

J-1 and J-2

Visa for Exchange Scholar
and Dependents

J-1 and J-2 Visa for Exchange Scholar and Dependents

A **J-1 visa** is a non-immigrant visa issued by the United States to research scholars, professors and exchange visitors participating in programs that promote cultural exchange, especially to obtain medical or business training within the U.S. All applicants must meet eligibility criteria, English language requirements, and be sponsored either by a university, private sector or government program. 353,300 J-1 visas were issued in 2019.

Duration of stay

J-1 visitors may remain in the United States until the end of their exchange program, as specified on form DS-2019. Once a J-1 visitor's program ends, he or she may remain in the United States for an additional 30 days, often referred to as a "grace period", in order to prepare for departure from the country.

- The actual J-1 visa certificate does not specifically document this 30-day post-study/exam "grace period", and consequently some airline counter staff have refused to issue a boarding pass to an embarking student. In particular, when the student's return ticket is departing after the J-1 visa has expired. For example: the return date is the next day after the student's last exam.
- If the visitor leaves the United States during these 30 days, the visitor may not re-enter with the J-1 visa.

The minimal and the maximal duration of stay are determined by the specific J-1 category under which an exchange visitor is admitted into the United States.

As with other non-immigrant visas, a J-1 visa holder and his or her dependents are required to leave the United States at the end of the duration of stay.

Taxation

Taxation of income earned by J-1 visitors varies according to the specific category the visitor was admitted under; the visitor's country of origin; and the duration of the visitor's stay in the United States. J-1 visa holders are exempt from paying Federal Insurance Contributions Act (FICA) taxes (for Social Security and Medicare) when they are nonresident aliens for tax purposes, which is usually the first five calendar years if they are categorized as students, or the first two calendar years if they are categorized as teachers or trainees. However, they are subjected to other applicable federal, state, and local taxes. People on J-1 filing their federal income taxes who have been in the United States for five years or fewer (for students) or two years or fewer (for teachers and trainees) need to use the non-resident 1040NR or 1040NR-EZ tax forms. Some J-1

visa holders may be eligible for certain tax treaty provisions based on their country of origin.

Employers who hire J-1 visitors may also save up on payroll taxes. When J-1 visitors do not pay Social Security, Medicare or Federal Unemployment taxes, employers do not have to match these taxes. A typical employer who hires 5 Work/Travel J-1 visitors and pays \$8/hour each may save over \$2317 in a typical 4-months season.

Visa interview documents

- The Certificate of Eligibility (Form DS-2019) issued by the sponsor of the program
- Supporting documents which are country specific and the consulate website will have details
- A valid passport, that does not expire within the next six months
- The I-901 SEVIS Fee
- Form DS-160 completed online – this is the non-immigrant visa application
- Fee receipt confirming payment of the visa application fee
- A recent color 2”x2” photograph, in the specified format

2-Year residency requirement

Some J-1 visa holders are subject to the two-year home residency requirement found in Section 212(e) of the Immigration and Nationality Act. Under the Section 212(e). Regarding more details, please see our chapter “Residency Requirement and Waiver Eligibility”.

12/24 - Month bar

The 12 and 24 month bars are different from the two-year home country residence requirement. Do not confuse the bar with the home country residence requirement.

Any indication below that there is “no wait” time refers only to the 12 and 24 month bars. It is possible that a J-1 visitor has no wait time related to the 12 and 24 month bars - but is subject to the two year home residency requirement.

The 12 and 24 month rule affects J-1 exchange visitors who have been in the U.S. on a J-1 visa previously, and wish to return, using the J-1 visa. The bars prohibit certain “repeat participation” in the Research Scholar or Professor categories only. Depending on what your previous J category was, you may be subject to a 12 month bar, a 24 month bar or have no bar at all. The following chart shows how long you would have to wait (the 12 or 24 month bar) before you

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could obtain a new J-1 Research Scholar or Professor visa based on what your previous J status was. If you have never before had J-1 visa sponsorship, then the bars do not apply to you.

FOR LESS THAN 6 MONTHS

IF YOU HAVE OR HAD THIS J VISA CATEGORY	WAIT TIME FOR A NEW J-1 RESEARCH SCHOLAR/PROFESSOR VISA
J-1 STUDENT NON-DEGREE	 NO WAIT
J-1 STUDENT	 NO WAIT
J-1 RESEARCH SCHOLAR/PROFESSOR CATEGORY FOR ANY AMOUNT OF TIME (ONE DAY TO 5 YEARS)	 24 MONTHS
J1 SHORT TERM SCHOLAR	 NO WAIT
J1 SPECIALIST	 NO WAIT

FOR MORE THAN 6 MONTHS

IF YOU HAVE OR HAD THIS J VISA CATEGORY	WAIT TIME FOR A NEW J-1 RESEARCH SCHOLAR/PROFESSOR VISA
J-1 STUDENT NON-DEGREE	 12 MONTHS
J-1 STUDENT	 12 MONTHS
J-1 RESEARCH SCHOLAR/PROFESSOR CATEGORY FOR ANY AMOUNT OF TIME (ONE DAY TO 5 YEARS)	 24 MONTHS
J1 SPECIALIST	 12 MONTHS
J-2 DEPENDENT OF RESEARCH SCHOLAR OR PROFESSOR CATEGORY	 24 MONTHS
J2 DEPENDENT OF ANY J-1 CATEGORY EXCEPT SHORT TERM SCHOLAR	 12 MONTHS

 J2 visa does not automatically give you work authorization. You need to submit I765 in order to obtain EAD card. You are not allowed to work until you receive the card. Submission of I765 for renewal application doesn't automatically extend your work authorization. You will need to receive the new card in order to continue to work legally.

It's very important to manage the timeline ahead of time so you won't have a gap and have to deal with unemployment.

 J2 visa holders are allowed to attend school with no need to apply for I20

J-2 Visa

A J-2 visa is a non-immigrant visa issued by the United States for spouses and dependents of J-1 exchange visitors. Any J-2 visa with the Employment Authorization Document (EAD) can work for any employer in the US without sponsorship.

J-2 work permits are obtained from Immigration Service (USCIS) through an application process that takes an average of 3-5 months to process. Employment may not begin until the J-2 has received the work permit, called the Employment Authorization Document (EAD).

The EAD allows the J-2 dependent to work in any job, full-time or part-time. Employment cannot extend beyond the end date on the EAD. Extensions of the EAD are possible, up to the end date on the DS-2019. Please note that the extension process also takes an average of 3-5 months, so plan ahead if employment needs to be continuous (without any gaps between work authorization periods).

There are increased risks of traveling outside of the U.S. while your EAD application is pending. Please consult with a BIO adviser before planning international travel during this period.

Changing immigration status to J-1 or J-2

There are two ways to change status to J-1:

1. *Change of Status via Re-entry to the U.S.*

The visitor will need a valid DS-2019 and a J-1 visa in the passport. This option follows the timelines for DS-2019 processing (2 to 4 weeks) and visa application (varies, depending on the U.S. consulate where the scholar will apply for the visa). Remember that Applying for an entry visa can be complicated, lengthy, and potentially risky.

2. *Change of Status to J-1 within the U.S.*

In this case, the scholar must contact the sponsorship provider and ask them to initiate the process to Invite a J-1 Scholar. However, the scholar will not need to apply for an entry visa at a U.S. consulate. Instead, s/he will submit the application for the change of status to the Department of Homeland Security. The time needed by the Department of Homeland Security to process a change of status is not predictable (4-9 months). Therefore, this option is not a good choice for someone who needs to start their J-1 program soon.

Specific Examples:

Change of Status from F-1/F-2 to J-1

If the scholar is currently in the United States in F-1 or F-2 status, s/he is eligible for a Change of Status to J-1 either via Reentry to the U.S. or within the U.S. (see above).

Change of Status from J-2 to J-1

If the scholar is currently in the United States in J-2 status, s/he may be eligible to Change of Status to J-1.

- If the J-2 is subject to the 12 month Bar:
 - The J-2 is not eligible to change status to J-1 Research Scholar or Professor (categories) until s/he fulfills the 12 month requirement.
 - The J-2 may be eligible to change status to J-1 Short Term Scholar or J-1 Student (categories)
- If the J-2 is NOT subject to the 12 month Bar:

The J-2 may be eligible to change status to any J-1 category. However,

 - If the J-2 is subject to the 2 Year Rule (212E)

The J-2 is NOT eligible to Change of Status to J-1 within the U.S., and must change status via Re-entry to the U.S. (see above).
 - If the J-2 is NOT subject to the 2 Year Rule (212E)

The J-2 can choose to change status either via Re-entry to the U.S. or within the U.S. (see above).

Change of Status from J-1 to J-2

If the scholar is currently in the United States in J status, s/he is eligible for a Change of Status to J-2.

- If the J-1 is subject to the 2 Year Rule (212E)

The J-1 is NOT eligible for a Change of Status to J-2 within the U.S., and must change status via Re-entry to the U.S. (see above).
- If the J-1 is NOT subject to the 2 Year Rule (212E)

The J-1 can choose to change status either via Re-entry to the U.S. or within the U.S. (see above).

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Sources: <https://isss.umn.edu/jscholar/ChangingStatus.html>

<https://oiss.yale.edu/immigration/j-1-students/understanding-j-1-status/understanding-the-12-and-24-month-bars>