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# MAINTAINING LEGAL STATUS: RESPONSIBILITIES CONTRACT For J-1 Scholars

## I. EXPLANATION

International scholars on J-1 visas are required by United States law to abide by immigration regulations throughout their stay in the US. Generally speaking, J-1 scholars are admitted to the US for the sole purpose of conducting research or teaching at the host institution. Participation by scholars in any other activity (such as additional study or work) is only allowable in accordance with strict Department of State (DOS) and Department of Homeland Security (DHS) rules. Penalties for violations of immigration law can be severe and can include deportation and 10-year bars from reentry to the US, so it is essential for scholars to understand their responsibilities. J-1 scholars are normally admitted to the US for "Duration of Status" (D/S). This means that they are allowed to remain in the US for as long as they "maintain legal status", NOT for the length of time listed on their visa or initial DS-2019 form. This handout lists rules scholars must follow to maintain legal status and the documents they must have to enter the US and remain here legally. **It is the SCHOLAR and not the university who is responsible for knowing and abiding by all immigration rules and maintaining legal status. The University must report updated information and violations of scholar status to the government via the SEVIS electronic tracking system, SO KNOWING THESE RULES IS VITAL TO YOUR ABILITY TO REMAIN IN THE US.**

## II. DOCUMENTATION OF LEGAL STATUS IN THE US

Below are the documents that J-1 scholars **MUST** have while they are residing in the US. You should make copies of each of these documents and keep them in a safe place separate from the originals.

### Passport

The passport is the legal document issued by your country of citizenship; it must valid at all times during your stay in the US and must be valid for 6 months into the future upon entry to the US. Passports can usually be renewed through your embassy or one of your consulates in the United States. If you have been issued a *Travel Document in Lieu of Passport* by the government of the country of which you are a resident, the information above, regarding passports, applies to Travel Documents.

### DS-2019 - "Certificate of Eligibility"

The DS-2019 is the document which you present to the US Embassy or Consulate abroad to obtain a visa. You will also need to present your DS-2019 to immigration officials when you enter the US and anytime you reenter after traveling abroad. You will need to get your DS-2019 signed by an advisor in order to validate it for travel if your latest signature will be more than six months old on the date of reentry. For most J-1 scholars, the DS-2019 is issued by the University through the Global Education Office. Some J-1 scholars have documents issued by an outside agency and have to contact that agency for extensions or travel signatures. **If any of the information listed on your DS-2019 changes, you MUST contact GEO immediately to apply for a new document.** You may be issued several additional DS-2019s throughout your stay. Your most recently issued DS-2019 is the one you will need to travel. However, you should always keep all your DS-2019s for your records. The end date on the DS-2019 is just an estimate. For J-1 scholars, your permission to stay in the US ends once you complete your appointment (plus grace period of 30 days) or when you fail to "maintain legal status." Your DS-2019 must always be valid while you are in the US— to continue your teaching/research activity beyond the end date on your DS-2019, you **MUST** apply for an extension **BEFORE** this document expires.

### I-94 Departure Record

The I-94 is your official record of legal entry into the US. This document authorizes you to be in the US for a specified period of time, for the specified activity, and at the institution on the DS-2019. Travelers into the US must print their own paper I-94 after arrival by entering their entry information at <https://i94.cbp.dhs.gov/>. In addition to your class of admission (J-1), the I-94 contains the date of entrance into the US and the date of expiration of your permission to stay. For J-1 visa holders, the expiration date should be written as "D/S" (duration of status), which implies the date of completion of your scholar activity. The I-94 should be kept in a safe place and should be carried while traveling in the US. The I-94 must be presented when applying for a Social Security Number and a driver's license or state ID. Each time you re-enter the US, you should print a new I-94. The number at the top, called your "Admission Number" or "I-94 Number" may be requested on immigration applications. **REMEMBER: if you fail to follow all the rules of legal scholar status, your stay expires on the day the violation occurs, even if your I-94 and DS-2019 are still valid.**

### Entry visa

The entry visa is a sticker with photograph on a page of your passport that permits you to enter the US. Individuals entering as J-1 scholars should have a J-1 entry visa. The visa may expire while you are in the US; you cannot and need not renew it while you are here. A new entry visa will be required if the original expires and you travel outside and then wish to re-enter the US. You must present a valid DS-2019 to the US Consular officer to obtain your entry visa. You may be able to travel to and return from Canada, Mexico, and adjacent islands (except Cuba) without a valid visa if you will be staying less than 30 days (check with an advisor for current regulations). Remember, **the visa does not indicate how long you are**

permitted to stay in the US. Your permission to stay ends once you complete your appointment (plus grace period of 30 days) or when you fail to “maintain legal status.”

### III. REQUIREMENTS FOR “MAINTAINING LEGAL STATUS” AS A J-1 SCHOLAR

#### YOU MUST ALWAYS:

1. Conduct research/teaching only at the institution at which you are authorized to work by the Department of State (DOS) - Usually the institution that issues the DS-2019 form.
2. Provide GEO with an updated local address within 10 days of any change.
3. Maintain adequate health insurance for yourself and all of your dependents throughout your stay in the US.
4. Inform GEO of a correct email for your dependents and report if your dependents permanently leave the US during your stay.
5. Keep your DS-2019 form correct and valid at all times and ask your department to apply for extensions of stay at least one month before the document expires if you plan to stay beyond the original end date; see an advisor for a new DS-2019 if any information changes.
6. Maintain a valid passport throughout your stay in the US; your passport must be valid for six months into the future. If you obtain a new passport during your program, you must provide the updated passport copy to GEO to be copied for our records.
7. Complete necessary "immigration transfer procedures" when changing from one institution to another in the US (you must meet with the international advisor before you can transfer to a new institution).
8. **If you will not be extending your program, inform GEO of the completion of your appointment. Within 30 days of completion you must:**
  - a. Leave the US,
  - b. Get a new DS-2019 form from a new institution and complete transfer procedures,  
or
  - c. Apply for a change to another immigration status with the USCIS.

#### YOU MUST NEVER:

1. Work for an institution other than the one listed on your DS-2019 unless you have received the required written authorization from a GEO international advisor in advance (consult the international advisor for details).
2. Terminate your program early or take a leave of absence of more than 5 months without informing GEO; scholars who terminate their program more than two weeks before the end date on their DS-2019 must inform GEO and then depart the US within 30 days.

### IV. OTHER LEGAL REQUIREMENTS FOR J-1 SCHOLARS:

- Once you have completed or terminated your appointment, or have failed to “maintain legal status,” you can no longer legally enter the US with your DS-2019 form and the staff of GEO can no longer sign that form to validate it for travel (this means that you should NOT plan to travel out of and return to the US with your current DS-2019 after you have finished your appointment).
- All international scholars are required to complete and submit US tax forms to the federal government every year regardless of whether or not they earned any money in the US.
- J1 scholars are required by section 514.12 of the exchange visitor regulations to have health insurance coverage for themselves and all J-2 dependents, if any. Your plan must include minimum coverage of \$100,000 per accident/illness, \$25,000 for repatriation of remains and \$50,000 for medical evacuation; check your insurance coverage to be sure it meets these requirements.
- **12 Month Bar:** If you have been physically present in the US in any J status (including J-2 status) for 6 or more months during the 12 month period immediately preceding a requested J program start date, you are not eligible to begin status as a J1 Research Scholar or Professor. The 12 month bar does not apply to people who were in J Short Term Scholar status.
- **2 Year Bar on Repeat Participation:** J1 scholars in the Professor/Research Scholar category who complete their program are ineligible to return as a J1 Professor/Research Scholar for 2 years following their program end.
- **Home Residency Requirement:** Some J-1 scholars are subject to a requirement called the “home residency requirement” or “212e.” This requirement is assigned to scholars who have some type of government funding or whose country has their occupation on the “skills list” for that country (a list of occupations that country says are needed). A preliminary determination about whether or not you are subject to the home residency requirement is made by the US consulate on the bottom left corner your DS-2019 form and on the J-1 visa. Those who have the requirement are prevented from changing to any other type of visa from within the US (exceptions are made for those changing to A or G visas). Those subject to this requirement are also required to return to their home country for two years before they would be permitted to enter the US with an H or L visa or as a permanent resident. Some scholars may be able to apply for and be granted a waiver of this requirement. The waiver process is long and the waiver may be difficult or impossible to obtain. See an advisor with questions.

I have read and understand my responsibilities as outlined above.

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NAME (Print)

SIGNATURE

DATE