

## Information for J-1 Exchange Visitors

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### INTRODUCTION

The J-1 exchange visitor (EV) status is for foreign nationals to come to the United States (U.S.) to participate in **temporary exchange programs** designed to “increase mutual understanding between the people of the United States and the people of other countries by means of educational and cultural exchanges.” The U.S. Department of State (DOS), Bureau of Educational and Cultural Affairs (ECA) designates the University of Hawai'i (UH) as a J-1 exchange visitor program (EVP) sponsor. UH sponsors foreign nationals who are selected to participate in the J-1 EVP in the Research Scholar, Professor, Short-Term Scholar, Specialist, and Non-Degree Student categories. UH J-1 EVs are formally invited by a UH college/school at the request of a UH faculty sponsor.

It is the UH faculty sponsor's role to help their J-1 EVs manage their individual programs. If problems arise or you have questions, please go to your UH faculty sponsor, UH department, or college/school HR Specialist for assistance. They will contact FSIS for advice and assistance. UH is responsible for your health, safety, and well-being during your EVP participation. Therefore, communication with your UH faculty sponsor is very important. UH faculty sponsors must immediately report any serious problems or controversies to FSIS. Then, as the Responsible or Alternate Responsible Officers of the UH J-1 EVP, FSIS is required to report the serious problems or controversies to the DOS.

### FORM DS-2019 AND FORM I-94

Each J-1 and J-2 EV must have an original, unexpired Form DS-2019, Certificate of Eligibility for Exchange Visitor Status (J-Nonimmigrant). The Form DS-2019 is a DOS controlled document created in the Student and Exchange Visitor Information System (SEVIS) by FSIS. DOS prohibits the faxing or emailing of electronic copies of the Form DS-2019. You must notify FSIS immediately if your original Form DS-2019 is lost, stolen, or damaged. FSIS must notify the DOS and issue you a new Form DS-2019 in SEVIS.

U.S. Customs and Border Protection (CBP) issues a Form I-94 Arrival/Departure Record to every J-1 and J-2 EV that has entered the U.S. The Form I-94 reflects the entry date, class of admission, and the expiration date of the period of authorized stay. For J-1 and J-2 EVs, the Form I-94 will not have an expiration date, but will have “D/S” which stands for “duration of status.” While you are in the U.S., your Form I-94 and DS-2019 prove your valid J-1 EV status, not your J-1 visa stamp in your passport.

### 12 AND 24 MONTH BARS ON REPEAT PARTICIPATION FOR PROFESSOR AND RESEARCH SCHOLAR CATEGORIES

J-1 Professors and Research Scholars who complete their J-1 EVPs are subject to the 24-month bar on repeat participation. If you are a J-1 Professor or Research Scholar, this means you cannot participate in another J-1 EVP in the Professor or Research Scholar category for 24 months from the end date of your current J-1 EVP.

J-1 EVs in other categories, such as Specialist or Non-Degree Student are subject to the 12-month bar on repeat participation. J-1 Short-Term Scholars are not subject to a bar on repeat participation.

### THE TWO-YEAR HOME COUNTRY PHYSICAL PRESENCE REQUIREMENT, INA SECTION 212(e)

J-1 EVs who are subject to the two-year home country physical presence requirement are required to spend two years in their country of citizenship or legal permanent residence at the end of their J-1 EVP. They are not eligible for an H, L, K, or immigrant (permanent residence) visa until this requirement is completed. They are not eligible to change status in the United States. The only exceptions are for change of status to the A (diplomatic) visa or G (international organization) visa.

You may be subject to the two-year home country physical presence requirement if:

1. Your participation in this exchange program was financed, directly or indirectly, by the U.S. Government or a foreign government for the purpose of exchange;
2. Your home country (or country of permanent residence) and your field of study is on the DOS “Exchange Visitors Skills List.” This is a list of fields of specialized knowledge or skills and the countries that need professionals in those fields. The Exchange Visitors Skills List is available at <https://travel.state.gov/content/travel/en/us-visas/study/exchange/waiver-of-the-exchange-visitor/exchange-visitor-skills-list.html>.

After completing a J-1 EVP, a J-1 EV subject to the two-year home country physical presence requirement may return home and subsequently apply for other nonimmigrant visas to reenter the U.S. (such as B-1 temporary visitor for business or F-1 student) before completing the requirement. Section 212(e) does not affect a J-1 EV’s ability to travel to other countries. However, spending time outside of their country of citizenship or permanent residence postpones completion of the requirement. The J-1 EV must be in their country of citizenship or permanent residence to fulfill the requirement.

### KEEPING J-1 EXCHANGE VISITOR STATUS

It is **your responsibility** as a J-1 EV to comply with the following regulations:

1. Conduct the **exchange activities as authorized on the Form DS-2019 and invitation letter** and make clear **progress toward finishing your program objectives**. Your J-1 EVP can be shortened or terminated prior to your Form DS-2019 end date if you do not pursue the activities for your J-1 EVP or if you are unable to continue your program. If your program is terminated due to intentional violation of J-1 EVP rules, you must depart the U.S. **immediately**.
2. **Do not engage in unauthorized employment**. As a J-1 EV you are expected to conduct your exchange activities within a UH department at a UH site and may receive compensation from UH as authorized on the Form DS-2019. However, J-1 EVs in the Professor or Research Scholar category may receive payment, (i.e., wages, honorariums) for occasional lectures or short-term consultations if approved by FSIS. Information about the requirements and procedure for occasional lectures or short-term consultations is available on the FSIS website.
3. **Report changes of your J-1 EVP**, such as additional sites of activity or changes in financial support to your UH faculty sponsor, UH department, and college/school HR Specialist. The college/school must report all changes of your EV program to FSIS for review and approval. Additional sites of activity include all off-campus sites, conferences, workshops, and/or meetings.
4. **Maintain required health insurance coverage for J-1 and J-2 EVs**. All J-1 and J-2 EVs are required to have sickness and accident insurance, medical evacuation, and repatriation insurance for the duration of their J-1 EVP. Intentional failure to have insurance is a violation of J-1 EVP regulations. Information about the insurance requirements is available on the FSIS website.
5. **Maintain J-1 or J-2 EV documents**. All J-1 and J-2 EVs must have a valid Form DS-2019, valid passport, and Form I-94 marked “D/S.” If your Form DS-2019 is lost, stolen, or damaged, please notify FSIS to request a reprint. If your passport is lost, stolen, or expiring, you must contact your country’s embassy or consulate for renewal/replacement information. Contact information for foreign embassies or consulates are available at [www.embassy.org](http://www.embassy.org). DOS recommends that lost or stolen visa stamps be reported via email to the Consular Section at the U.S. Embassy or Consulate abroad that issued the visa. Contact information for U.S. Embassies and Consulates are available at [www.usembassy.gov](http://www.usembassy.gov). Lost or stolen visas cannot be replaced in the U.S. For a replacement of a visa, you must apply in person at a U.S. Embassy or Consulate abroad. Lost or stolen passports and visas must be reported to your faculty sponsor immediately.

6. **Extend J-1 EVP** if more time is needed to complete your program objectives. Requests for extensions are prepared by your UH department, reviewed by the college/school's HR Specialist, and then forwarded to FSIS. Upon review and approval, FSIS will issue a Form DS-2019 to extend your J-1 EVP. **Extension requests must be submitted to FSIS no later than 45 days before your Form DS-2019 end date.** If the extension is not approved before the end date, you cannot do any program activities beyond the end date.
7. **Report changes of address, phone number, or email address within 10 days.** You must report any changes in your U.S. home address, phone number, or email address to your UH faculty sponsor, department, college/school's HR Specialist and FSIS. FSIS is required to update your personal contact information in SEVIS within 10 days of the change. Email your new contact information to your designated International Scholar Specialist.
8. **Report serious incidents or controversies.** You must report any serious problems or controversies that arise during your J-1 EVP to your faculty sponsor, department, college/school's HR Specialist, and/or FSIS.
9. **Comply with University of Hawai'i policies and procedures.** This includes, but is not limited to the University's policies on Export Controls, Title IX, and Workplace Non-Violence.

It is important that you understand and follow the J-1 EVP regulations and UH policies. Violations of the J-1 EVP regulations and/or UH policies have serious consequences and may result in the shortening or termination of your J-1 EVP. Termination of program may jeopardize future visits to the U.S.

#### **TRAVEL ABROAD AND REENTRY TO THE U.S. DURING PROGRAM**

Travel within the U.S. does not need special permission from the DOS or FSIS, but you must inform your UH faculty sponsor of your travel. You must also carry your valid passport, Form I-94 printout from <https://i94.cbp.dhs.gov/>, and Form DS-2019 as evidence of your J-1 EV status in the U.S.

If you want to travel abroad and return to the U.S. to your J-1 EVP, you must have the proper documents to enter the country you plan to visit and to reenter the U.S. **To reenter the U.S., you must have a valid passport, valid J-1 visa, and an unexpired and travel validated Form DS-2019.**

**Prior to travel, the FSIS Responsible Officer or an Alternate Responsible Officer must sign your Form DS-2019 for travel validation.** To obtain the travel validation, you must submit the following to the department's administrative staff or the college/school's HR Specialist to forward to FSIS: 1) your original Form DS-2019 and 2) a travel letter from your UH faculty sponsor. Please see handout *Exchange Visitor Travel Instructions* for more detailed information. **If J-2 dependents are traveling abroad and reentering the U.S., then each J-2 dependent must have their Form DS-2019 signed for travel validation.**

#### **REPORTING A SERIOUS PROBLEM OR CONTROVERSY**

It is important that you regularly communicate with your UH faculty sponsor and seek their assistance if you have a problem during your J-1 EVP. UH faculty sponsors must notify FSIS of any serious problems or controversies involving or impacting their J-1 EVs within 24 hours. In turn, FSIS is required to notify the DOS, ECA Office of Private Section Exchange Administration (OPA-AG) of any serious incidents involving their J-1 EVs within one business day of learning about the incident. Examples of serious problems or controversies may include, but are not limited to: 1) death or missing EV; 2) serious illness or injury; 3) litigation; 4) lost or stolen passport or visa; 5) arrests; 6) sexual harassment or abuse; 7) foreign government involvement; and 8) other situations affecting J-1 EV safety (i.e., natural disasters, civil unrest). If you are unsure if an incident is serious, report it to your UH faculty sponsor.

## TRANSFER TO ANOTHER EXCHANGE VISITOR PROGRAM

UH cannot provide J-1 sponsorship beyond the completion of a J-1 EVP and encourages J-1 EVs to return to their home country upon completion of their specific program objective to fulfill the exchange purpose. However, a request to transfer J-1 EVP sponsorship to another designated program sponsor may be considered under the following circumstances:

1. It is necessary to enable you to meet your original program objectives.
2. The UH program cannot meet these objectives and the program at the new institution will provide the opportunity for you to meet these objectives.
3. You are not changing your field of study or research and not specializing in such a way that you are unable to apply the additional study, research, or experience in your home country.
4. The total duration with both program sponsors does not exceed the limit for your J-1 EV category.
5. You will transfer to an institution that has agreed to the transfer of program sponsorship.
6. You have not violated any of the J-1 EVP regulations and/or UH policies.
7. Requests for transfer is submitted at least 45 days before the new program begins. UH cannot process a transfer in SEVIS after the end date on the current UH-issued Form DS-2019.

To request a transfer, you must complete the Request to Transfer J-1 to another Sponsor form and attach a copy of the invitation letter from the new institution. Submit the request form and invitation letter to your UH department's administrative staff or the college/school's HR Specialist to forward to FSIS. The transfer request procedures and form are available on the FSIS website at <https://www.manoa.hawaii.edu/fsis/j1/end/#transfer>.

## COMPLETION OF PROGRAM

You must submit a J-1 Completion Form to FSIS at least two weeks before their program completion date. Copies of your departure air tickets or itinerary must be attached to the form as proof of departure. J-2 dependents must leave the U.S. before or at the same time as the J-1 EV. J-1 EVs may complete their programs earlier than their Form DS-2019 end date, but cannot do program activities beyond their Form DS-2019 end date. If you are completing your program more than 15 days before your Form DS-2019, FSIS will shorten your program and issue you a new Form DS-2019.

When you complete your J-1 EVP, you have a 30-day "grace period" or travel status period from the end date of your Form DS-2019. During the grace period, you may travel within the U.S. and prepare for your return to your home country. You are required to depart the U.S. within the 30-day grace period. If you remain in the U.S. even one day beyond the 30-day grace period, you will be considered overstaying and begin accruing unlawful presence. If you are unlawfully present in the U.S. for more than 180 days but less than one year and left voluntarily, you are barred from returning to the U.S. for three years. If you are unlawfully present in the U.S. for more than one year and left voluntarily or involuntarily, you are barred from returning to the U.S. for 10 years.

## QUESTIONS AND CONCERNS

More information on the above topics is on our FSIS website at <https://www.manoa.hawaii.edu/fsis/j1/>. If you have any questions or concerns about any aspects of your J-1 EVP at UH, contact your designated International Scholar Specialist: <https://www.manoa.hawaii.edu/fsis/contact/>.