cooperation. The direct contact information for the EV Program Administration is:

**Exchange Visitor Program**
U.S. Department of State – Office of Designation – Academic and Government Programs Division
ECA/EC/D/AG, SA-44, Suite 664, 301 4th Street, SW, Washington, DC 20547
Public J-1 Questions: jvisas@state.gov

Program Sponsor: Your program sponsor is the institution listed in Item #2 of your Form DS-2019. The program sponsor has legal authorization to grant you certain benefits, assist you in applying to the DOS or DHS for other benefits, and assist you in fulfilling your responsibilities. **Note:** If Boston University is not your program sponsor, please substitute the name of your program sponsor each time you read “ISSO” and consult with your program sponsor to report your arrival, to communicate any changes and to take full advantage of your immigration status benefits.

Category: Your category appears in Item #4 of your Form DS-2019. It will indicate one of the following: Research Scholar, Professor, Short-Term Scholar, Student Intern or Specialist.

Subject/Field Code (you program objective): The subject/field code, found in item #4 of your Form DS-2019, specifies the field of research, teaching or consulting in which you will be engaged while in the U.S. It is also known as your program objective because it indicates the primary purpose for which you came to the U.S. The activities you engage in while in this country must be directly related to your program objective.

You are not ordinarily allowed to change your category or program objective once you have entered the country in J-1 status. Such changes require significant time and effort, are considered only under extraordinary circumstances, and are rarely approved by DOS.

2. Immigration Documents

In order to maintain lawful J-1 status, you should insure that your immigration documents are valid throughout your program at BU. We recommend that you bring your passport and Form DS-2019 with you each time you visit the ISSO, as we may need to refer to them to provide you with the appropriate advice or immigration benefit.

- **Passport** – (should be valid for a minimum of 6 months into the future)
- **Form DS-2019** - (Certificate of Eligibility for Exchange Visitor [J-1] Status)
- **For J-1’s in ‘Student Intern’ category ONLY:** Form DS-7002, Training/Internship Placement Plan (with appropriate signatures)
- **U.S. Entry Stamp** or **Form I-94 Arrival/Departure Record** - either document can serve as proof of U.S. admission as a J-1 Exchange Visitor. You can obtain your I-94 arrival/departure information at [www.cbp.gov/I94](http://www.cbp.gov/I94).

In addition, the following document is required each time you wish to enter or re-enter the United States after travel abroad:

- **J-1 visa** (must be valid for any entry or re-entry to U.S. but can expire while you remain in the U.S.)

Please keep your original documents in a safe place. If any of your documents are lost or stolen, you should take the steps to replace them as quickly as possible. Contact the ISSO if you have any questions about your immigration documents and/or how to replace them, if required.

3. SEVIS – Electronic Reporting System

DHS utilizes an electronic reporting system called the Student and Exchange Visitor Information System (SEVIS) to track international students and exchange visitors in the U.S. We are required to report information on J-1 exchange visitors and J-2 dependents to SEVIS through secure, encrypted Internet transmissions.

Boston University is required by federal law to report certain information through the SEVIS system. This includes all the information on your Form DS-2019 and information on “reportable events” that affect your immigrant status. These events include but are not limited to any change in the following:

1. Physical or mailing address
2. E-mail address
3. Telephone number
4. Primary site of activity
5. Completion or early termination of your research, teaching or consulting activities
6. Change in funding, including change from unpaid to paid status at BU
7. Program extensions or amendments
8. Program transfers
9. Violations of J-1 immigration status

In addition, Boston University is required to report information related to any dependents in J-2 status:

1. E-mail address for each dependent
2. The departure from the U.S. of any of my J-2 dependents who leave the U.S. permanently prior to the completion of your J-1 program.

Since SEVIS is an electronic reporting system, it will be very important that your information on record at the ISSO and with other university offices (Payroll, Human Resources, Registrar, etc.) be up-to-date throughout your program at BU. Any changes need to be reported in SEVIS within 10 business days.

SAMPLE Form DS-2019
Certificate of Eligibility for J-1 Exchange Visitor Status
4. Who is Involved in SEVIS?

**ISSO** = International Students and Scholars Office at Boston University

**DOS** = U.S. Department of State – The branch of the U.S. government that oversees U.S. embassies and consulates abroad and administers the J-1 Exchange Visitor Program

**DHS** = U. S. Department of Homeland Security — The branch of the U.S. government that oversees immigration benefits, customs and immigration enforcement. DHS is comprised of three immigration-related bureaus, as follows:

- **USCIS** = United States Citizenship and Immigration Service (approves immigration benefits, including employment)
- **ICE** = Immigration and Customs Enforcement (charged with enforcement of Immigration related infractions, oversees SEVIS)
- **CBP** = Customs and Border Protection (operates ports of entry to the U.S.)

5. Maintaining Lawful J-1 Immigration Status

When to Contact the ISSO

To ensure that you maintain lawful immigration status, you must contact the ISSO if any of the following events occurs:

- If there is a change to your legal name, U.S. address, country of citizenship, immigration status, information on J-2 dependents, or source of funding
- If you or any of your J-2 dependents intend to travel outside the U.S. and need a travel signature on your Form DS-2019 or if you will apply for a new visa before reentering the U.S.
- Whenever any of your immigration documents are lost or stolen
- If you intend to change your immigration status
- If you intend to transfer to another program sponsor
- If you want to have your dependent spouse and/or children join you in J-2 status
- If you expect to complete your J-1 Exchange Visitor program prior to the date listed on your current Form DS-2019.
- If any of your J-2 dependents depart the U.S. permanently prior to the end date listed on your current Form DS-2019.
- If any of your J-2 dependents depart the U.S. permanently prior to the end date listed on your current Form DS-2019.
- Prior to accepting an invitation to engage in a lecture or research activity at a location outside BU

Change of Address, E-mail and Telephone Number

If you move within the United States, J-1 regulations require that you inform the ISSO of your change of address, e-mail or telephone number within 10 days of the change. To inform the ISSO of your updated information, please send an email to issosch@bu.edu. The update request should include your full name, Boston University ID number as well as your new address, e-mail or telephone number. The ISSO will report the new information to the Department of Homeland Security via SEVIS. We must have record of your physical address, not a Post Office Box. Please note that you will need to inform your host department and the BU Payroll Office separately as the ISSO does not have direct access to your personal information on record with these offices.

Medical Insurance

You are required by regulation to maintain medical insurance that covers you (and your spouse and/or children if they are in the U.S. in J-2 status) for illnesses and accidents during the entire period of time you are in the U.S. in J-1 or J-2 immigration status. Minimum coverage must meet DOS requirements. Failure to maintain insurance throughout your stay in the U.S. in J status could jeopardize your lawful immigration status. Information about the minimum requirement for insurance coverage can be found at http://j1visa.state.gov/participants/how-to-apply/eligibility-and-fees/.

Please note that minimum DOS insurance requirements only cover emergency medical care. The ISSO would encourage scholars to consider purchasing more comprehensive insurance coverage in order to facilitate access to routine healthcare during your time in the U.S. Scholars in J-1 immigration status who are eligible for insurance coverage through the policies available from BU’s Office of Human Resources should be advised that they will also be required to purchase supplemental insurance to meet the medical evacuation and repatriation requirements stipulated by DOS.

Please refer to Medical Insurance Options for International Scholars in J-1 Exchange Visitor Status Handout for more detailed information.
Travel

We encourage you to contact the ISSO anytime you plan to travel outside of the U.S. so that we can provide you with up-to-date travel advice and information and insure that you have the proper documentation to return to your program at BU.

Travel Within the U.S. You may travel within the U.S. provided you maintain your lawful J-1 status and have a valid passport and Form DS-2019 in your possession.

Travel Outside the U.S. You may leave the U.S. at any time. If you leave, you are permitted to return to the U.S. in J-1 status only if you have a valid passport, a valid J-1 visa stamp (except Canadian citizens) and a current Form DS-2019 that has been signed for travel by an authorized staff member at the ISSO. A travel signature is valid for one year or until the end date listed on your Form-DS-2019. [J-1’s in the ‘student intern’ category should also carry their Form DS-7002 when traveling]

If you travel to Canada, Mexico or certain islands near the U.S. you may be eligible to reenter the country even if the J-1 visa stamp in your passport has expired, provided your visit does not exceed 30 days. You should consult with the ISSO before making any trips outside the country.

Application for a New J-1 Visa during Travel. A valid J-1 visa is required for reentry to the U.S. (for all scholars except for Canadian citizens). You are allowed to remain in the U.S. with an expired J-1 visa, provided that you continue to maintain your lawful status and you’re your passport and Form DS-2019 are valid. Although you may remain in the U.S. with an expired J-1 visa, it will be necessary to apply for a new visa during your next trip abroad.

If you need to apply for a new visa during a trip abroad, please contact the ISSO so that we can review your documents and provide you with current information on visa processing. Scholars from certain countries and in certain areas of specialization may be required to undergo an extensive security clearance prior to visa issuance, which can slow the process significantly. If you plan to apply for a visa in Canada or in a country other than your home country consult with the ISSO.

Please refer to the ISSO’s most current Travel Advisory for information on recent travel and visa application changes. Upon re-entry to the U.S., we recommend that you review your I-94 arrival/departure record and entry stamp to insure proper entry to the U.S. If you are unsure as to whether or not you were properly admitted, please contact the ISSO immediately.

Employment at Boston University

Scholars in J-1 status may be sponsored by BU for paid or unpaid academic activities. Employment at BU and acceptance of non-salary payment from BU or departments (such as stipends, honoraria, per diem, or other types of remuneration) is only permitted if the scholar’s DS-2019 indicates that the scholar will receive funding from the “Current Program Sponsor.” Additional information about your rights and protections as a temporary worker in the U.S., as outlined in the Wilber Wilberforce Act is available in several languages on the U.S Bureau of Consular Affairs website at: http://travel.state.gov/content/visas/english/general/rights-protections-temporary-workers.html. In addition, we recommend that you review Boston University’s Department of Human Resources website for more information about employment and contact them directly for assistance as appropriate: http://www.bu.edu/hr/

If your DS-2019 does not list BU as a source of funding, you may qualify to receive compensation from BU only if the ISSO amends your DS-2019 to reflect a financial update and if the compensation you will receive from BU is related to your initial program objective. Your hiring department at BU must inform the ISSO in writing of the proposed change in employment status and the ISSO must reissue the DS-2019 prior to the proposed start date of the paid employment.

Employment for U.S. Institutions other than Boston University

Scholars in J-1 nonimmigrant status are not permitted to engage in employment for any employer other than BU. However, scholars in certain categories may engage in occasional lectures and short-term consultations for institutions other than BU, provided they receive prior approval from the ISSO. Such permission is employer, location and date specific, and is limited to short-term lectures and consultations related to your program objective and area of specialization indicated on your Form DS-2019. When approved by the ISSO, federal immigration regulations also permit scholars to receive payment for such activities. The activity must support, and not interfere with, the exchange visitor’s original program activity, and may not delay completion of the original objective. Please note that authorization must be received for each activity. Also, this provision of the laws pertains only to J-1 Exchange Visitors in the Research Scholar, Professor or Short-term scholar categories. Contact the ISSO for more information on requesting permission to accept a lecture or short-term consultation.

Taking Classes at Boston University

Scholars are permitted to enroll in individual classes while in J-1 Exchange Visitor status in the Professor, Research Scholar, Short-Term Scholar or Specialist category as long as these classes do not interfere the J program objective. Being admitted to a degree program may be contradictory to the J-1 status you now hold. Please consult with the ISSO if considering this option. Tuition remission may be available to J-1 scholars who are also full-time employees of BU. Consult with the Benefits section of the Office of Human Resources (www.bu.edu/hr/benefits/) for more information about this employee benefit.
Scholars or dependents wishing to enroll in classes at BU will be required to meet immunization requirements as stipulated by the Massachusetts Department of Public Health. Questions about immunization requirements for course enrollment at BU should be addressed to the Office of Student Health Services (www.bu.edu/shs/).

Length of Time You May Remain in the United States

You may conduct your research, teaching or consulting at BU until you complete your activities or until the end date in Item #3 of your Form DS-2019, whichever occurs first. If you need more time currently indicated on your Form DS-2019, please contact the ISSO at least 30 days before the expiration date in Item #3 to request additional time, if allowable. Each category of the J-1 has a specific time limitation, as follows: Research Scholar is limited to five (5) years; Professor is limited to five (5) years; Student Intern is limited to one (1) year; Specialist is limited to one (1) year; and Short-term Scholar is limited to six (6) months. Extensions cannot be granted beyond these limits.

Absences from the U.S. of 30 Days or Longer

ISSO is responsible for informing DHS when scholars end or interrupt their exchange programs. When this occurs, the SEVIS record is made inactive and the scholar becomes ineligible to return to the U.S. to resume the same academic program. Scholars who plan to depart the U.S. for a period of 30 days or longer and who intend to return to resume their academic activities at BU must complete and submit a notification to the ISSO prior to departing. Scholars and their hosts must clarify the reason for the extended absence so that ISSO scholar staff can evaluate whether the scholar’s SEVIS record can be maintained as active during the period of absence. Please contact the ISSO prior to your intended departure to obtain the appropriate forms to make this request.

Dependents and Other Family Members

If you are married and/or have children, you may be eligible to have your spouse (husband or wife) and/or children, under the age of 21, visit you temporarily or join you for the duration of your time at BU. Dependent spouses and children who accompany or follow-to-join a J-1 scholar must each be issued an independent SEVIS Form DS-2019 in order to apply for a J-2 dependent visa. J-2 dependents are allowed to remain in the U.S. only as long as the J-1 scholar maintains legal J-1 status in the U.S. J-2 dependents are permitted to study part-time or full-time, either as nondegree or as degree-seeking students, and are also permitted to apply for employment authorization. An ISSO advisor will be pleased to advise you on the application process for J-2 employment authorization.

The ISSO is required to report the e-mail address of each of your dependents to SEVIS. In addition, if your J-2 dependents will depart the U.S. prior to the end date listed on your Form DS-2019, you should notify the ISSO as we are required to report this information via SEVIS.

Failure to Comply with Responsibilities

Immigration laws in the United States provide for severe penalties if you fail to comply with your immigration responsibilities. Maintenance of accurate records at the ISSO and in the University Information System (UIS) is especially important since SEVIS automatically reports details of your status to the DHS. You should work closely with the ISSO staff to make certain that you comply with all J regulations.

6. Educational and Cultural Requirements

The J-1 Exchange Visitor Program was established by the US Department of State (DOS) to facilitate the exchange of international research and education. In addition, there is a cultural component to the J-1 program and, as your program sponsor, we want to insure that you have the necessary resources to make the most of your program here at BU. From your arrival in Boston, a city of U.S. cultural and historical importance, and an academic, scientific and medical hub, you will receive broad exposure to U.S. culture, to the U.S. higher education experience, and to scientific and research collaborations. This exchange occurs organically in city and campus life and is enhanced by the extensive array of targeted university support services, activities and programs.

Programing and support is offered through the ISSO as well as through departmental, school-specific, and university-wide programs and offices, including among others, Human Resources, the Postdoctoral Affairs Office, Marsh Chapel (with an interfaith international student chaplain on staff) and the Office of Family Resources. In addition BU’s online Calendar of Events communicates campus-sponsored activities, lectures, seminars, sporting events, outings, community service opportunities, often with five or more activities listed per day. We encourage you to take advantage of all that Boston, BU and the surrounding area have to offer.

7. Completing your Boston University Exchange Program

Departing U.S. within 30-Day Grace Period

Scholars who complete their exchange program at BU must inform the ISSO of their departure by completing and submitting a End of Employment/Activity Notification Form. For scholars who depart the U.S. earlier than the end date indicated on their DS-2019, the ISSO may issue a new DS-2019 document to reflect the earlier completion date.

Scholars who are eligible to continue research, teaching or other academic activities until the program end date indicated on their Form DS-2019. Scholars who require more time to complete their program, must request an extension from the ISSO no less than 30 days prior to the expiration of the current document.
Scholars who conclude their academic activities on the date stipulated may remain in the U.S. for up to 30 days after completion to prepare for departure from the country. Please note, however, that the 30-day grace period permitted to J-1 exchange visitors and J-2 dependents is not intended for travel out of the U.S. with the intent to return. Once a scholar and his/her dependents depart the U.S., the grace period ends. Return to the U.S. would require another immigration classification.

Transfer to another J-1 Program in Same J-1 Category

Scholars who wish to continue their academic objective under the J-1 sponsorship of another program sponsor in the U.S. may be eligible to transfer their SEVIS record to the new program sponsor, provided the new program sponsor is approved by DOS to sponsor scholars in the same J-1 category (Research Scholar, Professor, Short-Term Scholar, and Specialist). Scholars considering transfer to another program should speak with the ISSO.

Apply for Change to another Nonimmigrant Status in the U.S.

In certain circumstances, scholars who are completing their J-1 exchange program may require additional time in the U.S. to pursue other personal or professional goals, and may be eligible to apply for change of nonimmigrant status in the U.S. Please note that scholars who are subject to the Two-Year Home Residence Requirement – 212(e) (see next page) are ineligible for change of status in the U.S. Scholars wishing to change status are advised to consult with the ISSO well in advance to review eligibility for this benefit and to ask about current DHS processing times for change of status applications.

8. Eligibility to Return to U.S.

Two-year Home Residence Requirement – 212(e)

The J-1 Exchange Visitor Program was established to promote mutual understanding and cultural and educational exchange, with the assumption that participants would return to their home countries and share knowledge gained during the program. In certain instances, visitors in J status are required to return and reside in their home country or country of legal permanent residence for two years before they may return to the U.S. in H, L, or K classification, or as a lawful permanent resident (“green card” holder). In addition, scholars who are subject to this requirement are not eligible to apply for change to any non-immigrant classification from within the U.S.

Individuals are subject to the two-year home residence requirement – also known as 212(e) – if:

- They come to the United States to participate in medical residency under J-1 Alien Physical category OR
- If they have received direct government funds for the purposes of international exchange OR
- If, as a J-1 Exchange Visitor, they are acquiring a skill that is in critical demand in their home country, according to the U.S. government’s “Exchange Visitor Skills List.”

Please note that receiving a salary that is funded out of a government grant that is given for the purposes of conducting research does not make the recipient subject to this provision. Most BU research salaries are funded by grants from the U.S. government. This money is given to BU to do research and does not make a person subject to 212(e).

In limited circumstances, exchange visitors who are subject to the requirement may apply for a waiver directly from the Department of State (DOS) if they meet certain conditions. While the ISSO cannot assist with waiver applications, we recommend that you contact us to discuss general timelines and required steps in the process.

Please note that the Two-Year Home Residence Requirement can affect scholars in any J classification, including J-2 dependents. It is not the same as the 24-month bar on repeat participation which affects only scholars in J-1 Research Scholar or Professor categories.

12-Month Bar for Initial J-1 Research Scholar and Professor Categories

Prospective scholars who previously participated in any J exchange program (including as a J-2 dependent) are ineligible for sponsorship under J-1 Research Scholar or Professor categories for a period of 12 months after ending the previous J program. An exception to the 12-month bar exists for scholars whose prior exchange program was less than six months in duration and for scholars whose prior exchange was under the J-1 Short-Term Scholar category.

24-Month Bar on Repeat Participation in J-1 Research Scholar and Professor Categories

Scholars in the J-1 Research Scholar or Professor category who complete their exchange program become subject to a 24-month (two-year) prohibition from returning to the U.S. to commence a new J-1 exchange visitor program in the Research Scholar or Professor category. If you anticipate that you will continue your research affiliation with BU or another exchange program sponsor after completing your current appointment period as a J-1 Research Scholar or Professor, we would advise that you discuss your long-term plans with the ISSO prior to ending your J-1 SEVIS immigration record.
This prohibition does not apply to scholars in other J-1 categories, such as J-1 Short-Term Scholar, J-1 Specialist or the J-1 student intern. Also note that the bar on repeat participation is not the same as the Two-Year Home Residence Requirement – 212(e). For further clarification on factors affecting J-1 program participation, please refer to the comparison chart below or contact the ISSO.

### Eligibility Factors Affecting J Program Participation

#### J-1 Two-Year Home Residence Requirement 212(e)

**Versus 12-Month and 24-Month Bars**

<table>
<thead>
<tr>
<th>Who it affects</th>
<th>Two-Year Home Residence Requirement – 212(e)</th>
<th>12-Month Bar</th>
<th>24-Month Bar</th>
</tr>
</thead>
<tbody>
<tr>
<td>Who it affects</td>
<td>May affect participants in any category of J-1 exchange visitor including J-1 Professor, Research Scholar, Short-Term Scholar, Student Intern, Specialist, Student, as well as J-2 dependents. Exchange Visitor may be subject to the two-year home residence requirement if:</td>
<td>Affects prospective scholars seeking J-1 Research Scholar or Professor classification who have previously been engaged in another J-1 program category (including J-2 dependent). An exception exists for any time spent in the U.S. in the past 12 months in J-1 Short-Term Scholar classification or for cases where the previous J exchange program lasted less than six months.</td>
<td>Applies only to J-1 Research Scholars or Professors who have completed their period of exchange. This includes:</td>
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<td></td>
<td>• Exchange visitor receives financial support from U.S. or foreign government</td>
<td>• Research Scholars or Professors who have used the full five years of maximum eligibility in this classification or</td>
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<tr>
<td></td>
<td>• Exchange visitor’s home country’s government has a Skills List that includes their profession or field of research/study</td>
<td>• Research Scholars or Professors who have ended their period of exchange prior to the end of their five years of maximum eligibility.</td>
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<td></td>
<td>• Exchange visitor has come to the U.S. to seek graduate medical training in J-1 Alien Physician category under sponsorship of the Educational Commission for Foreign Medical Graduates (ECFMG).</td>
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</tr>
<tr>
<td>What is prohibited</td>
<td>Exchange Visitor is not eligible for H, L, K or immigrant (permanent resident) visa and cannot apply for change of nonimmigrant status within the U.S. (except to A or G status) until the two-year home residence requirement has either been satisfied in the country of the exchange visitor’s last residence, or unless the requirement has been waived by favorable recommendation of the U.S. Department of State and by approval of the U.S. Department of Homeland Security.</td>
<td>Prospective J-1 Research Scholar or Professor is not eligible to begin new period of exchange for a period of 12 months (one year) after completion of any previous J exchange program (with the exception of exchange visitors whose last exchange program falls under the Short-Term Scholars category as discussed above).</td>
<td>Scholar who has completed a period of exchange as a J-1 Research Scholar or Professor may not return to U.S. in J-1 Research Scholar or Professor category for 24 months (two years).</td>
</tr>
<tr>
<td>What is not prohibited</td>
<td>The Exchange Visitor may be permitted to depart and return to the U.S. in other nonimmigrant classification, such as F-1 student, B-1/B-2 visitor, O-1 or TN prior to satisfying or waiving 212(e). May also return in another J-1 classification, if no other bar applies. Time spent in the U.S. in other classifications, however, does not count toward fulfillment of two-year home residence requirement.</td>
<td>This bar does not prohibit entry to the U.S. in other immigration categories.</td>
<td>This bar does not prohibit entry to the U.S. in other immigration categories.</td>
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### 9. Further Information

As your J-1 program sponsor, the staff of the ISSO is always pleased to provide you with additional information and assistance regarding your immigration status so that you may achieve your scholarly goals while at Boston University.

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**International Students & Scholars Office**

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