J-1 GENERAL STATUS MAINTENANCE REQUIREMENTS
AND IMMIGRATION BASICS
QUICK-REFERENCE GUIDE

It is extremely important that Exchange Visitors (EV) maintain their J-1 status by having their SEVIS (Student and EV Information System) record validated, engaging only in activities permitted under their program and category, filing timely, appropriate transfer and extension notifications, refraining from unauthorized employment, and maintaining required health insurance coverage.

Each program category has additional specific requirements. Failure to maintain the terms and conditions of nonimmigrant status is grounds for removal or deportation from the United States. International Programs and Services (IPS) will help you understand these regulations.

To Maintain Your J Status, You Must:

- Report to the Responsible Officer (RO) or Alternate Responsible Officer (ARO) if you are a student, research scholar, or professor in “Begin New Program” SEVIS Status, your SEVIS record must be validated. In other words, you must check-in with IPS. An EV’s SEVIS record must be validated no later than 30 days after the program start date.

- Maintain a valid DS-2019, valid passport, and I-94 marked D/S. D/S stands for “Duration of Status” and refers to the program period listed at item 3 on Form DS-2019. The definition of J-1 “Duration of Status” is the period specified on SEVIS Form DS-2019 “plus a period of 30 days for the purpose of travel...”

- Engage only in appropriate activities by each defined category and expectations of the EV, which must be met. For example, a student is expected to carry a full-time course of study, researcher to perform research, and professor or instructor to teach.

- Engage in a “full-time” prescribed course of study. Full-time status at the University of the Pacific is:
  
<table>
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<tr>
<th>Category</th>
<th>Credits per Semester</th>
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<tr>
<td>Undergraduates</td>
<td>12</td>
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<tr>
<td>Masters without Assistantship</td>
<td>9</td>
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<tr>
<td>Masters with Assistantship</td>
<td>6</td>
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<tr>
<td>Ph.D. without Assistantship</td>
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<td>Ph.D. with Assistantship</td>
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- Do not engage in unauthorized employment for it is a violation of program status. An EV’s participation is subject to termination when he or she engages in an unauthorized employment.

- Maintain health and accident insurance, medical evacuation and repatriation insurance. Every EV (both J-1 and J-2) is required to obtain health insurance which meets the minimum requirements specified by the law.
Minimum coverage must provide:
1. medical benefits of $50,000 per accident or illness;
2. repatriation of remains in the amount of $7,500;
3. expenses associated with medical evacuation of the EV to his or her home country in the amount of $10,000; and
4. a deductible not to exceed $500 per accident or illness.

**WARNING:** The insurance must be maintained throughout the entire program participation period. A willful failure to carry insurance is considered to be a violation of the Exchange Visitor Program Regulations (EVPR). Department of State (DOS) treats willful failure to carry insurance as a serious infraction for which neither correction of the record nor re-instatement are available as remedies.

- Report changes of address within 10 days of the address change. The DOS takes the requirement to update the RO/ARO and SEVIS with address changes very seriously. An EV or dependent who fails to submit a change of current U.S. address as required is considered to be in violation of the EVPR and is not eligible for re-instatement.

**Two-Year Home Country Physical Presence Requirement:**
The two-year home country physical presence requirement established by I.N.A. § 212(e) is one of the most important characteristics of EV status and should be thoroughly understood. An EV is subject to the 2-year foreign residence requirement of INA 212(e) if:
1. the EV's participation in an exchange program was financed, directly or indirectly, by the United States government or a foreign government for the purpose of exchange;
2. the skills that the EV is coming to develop or exercise are in a field which the EV's "home" government requested be included on the State Department EV skills list; and
3. The EV comes to the United States to receive "graduate medical education or training."

An EV who falls into one of these groups will continue to be subject to 212(e), even if funding or field of study changes. If the principal J-1 EV is subject to the two-year residence requirement, all dependents that enter the United States in J-2 status are subject as well.

**Effect of Being Subject to 212(e)**
EV’s who are subject to the two-year home country residence requirement must "reside and be physically present" in their "home" country for a total of two years before being eligible for certain immigration benefits. While they are subject to 212(e), EVs are ineligible for the following benefits:
1. They are not eligible for an immigrant visa or for adjustment of status to lawful permanent resident (immigrant/green card) status;
2. They are not eligible for an H visa (temporary workers and dependents), or an L visa (intra-company transferees and dependents);
3. They are not eligible for change of their nonimmigrant status within the United States from J to any other nonimmigrant category except A (Diplomatic) and G (International Organization) statuses.

Apart from these specific restrictions, persons subject to 212(e) are treated as are all other EVs, i.e., they remain eligible for program transfers and extension of their J status up to the limits of time for their particular category, etc.
In addition, the restrictions of 212(e) are limited to the above. Immigration benefits that are not included in this list remain available to EVs that are subject to 212(e), although they continue to be subject to the two-year home residence requirement until they either comply with it or obtain a waiver. For example, an alien subject to 212(e) remains eligible for all other nonimmigrant visa types, even if subject to 212(e). Only H and L visas are prohibited. EVs subject to the 212(e) are eligible to leave the United States and apply for visas to return as tourists, on business, or as F-1 students, if the usual visa requirements are met.

A change between J-1 and J-2 status requires Form I-539 (Application to Extend/Change Nonimmigrant Status) to be filed with USCIS. If the EV’s are subject to 212(e), it is reported that the 212(e) prohibition might apply on changing status in this circumstance, and deny the change of classification request.

**Change of Status within the J Classification:**

The law prohibits a change from the J nonimmigrant classification for any individual who became a J in order to receive graduate medical training or who is subject to the 2-year residency requirement. However, this prohibition does not prevent someone (who is otherwise eligible) from seeking a change within the J category from J-1 to J-2, or vice versa. There are three important items which should be noted regarding this type of change:

1. EV(s) subject to the 2-year residency requirement retains that obligation despite the change from J-1 to J-2 or vice versa;
2. The EV(s) involved may acquire a 2-year residency requirement which they did not have previously [e.g., a J-1 not subject to the requirement who becomes a J-2 accompanying spouse of someone who is subject acquires the same obligation as the (new) J-1 principal]; and
3. It must be proven otherwise that any such change is being requested only for legitimate EV purposes and not merely to extend the stay in the United States by “flip-flopping” the roles of the principal EV and the accompanying spouse.

**J-2s (Dependent(s)) and Derivative Restrictions:**

J-2 dependents are derivatively subject to some restrictions applied to J-1’s. If the J-1 principal participant is subject to the 212(e) 2-year home country physical presence requirement, his or her J-2 dependent spouse and children are automatically subject to that requirement as well.

Waiver of Home Residence Requirement for Dependents: Waivers for J-1 EVs cover J-2 dependents, unless those dependents have a separate home residence requirement based on their own previous J-1 status.

Independent Waiver for J-2 Dependent: In some cases, a J-2 can get a waiver independently. In the event of divorce or death of the J-1, DOS will consider acting as an interested government agency and recommending the waiver based on humanitarian considerations. Occasionally, a J-2 child can obtain a waiver, for example if he or she marries or turns 21.

Employment of J-2 Dependents: J-2 dependents can apply for an Employment Authorization Document (EAD) from USCIS in order to be employed in the United States so long as the employment is not for the purpose of supporting the J-1 income from the spouse's or dependent's employment may be used to support the family's customary 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. The J-2 may begin employment only after receiving the EAD from USCIS.

Obtaining a Social Security Number: A J-2 dependent is unable to obtain a Social Security Number unless in possession of an approved and valid EAD from USCIS.

Travel abroad and reentering the United States:

For Entry to Another Country:
If the EV wishes to travel to his or her country of citizenship or permanent residence, a valid passport or travel document should ensure entry. Visas may be necessary for travel to a third country. Those wishing to visit third countries should contact the consulate or embassy of the country to be visited to determine what documents are necessary for entry.

The Following Documents are Necessary to Re-Enter the United States in EV Status:
1. A valid passport (unless exempt from passport requirement);
2. A valid visa (unless exempt from the visa requirement); and
3. A valid Form DS-2019, signed for re-entry by the RO/ARO.

Note: The SEVIS Form DS-2019 contains only 2 spaces for RO/ARO travel validation. These spaces are located on the lower-right portion of page 1 of the form. The "Date" provided for travel validation should be the date the validation was signed by the RO/ARO. The validation will be valid for up to one year from the date of the signature for all programs except Short-Term Scholars (6 months) and Summer Work/Travel participants (4 months), or until the program end date at item 3, whichever is shorter.

WARNING:
You may be required to present other documents to re-enter the U.S.A. If you are unsure what is needed, please see an advisor at IPS for more information.

Visa Application Using an Endorsed DS-2019
If the EV's visa in the passport is no longer valid, he or she must apply to a U.S. consulate or embassy outside the United States for a new visa.

Travel to Canada, Mexico, or the Caribbean: automatic extension of visa validity:
Under certain circumstances, EVs with expired visas who travel solely to Canada, Mexico, or "adjacent islands" in the Caribbean might be allowed to return to the United States in the same status in which they departed, to continue their previously-approved activities without having to obtain new visas. This is known as automatic extension of visa validity.

If an EV needs a transfer, change of category, or extension of stay, those procedures should be completed in SEVIS and a new DS-2019 issued before the EV travels. The EV should travel with all prior copies of Form DS-2019 in case he or she is requested to show continuity of status.

EV’s carrying either Form I-94 or Form DS-2019 only may have difficulty entering the countries in contiguous territory or adjacent islands or in returning to the United States.
Travel to Puerto Rico, the Virgin Islands, and U.S. Territories and Possessions
Puerto Rico, the U.S. Virgin Islands, and certain other U.S. territories and possessions are part of the United States, so no visa is necessary for travel to or return from those locations. However, students and scholars should always carry full documentation (valid passport, DS-2019, and I-94) before boarding the flight back to the continental United States. Also, EV’s should be careful to verify that their travel does not involve transit through or short stays in other countries where full documentation for return to the U.S. may be necessary.

**General Tips:**
- If you have any questions or concerns related to your non-immigrant visa status, please contact IPS. Remember, it is your responsibility as an EV to maintain both your immigration and program status.
- Keep copies of all your immigration documents in a safe place. Always retain copies of old documents in case you need them for future reference.
- You might need to show proof that you maintained your program status if you apply for another visa type or permanent residency in the future.

**Important:**
While it is your responsibility to know and follow all of the rules, we urge you to visit IPS website and check your PACIFIC e-mail regularly to remain up-to date on changes in U.S. immigration law and or changes in IPS policies and procedures as well as to be informed about workshops and training sessions offered by IPS and much more.