



“...education of those who serve.”



**The Cleveland Clinic Foundation  
Handbook for International Physicians & Scientists**

***Welcome to Cleveland Clinic!***

*The purpose of this booklet is to provide pre-arrival and ongoing information to international physicians, research scientists and their family members. If you require information regarding your residency/research program requirements, please contact Graduate Medical Education or the Research and Education Training Center in the Lerner Research Institute.*

*We look forward to working with you at the Cleveland Clinic. We hope your stay here will be an exceptional experience for you and your family.*

*Janice M. Bianco*  
***Director, Visa & Immigration Services***

*Mary Katherine Curry*  
***Manager, Visa & Immigration Services***

*Diler Bolgi*  
***Exchange Visitor Program Manager***

Throughout this book, look for this symbol:  indicating important information.

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**DISCLAIMER** The information in this document which pertains to laws and regulations governing immigrants and nonimmigrants to the U.S. is provided to you solely for informational purposes and is not legal advice (particularly those included in Section 8 and 9). Readers should not act upon any information contained in this website without first seeking advice from a qualified immigration attorney or tax representative.

## Visa & Immigration Services

Visa & Immigration Services (VIS) is here to assist all international trainees in clinical and non-clinical programs.

Our priority is to make sure you are maintaining your legal status in the United States and are able to legally participate in your training program.

Second to this, we can assist you in finding the information you need to live and work in the U.S. It is our hope that this handbook is the first step in providing you with comprehensive information you and your family need to have a successful and happy experience in the U.S. and particularly in Cleveland. We welcome your questions, comments and feedback.

### **Walk-in Hours**

You can always email Janice Bianco, Diler Bolgi or Mary Curry with your questions. If you would like to meet with us in person, please stop by during walk-in hours – Tuesday through Thursday from 1pm to 3pm. If you cannot make it during these hours, please contact us and schedule an appointment (live or via MicroSoft Teams). Our office is located in the Euclid Avenue parking garage (E.93<sup>rd</sup> and Euclid Avenue), 4<sup>th</sup> floor, Room 601. You will need to call in on the intercom and we will let you in.

In addition to the Handbook, be sure to request membership in our Facebook page; if you use a nickname or a name different than the one on your ID badge, please send me an email so I know to look for your request under the other name. Please note that because of security restrictions on campus you may not be able to access Facebook from your CC issued devices.

<https://www.facebook.com/groups/InternationalGMETrainees/> (not accessible from CC owned computers or computers logged into CC Network)

If you are on an H-1B or a J-1 research scholar visa, you can also find announcements and information on the front page of our web-based visa database, Terra Dotta at this link:

<https://clevelandclinic-iss.terradotta.com/index.cfm?fuseaction=scholarPortal.Department#/login>.

Announcements appear after you login. If you have not received login information, please let us know.

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# Nonimmigrant Status/Visa Supported by Cleveland Clinic

## **Graduate Medical Education (residency, fellowship)**

- H-1B Temporary Worker
- J-1 Exchange Visitor in the Alien Physician category (sponsored by the Educational Commission for Foreign Medical Graduates-ECFMG)
- F-1/J-1 Students: If you are graduating from a U.S. medical school or graduate program (MPH), you may be eligible to use your post-graduate employment authorization (OPT for F-1, Practical Training for J-1) to start your residency program. You must contact the Designated School Official (DSO) who signed your Form I-20 or the Responsible Officer (RO) who signed your DS-2019 for information and assistance. The final approval of your use of OPT or Practical Training for residency lies with the DSO or RO at your university.

## **Research Fellowships and Post-Doctoral Research Fellowships:**

- H-1B Temporary Worker (if department is providing salary at the required level)
- J-1 Exchange Visitor in the Research Scholar category (sponsored by Cleveland Clinic)
- F-1/J-1 students with approved post-graduate or curricular practical training authorization
- TN (Trade NAFTA) Canadian and Mexican citizens only; research only
- E-3 (Australian Free Trade Agreement), Australian citizens only (all positions).

## **Requirements:**

### **H-1B Temporary Worker (Clinical Training Program)**

- Passing score on USMLE Step 1, Step 2, and Step 3
  - Please note: Step 3 is not required for graduates of U.S. medical schools
  - Graduates of Canadian medical schools must pass all 3 steps of USMLE. Canadian examinations are not recognized for H-1B purposes.
  - Applicants participating in the NRMP must have their USMLE Step 3 scores by April 30. *If results are not received or you failed the exam, then you must use the J-1. Cleveland Clinic will not wait for a re-test or for delayed score reports.*
- Valid ECFMG Certificate
- Training certificate or permanent license issued by the State Medical Board of Ohio

### **H-1B Temporary Worker (postdoctoral research fellows, research fellows)**

- M.D. or Ph.D.
- An offer for a *paid* research fellowship; salary must meet prevailing wage requirements
- Description of the research project from the principal investigator
- J-1 Exchange Visitors may also need a waiver of the two-year home residence requirement, see page 12.
- Third party funding and personal funds are not acceptable for H-1B purposes.

### **J-1 Exchange Visitor (ECFMG sponsored)**

- Valid ECFMG Certificate or a medical degree from a U.S., Puerto Rican or Canadian medical school
- A statement of need from your country of origin or last legal permanent residence following the format required by the U.S. Department of State. More information and the required format are available online at <https://www.ecfm.org/evsp/son-instructions-moh.pdf>.

### **J-1 Exchange Visitor (Cleveland Clinic sponsored)**

- M.D. or Ph.D. (Master's Degree and Bachelor's Degree considered on a case by case basis) individuals who do not have a Bachelor's Degree or equivalent are not eligible.
- Must either receive a salary from the Cleveland Clinic or provide documentation of financial support from an outside source. Personal or family funds cannot be included in the amount.
- Research fellows in clinical departments may have incidental patient contact under the following conditions:
  - They hold a valid ECFMG Certificate (medical school graduates only who will work in a clinical department.)
  - Their contact with patients is limited to interviewing and obtaining informed consent as associated with their clinical research projects. There can be no examination or diagnosis of a patient and no offering of advice on treatments and conditions. An assessment of required skills may be needed after joining the program.
- Research fellows and Post-doctoral research fellows will have NO patient contact. If they wish to observe in a clinical setting it is on a "watch and follow only" basis. Any discussion of the patient's condition will be conducted out of sight and hearing of the patient with the attending physician leading the observational experience. Observers will not have access to patient records or data.

### **A Note about Funding**

Research fellowship appointments must adhere to the Lerner Research Institute Research and Education Training Center or the Graduate Medical Education salary and benefit policies. All researchers must be paid by the Cleveland Clinic or an outside organization (educational/medical/scientific).

### **Nonimmigrant/Immigrant Status NOT Supported by Cleveland Clinic**

#### **Immigrant Visa/Permanent Resident Status**

The Cleveland Clinic does not sponsor immigrant (permanent resident) petitions for research or clinical trainees (residents, clinical fellows, clinical research fellows, research fellows or post-doctoral fellows). This is because these petitions require an offer of 'permanent' employment. As these positions are all temporary in nature they do not meet this requirement.

#### **O-1A Temporary Worker of Extraordinary Ability**

Cleveland Clinic will not prepare O-1A petitions for trainees unless the trainee has been or will be promoted to staff and O-1A is the only option.

#### **H-1B for Persons of National/International Renown**

Cleveland Clinic will not sponsor applications for trainees under this classification. If an applicant does not meet the USMLE requirements for an H-1B for clinical activity, then the J-1 visa will be used.

## Information on Obtaining a Visa



**DO NOT ARRANGE TRAVEL (PURCHASE AIRLINE TICKETS), UNTIL YOU HAVE YOUR VISA**

### General Information

Information on scheduling an appointment for a visa interview and the online application are available through the U.S. Department of State Bureau of Consular Affairs:

<https://travel.state.gov/content/travel/en/us-visas.html>. The website contains information on all visa types and Frequently Asked Questions for international visitors to the U.S. This is the best source of information available. It is suggested that you use this information as your primary source when planning your trip to the U.S.

**Citizens of Canada** are not required to obtain a visa in their passport prior to entering the United States. However, they must undergo inspection at the point of entry so be sure to bring all documents when crossing the border by car or boarding a plane. Please be sure not to get in the drive thru lane for visitors only. You must either park and go inside the office with your documents or hand them to the officer in the one of the other drive thru service lanes. ***Please check your I-94 after leaving the border at <https://i94.cbp.dhs.gov/i94/#/home>. If it is incorrect, please contact Visa and Immigration Services (VIS) for assistance.***

### H-1B Temporary Worker

These are the items you will need to take to your visa interview or show at the U.S./Canada border:

- Copy of the Form I-129 H-1B petition filed on your behalf: contains all pertinent information about your position including the Form ETA950 Labor Condition Application. The Form I-129 copy will be provided by VIS.
- Original or copy of the H-1B approval notice, Form I-797A or B (please note that the consulate may accept a copy for visa processing, but you will need the original when entering the U.S.)
- Your passport (your passport must be valid for 6 months past the expiry date on your H-1B approval notice or your status will be shortened accordingly).
- Pay the visa application fee and any reciprocity fees.

You should not need any additional documents. **Please note that you are permitted to enter the U.S. no more than 10 days prior to the start date on your H-1B approval notice.**

### J-1 Exchange Visitors sponsored by Cleveland Clinic

- Valid Form DS-2019
- Valid passport
- proof of financial support during your stay in the U.S.; CC contract or other document

### PLEASE NOTE:

You may enter the U.S. no more than 30 days PRIOR to the start date indicated on the DS-2019 and no later than 30 days AFTER the start date indicated on the DS-2019. If you are not going to enter the U.S. within 30 days after the start date on the DS-2019, please contact the VIS team immediately. Failure to do so may result in your DS-2019 becoming invalid.

## **Physicians sponsored by ECFMG for Graduate Medical Education**

ECFMG will issue a Form DS-2019 for you and for each family member who will accompany you to the United States. All documents will be sent to Cleveland Clinic Visa and Immigration Services (VIS) along with instructions and information pertinent to your stay. We will forward the Form DS-2019 to you via DHL or FedEx. You will report your arrival to ECFMG and they will complete the SEVIS Validation.

## **SEVIS**



### **SEVIS FEE**

SEVIS stands for Student and Exchange Visitor Information System. This is a website maintained by the U.S. government which allows Exchange Visitor Program sponsors to issue the Form DS-2019. Certain J-1 exchange visitors are required by law to pay a one-time SEVIS fee of \$220. **The Cleveland Clinic will not pay or reimburse this fee.** You will receive instructions on how to pay the fee with your Form(s) DS-2019. If you do not pay the SEVIS fee, we will be unable to validate your SEVIS record.

### **Citizens of Canada**

You should pay the SEVIS fee at least **3 days** prior to your date of entry. Be sure to bring your printed receipt or the receipt from the DHS with you to the point of entry.

**TN (Trade NAFTA)** Canadian citizens apply at the border or airport; Mexican citizens must apply for a TN visa at a U.S. consulate.

- Passport
- Letter of employment which outlines the job title, description/duties and educational requirements for the position
- Original or certified copies of all academic certificates.

**E-3 (Australia Free Trade Agreement)** Australian citizens apply at a U.S. consulate for an E-3 visa with the following documents:

- Passport
- Letter of employment which outlines the job title, description/duties and educational requirements for the position
- Original or certified copies of all academic certificates including licenses.
- Curriculum vitae
- Labor Condition Application (to be supplied by Cleveland Clinic)



**DO NOT PUT YOUR DOCUMENTS (DS-2019/H-1B APPROVAL) IN YOUR LUGGAGE/SUITCASE. YOU WILL NEED THOSE DOCUMENTS AT U.S. CUSTOMS WHEN YOU ARRIVE IN THE U.S. **BEFORE** YOU WILL BE ABLE TO RETRIEVE YOUR LUGGAGE.**

## **INSPECTION AT THE PORT OF ENTRY**

When you arrive at your first stop/U.S. Airport/U.S. Land Border in the United States, you will be directed to the U.S. Customs and Border Protection for admission. You will need to show the following documents:



- Passport
- DS-2019 (for J-1)
- H-1B approval notice (for H-1B)
- You may be asked for a copy of your contract.

The officer will review your documents, may ask a few questions and then enter your information into the database. Be sure to take all of your documents and passport with you when leaving the Customs desk – replacing them can be difficult and costly.

***Your admission to the U.S. is stored electronically so you will not receive any documents from the Customs officer. You must go to the US CBP website and printout your Form I-94 (Admission/Departure Record) and take it with you to orientation at Cleveland Clinic.***

***The web address is: <https://i94.cbp.dhs.gov/>.***

## Information for Dependents

### Same Sex Marriage and Repeal of the Defense of Marriage Act

In June 2013, the U.S. Supreme Court repealed the Defense of Marriage Act. This means that if you and your spouse are the same sex and you were legally married in a country or a state in the U.S. that has legalized same sex marriage, your spouse is entitled to dependent status. If you and your spouse are in the U.S., your spouse is eligible to apply for a change of status to the derivative dependent status. If your spouse is currently outside the U.S. he/she is eligible to apply for a dependent visa at a U.S. Consulate or if a Canadian citizen, at the airport or border prior to entry.

The J-2, H-4 and F-2 classifications are designated for the use of dependents of J-1, H-1B, and F-1 nonimmigrants respectively. A dependent is defined as a legal spouse (must show a marriage certificate when applying for a visa) and children under the age of 21 years. Your parents, partners, aunts, uncles, sisters, brothers, nannies and housekeepers ARE NOT eligible for these classifications. For information on bringing a household employee of long standing with you to the U.S., please contact the U.S. Consulate for information. Family members (not spouse/children) can come to visit you using the B2 visitor's visa.

### Employment

H-4 dependents of temporary workers (H-1B) are not permitted to accept employment of any kind.<sup>1</sup>

***This includes unpaid employment and self-funded research.*** J-2 dependents of exchange visitors (J-1) are permitted to work after they have obtained an employment authorization document from the USCIS. Applications for employment authorization (Form I-765) are available on the USCIS website at [www.uscis.gov](http://www.uscis.gov). The J-2 dependent cannot apply for work authorization until after arrival in the United States.

### Academic Studies

J-2, F-2, and H-4 dependent children and spouses are all permitted to attend school in the United States. All dependent spouses may enroll in college and university classes. Tuition rates may vary according to determination of resident status in the State of Ohio. It is suggested that your spouse consult with the Office of International Student Services at the college or university.

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<sup>1</sup> H4 dependents whose spouse is the beneficiary of an approved I140 Immigrant Worker Petition AND is a citizen of a country for which there are no available immigrant visas **may** be eligible for employment authorization.

F-1 and J-1 students are permitted to accept on campus employment. However, even though an H-4 dependent is a student, they are NOT permitted to accept employment. This includes post-graduate employment. If necessary, the H-4 dependent must apply for a change of status from H-4 to H-1B for post-graduate employment or change to F-1 student or J-1 student status and use OPT or Practical training for work authorization.

### **Volunteer Work**

The only volunteer activities permitted are those which are done for a charitable organization which depends on volunteers for its daily operations. Cleveland Clinic does not depend on volunteers for its daily operations. These are examples of volunteering in which dependents may participate:

- Volunteering in a hospital (giving patients directions, visiting with patients; community volunteering (literacy programs, food banks etc.) or in a museum.

Dependents may NOT volunteer to do research in laboratories, libraries or on computers, assist with patient care, perform general administrative or secretarial duties. These are all examples of positions for which people are normally hired and paid as an employee. The USCIS strictly forbids this type of activity on the part of dependents unless the person is eligible and authorized for employment. The U.S. Department of Labor considers this using unpaid foreign labor to displace U.S. workers and it is a violation of the Fair Labor Standards Act.

## **Orientation at Cleveland Clinic**

During orientation, all new employees regardless of country of origin or citizenship are asked to verify their employment eligibility in the United States by completing Form I-9. Your visa documents and I-94 are your proof of eligibility. Photocopies or pictures on your phone are not acceptable. You will need to bring the following **ORIGINAL** documents with you:

### **H-1B:**

- Passport
- Printout of I-94 from [website](#) or paper document issued at the border (see page 7)
- H-1B approval notice

### **J-1:**

- Passport
- Form DS-2019
- Printout of I-94 from [website](#)

**F-1/J-1 with OPT:** employment authorization card or DS-2019 for practical training

**J-2 w/EAD:** employment authorization card.

**TN, E-3:** passport and I-94.

You will receive an email from Cleveland Clinic Human Resources/One HR/Workday with login information for your human resources record in One HR. There will be several tasks in your inbox. Be sure to complete these initial steps as soon as you can, this will prompt another task called "Complete I-9 Process". You must complete this step **BEFORE** you attend orientation. This task will only appear in your inbox **AFTER** you update your contact information. Be sure to refresh your screen and then check your inbox for the I-9 task. Here is the link to the Form I-9 instructions:

<https://www.uscis.gov/sites/default/files/document/forms/i-9instr.pdf>

## Nonimmigrant Status & Visa: What is the difference?

A **Visa** is the document placed in your passport by the U.S. Consular Officer. This document permits you to *enter* the United States. It may be valid for 6 months or a year or longer. You may be able to use it to enter the U.S. many times or just one time. If your visa expires while you are in the United States, it does **not** mean that you are out of status or in the U.S. illegally.

**Nonimmigrant status** is granted when you arrive in the United States. The Customs and Border Patrol (CBP) officer at the point of entry (airport or border) will record your nonimmigrant status, H-1B, J-1 or for dependents H-4 or J-2 and the expiration date in the CBP database.

Therefore, your Visa allows you to travel to a U.S. port-of-entry (airport or border) and present yourself to a U.S. Customs Officer, who then grants your nonimmigrant status. Your nonimmigrant status allows you to remain in the U.S. Therefore, it is a Visa, which gets you to the point of entry in the U.S. and the Nonimmigrant Status, which allows you to remain in the U.S.

## Maintaining your Nonimmigrant Status



**THIS IS YOUR NONIMMIGRANT VISA/STATUS --IT IS YOUR RESPONSIBILITY TO MONITOR AND TRACK THESE EXPIRATION DATES:**

### **PASSPORT**

It is important that you remember the expiration date of your passport and make sure that it is valid at all times. It is essential to your stay in the U.S. and also to any extension of stay that will be filed with the U.S. Citizenship and Immigration Service (USCIS) on your behalf. For example, your passport must be valid when an extension of status is filed for those in H-1B status. Please note that expiration of your passport does not mean that any U.S. visas you hold are no longer valid. The visa is a separate document issued by the U.S. government and remains valid until the expiration date on the visa. You may present an expired passport with a valid visa **and your new unexpired passport.**

### **H-1B Temporary Workers**

Your stay in the United States may be valid for an initial period of 1 to 3 years with the possibility of extension for another 1 to 3 years. Approximately, 6 months prior to the expiration date on your Form I-94, the Cleveland Clinic will need to submit a request for extension to the USCIS on your behalf. ***By law, employers may not file H-1B petitions more than 6 months prior to the start date on the petition.***

You will be contacted when it is time to file your extension. ***It is your responsibility to provide the requested documents in a timely manner to insure your ability to continue in your program.*** Extensions are contingent upon continued reappointment to your position at the Cleveland Clinic. Please note that H-1B regulations permit continued employment *beyond* the expiration date of your H-1B status **only if the extension is filed prior to the expiration.**

### **J-1 Exchange Visitor Sponsored by ECFMG**

Your J-1 status will expire annually. If you are reappointed to your GME program, your EVNet record (ECFMG J-1 Database) will be updated with the new contract dates. You will receive an

email prompt from EVNet to go into the database and complete your portion of the application and upload any additional documents.

### **J-1 Exchange Visitor Sponsored by CCF for Research**

Your initial Form DS-2019 will be issued for a period of 1 year with a possible extension to a maximum of 5 years.

### **Employment Authorization Document (EAD) holders**

**You** are responsible for filing the application for renewal of your employment authorization document (card) in a *timely manner*. If your EAD expires and you still have not received the new card, you will be terminated from employment and then re-hired once the EAD arrives. In certain circumstances a receipt for filing the extension may be used. Visit this website to find out if you qualify for the automatic extension <https://www.uscis.gov/working-in-the-united-states/information-for-employers-and-employees/automatic-employment-authorization-document-ead-extension>.

The category listed on the receipt notice must match the category on your expired/expiring EAD.

***Your nonimmigrant status is essential to your ability to work in the United States. Please note: VIS is only responsible for insuring your ability to continue in your training program/research program. We are not responsible for making sure applications are filed based on scheduled vacation.***

## **Moonlighting**

**J-1 Exchange Visitors:** Moonlighting (independent practice of medicine outside of the training program) is not permitted under the regulations of the J-1 Exchange Visitor Program.

**H-1B Temporary Workers:** H-1B nonimmigrants may moonlight with the same or a different employer provided they meet the requirements for independent practice (licensure etc.). If the H-1B holder will be working for a different employer, that employer **MUST** file a concurrent H-1B petition to authorize employment at their worksite. All moonlighting must be approved by your program director.

Please also review the Moonlighting policy on pages 89-91 of the Graduate Physicians' Manual: <https://portals.ccf.org/Portals/71/documents/graduate-physicians-manual-2022.pdf>

J-1 Exchange Visitors please review the ECFMG Moonlighting Policy Statement: <http://www.ecfm.org/evsp/evspemot.pdf>

## **Changing Institutions/Employers**

### **H-1B Temporary Workers**

Under the H-1B portability rule of Public Law 106-313, H-1B nonimmigrants who change employers are permitted to begin working with the new employer before final approval of the new H-1B petition is received. The following conditions must be met:

- The new employer must file the H-1B petition prior to the last day of employment with the current employer - *and* -
- The new employer has a receipt notice from the Immigration service.

For example, your last day of employment at Cleveland Clinic is May 15. You are contracted to begin working at the new institution on May 16. You do not have to wait for the new H-1B approval only if the new employer files before May 15 *and* they have a receipt or proof of delivery to the U.S. Citizenship & Immigration Service (USCIS).

Similarly, if you are promoted from a trainee to a staff position within Cleveland Clinic (research or clinical) an amended H-1B indicating the new position, duties and salary must be filed with USCIS. This also applies if you are changing your employment status from fulltime to part-time and vice versa.

## **J-1 Exchange Visitors**

### **Clinical Trainees**

Many J-1 alien physicians change institutions between their residency and fellowship program. You will need to complete the same application for your fellowship program as you completed for renewing your sponsorship for each year of residency training. Your new institution will assist you with this process. You are required to submit a new statement of need from the Ministry of Health in your country specifying a need for physicians trained in your fellowship subspecialty program. ECFMG will issue a new Form DS-2019 reflecting the change in program and institution.

### **Research Trainees**

Research trainees sponsored by Cleveland Clinic as J-1 exchange visitors who are going to a new research program are not only changing institutions, but are also changing J-1 sponsors. Cleveland Clinic will have to complete an electronic transfer of your SEVIS record to the SEVIS database of your new institution. The transfer must be effective from the day after your last day at Cleveland Clinic. So, if your last day at Cleveland Clinic is June 30, the transfer to your new sponsor must be effective from July 1. If subject to the 2-year home residence requirement and the U.S. Department of State has issued a waiver recommendation you cannot transfer you J-1 to another program.

Please note that when transferring from one J-1 program to another, the current program and the new program must be in the same or a similar field. Information on the current program should be provided to the responsible officer of the new program so they may determine if the fields are the same or similar.

## **Special Topics...**

### **...FOR H-1B NONIMMIGRANTS**

### **Duration of Stay**

The H-1B temporary worker program may be used for a maximum of 6 years. When planning your career goals you need to keep this in mind. For example, if you are a resident interested in surgical disciplines you need to consider the duration of your program when deciding on the type of visa you wish to pursue. If your program is longer than 6 years you need to consider what your options will be for the remaining years in the program.

Cleveland Clinic cannot file immigrant petitions and will not file O-1A petitions for residents or fellows. There may be other immigrant petition options for which you are eligible; you should consult with an immigration attorney to see if you are eligible for any other category of immigrant

visa. ECFMG may not sponsor you for a J-1 from an H1B. You should contact them directly before applying for fellowships. If you do accept a J-1, keep in mind that this will automatically make you subject to the 2 year home residency requirement (see J-1 special topics section).

Citizens of certain countries who have filed any of the applications associated with the process of obtaining permanent residence (labor certification ETA-9089, I-140, I-485) and the application has been pending for more than one year at the end of the 6<sup>th</sup> year of H-1B time, may be eligible for one year extensions of their H-1B status. If they have an approved immigrant petition (Form I-140) but are unable to file the I-485 Adjustment of Status, they may be eligible for a three year extension of their H-1B status.

### **Recapturing Time Spent Outside the U.S.**

Any time spent outside the United States during the six years in H-1B status may be recaptured with the last extension of status filed on your behalf. Throughout your H-1B status, you should keep copies of airline tickets, receipts, itineraries and/or any entry/exit stamps in your passport as proof of your travel outside the U.S.

## **...FOR J-1 EXCHANGE VISITORS**

### **All J-1 Exchange Visitors**

#### **30-day Grace Period**

The 30-day grace period is intended for the following purposes **ONLY**:

- Extending or changing status
- Tourism following completion of a program.
- Making arrangements to return to your country: i.e. selling anything you are not taking with you, arranging shipment of goods etc.
- You cannot leave the U.S. during the 30-day grace period (for vacation) and be re-admitted in J-1 status. Once the Form DS-2019 expires it is no longer valid for re-entry to the U.S.

### **J-1 Research Scholar Category**

#### **The Two-Year Home Residency Requirement Explained**

Some J-1 exchange visitor research scholars are subject to a two-year home residence requirement imposed by the Immigration & Nationality Act (INA). There are 3 ways by which a research scholar is subject to the 2-year home residence requirement:

- Receive funding from their home country government.
- Receive funding from the U.S. government.
- Participate in research in a subject which is listed on the Exchange Visitor Skills List.

The Exchange Visitor Skills List is comprised of various subject areas and specific subjects within each area. The list is compiled by foreign governments and the U.S. Department of State. The foreign governments inform the Department of State in which subjects skilled professionals are needed. The U.S. consular officer who issues the J-1 visa consults the skills list when processing visa applications. The visa will be annotated to reflect whether or not the J-1 exchange visitor is subject to the 2-year requirement. It will state one of the following:

- Subject to 212(e)\*
- Not subject to 212(e)
- 2-year rule applies
- 2-year rule does not apply.

\*212(e) refers to the section of the INA which describes the 2-year rule.

J-1 research scholars may obtain a waiver of the 2-year requirement under the following circumstances:

- A “no objection” letter from their government is received by the U.S. Department of State<sup>2</sup>
- If returning to their home country would subject the J-1 to political or religious persecution.
- If the J-1 exchange visitor has a U.S. citizen spouse or child who would be irreparably harmed by living in the foreign country.

Cleveland Clinic does not assist or file waiver applications for research scholars under the above circumstances. J-1 research scholars must apply for the waiver on their own or with the assistance of an immigration attorney. Here is a link to the J-1 Waiver Online application:

<https://j1visawaiverrecommendation.state.gov/>. This application can also be used to file a request for an advisory opinion on whether or not you are subject to 212(e).

### **Two-year bar/One-year bar/Two-year Home residency requirement: Compared**

In January 2007, the U.S. Department of State increased the duration of status for J-1 exchange visitors in the research scholar category from 3 years to 5 years. It also imposed a new 2-year bar on participation in this category once a program is completed.

The new rule allows for 5 years of participation as a J-1 research scholar to be used for one or more exchange visitor programs and one or more sponsoring institutions. However, the 5-year period is a continuous period. If the exchange visitor leaves the U.S. and his /her SEVIS (Student and Exchange Visitor Information System) record becomes inactive, they become subject to the 2-year bar. The 5-year eligibility window will be closed, and the remaining time lost if the research scholar completes a program of less than five years and the SEVIS record becomes inactive.

So, what isn't prohibited? The two-year bar does not prohibit the former J-1 research scholar from returning to the U.S. in any other J-1 category or other nonimmigrant status (F-1 student or H-1B temporary worker, see 2-year home residence requirement below – some individuals may need a waiver for an H1B).

If the research scholar is still in the U.S. and they are coming to the end of their 5-year period, they may be eligible to change to a different status. Research scholars are encouraged to review their options early. A 1 or 2 year lead-time is appropriate for obtaining waivers of the 2-year home residence requirement or applying for a change of nonimmigrant status.

Here are definitions of the various bars and requirements imposed under J-1 regulations:

**2-year home residence requirement – 212(e):** prohibits a change of status to H or L nonimmigrant status or permanent resident until the J-1 exchange visitor has resided in his/her country of origin or last legal permanent residence for a period of two years.

**1-year bar:** The 1-year bar prohibits J-1 exchange visitors (different category) from returning to the U.S. in the J-1 research scholar category when the exchange visitor was in the U.S. for more than 6 months in the previous calendar year. So, if the J-1 was in the U.S. from January to August they

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<sup>2</sup> Please note that the Indian Government is no longer issuing “NORI” letters or no objection letters to individuals who have an MBBS degree. This applies to all MBBS holders regardless of career path (research or clinical).

are prohibited from entering the U.S. in the research scholar category for a period of one year. However, they are not prohibited from entering the U.S. in another nonimmigrant status. The same rule applies if the research scholar is in the U.S. from January to August, changes to F-1 student from September to May and then wants to change back to J-1 research scholar.

There are some exceptions based on the date which the exchange visitor entered the U.S. in the previous J-1 status as well as the category of J-1 used at that time.

**2-year bar:** Prohibits repeat participation as a J-1 research scholar if the exchange visitor completes 5 years of participation with one or more sponsors -or- if before the 5-year period is over they complete a program, and their SEVIS record becomes inactive. *Remember* ~ the 5-year period is granted on a “use or lose” basis. You are given 5 years from the start date on your Form DS-2019. Once your SEVIS record is inactive, you cannot return to the U.S. or change back to J-1 status to recapture any time you may have left.

Unlike the INA 212(e) 2-year home residence requirement, the 2-year bar on repeat participation does not require the individual to reside in his or her home country for two years. It also does not require the person to be out of the United States. *It requires only that the person not be in J Professor or Research Scholar status for two years before becoming eligible for another 5-year period of program eligibility in J Professor or Research Scholar status.*

This document from the Yale University Office of International Students & Scholars has helpful information and may help you determine which (if any) bar applies to you:

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

### **J-1 Short-Term Scholar**

This category is limited to international scientists/faculty members who are coming to the U.S. to observe or collaborate on a joint research project. Short-term scholars may or may not be subject to the two-year home residency requirement (212(e)). Again, the basis for being subject to 212(e) is as described above. The duration of stay for J-1 short-term scholars is limited to a maximum of 6 months. J-1 short-term status cannot be extended beyond 6 months and the status cannot be changed within the U.S.

### **J-1 Alien Physician sponsored by ECFMG**

All J-1 exchange visitors sponsored by ECFMG for graduate medical education (residency and clinical fellowship programs) are automatically subject to the two-year home residence requirement as described in section 212(e) of the Immigration and Nationality Act as amended. Please ask us for the names and contact information of attorneys who can answer your questions.

You may also find this website helpful in searching for J-1 waiver positions: [www.3Rnet.org](http://www.3Rnet.org)

## **Income Tax Information**

By law, only certified or approved tax consultants may provide advice on your income tax status. However, in an effort to provide as much information as possible, the following FAQ has been developed for your use:

<https://my.clevelandclinic.org/-/scassets/files/org/graduate-medical-education/income-tax-info-11-3-2022>



# Travel Outside the United States

## General Information

Contact the embassy or consulate of the country to which you are traveling to determine if you need a visa to enter that country. Each country has different laws governing entry of foreign citizens. It may be necessary for you to obtain a visa from the consulate or embassy prior to departing the United States. Foreign consular offices are located in cities throughout the United States. Foreign embassies are located in Washington, D.C. **Please note: if you changed your nonimmigrant status (F-1 to J-1 or H-1B) while in the U.S. please be sure to show your new documents when crossing the border. Please also check your I-94 online at <https://i94.cbp.dhs.gov/I94/#/home> to make sure you were admitted in the proper status.**

Please note that there are special regulations for travel to Canada, Mexico and any countries which are adjacent or contiguous to the United States. Please read this document for details: <https://my.clevelandclinic.org/-/scassets/files/org/graduate-medical-education/auto-revalidation>

If you plan on applying for a new visa in a country which is not your country of last legal permanent residence or country of citizenship, please visit this website for complete information: <https://travel.state.gov/content/travel/en/us-visas.html>

## Things to do at least one month before leaving the U.S. (temporarily)

- Check your passport: is it valid? Is the visa valid?
- Check your documents:
  - H-1B: approval notice
  - J-1: Form DS-2019 with 2 signatures (one in the lower right corner endorsed for travel)
    - If you are a J-1 research scholar your DS-2019 can be validated for travel by Mary Curry, Diler Bolgi or Janice Bianco.
    - If you are a J-1 alien physician, only an ECFMG representative can endorse your DS-2019 for travel. Here is a link to the request for a duplicate DS-2019 for travel purposes: <http://www.ecfm.org/evsp/DS-2019dup.pdf>



Travel endorsement signatures are valid for the following period of time:  
Alien physician or research scholar category – one year  
Short-term scholar category – six months.

## **UNDER NO CIRCUMSTANCES ARE YOU TO LEAVE THE U.S. WITHOUT YOUR**

**DOCUMENTS:** If you do not have your H-1B approval notice or Form DS-2019 when you try to re-enter the U.S., the U.S. Customs and Border Protection officer may deny you entry into the U.S. If your visa has expired, you will need to renew it at a U.S. Consulate in the country to which you are traveling. You will need the same documents required when you first obtained your visa.

## Things to do after returning from a trip outside the U.S.:

### Remember to print your new Form I-94

Your admission to the U.S. is stored electronically so you will not receive any documents from the Customs officer. However, you must go to the website and printout your Form I-94 (Admission/Departure Record) and check it for errors. There have been issues with Customs entering incorrect information in the system. The web address is: <https://i94.cbp.dhs.gov/>.

**Check the expiration date on the I-94:**

**J-1:** your I-94 should state “D/S” or “Duration of Stay”

**H-1B:** your I-94 expiry date should match the end date on your H-1B approval notice.

**Please notify VIS immediately if the information on the new I-94 printout is different than as stated above. This could affect your ability to work.**

**Information for Dependents Traveling Without the H-1B or J-1 Visa Holder**

**H-4 Dependents**

If traveling without the H-1B holder, dependents should bring a copy of the H-1B holder’s visa, Form I-94 and copies of your paychecks for the last 2 months. If they are traveling alone and need to renew their visas, they must also bring a **copy** of the original Form I-797 and a copy of the petition.

**J-2 Exchange Visitors**

J-2 exchange visitor dependents also need travel endorsement signatures on their Forms DS-2019.

Parents traveling alone with dependent children may need a letter from their spouse granting permission to take the children out of the United States.

**Housing Information**

The city of Cleveland is divided by the Cuyahoga River into two areas: the East and West sides. The Downtown or metropolitan area is between the two and is easily accessed from either side of town. West and East sides are easily accessible by car and public transportation. Cleveland Clinic Main Campus is on the East Side.

The Downtown area has seen an increase in the number of modern apartment options – lofts, converted warehouses and new buildings. It is convenient to all sporting and entertainment – the Theater District, the Quicken Loans Arena (basketball, concerts etc.), Browns Stadium (American football) and Rocket Mortgage Field (baseball). However, these apartments, condominiums and townhouses tend to be more expensive than their suburban counterparts. Here is a list of popular suburbs with approximate travel time to Cleveland Clinic:

**EAST SIDE**

- Beachwood 20-25 minutes
- Cleveland Heights 10-20 minutes
- Lyndhurst 20-25 minutes
- Mayfield Heights 25-30 minutes
- Shaker Heights 10-20 minutes
- South Euclid 20-25 minutes
- University Heights 15-20 minutes

**WEST SIDE**

- Bay Village 30-35 minutes
- Fairview Park 25-30 minutes
- Lakewood 20-25minutes
- Parma 35-40 minutes
- Rocky River 30-35 minutes
- Westlake 25-30 minutes

Here are some good sources for rental properties which are accessible from the internet. Many offer photographs and virtual tours.

**RENTING**

[www.forrent.com](http://www.forrent.com)

**BUYING**

[www.realtor.com](http://www.realtor.com)

## TEMPORARY HOUSING

If you want to find temporary, furnished housing while searching for a permanent home, try these websites/phone numbers:

[www.corporatehousing.com](http://www.corporatehousing.com)

<http://www.bedandbreakfast.com/cleveland-ohio.html> (bed & breakfast inns in the Cleveland area)

Intercontinental Suites Hotel (on Cleveland Clinic campus)

<http://www.ihg.com/intercontinental/hotels/gb/en/cleveland/clehb/hoteldetail>

Air BnB: <https://www.airbnb.com/>

## Cultural Information/Assistance

### RELIGIOUS GROUPS (if there is a group not represented here, please let us know)

Roman Catholic Diocese of Cleveland, [www.dioceseofcleveland.org](http://www.dioceseofcleveland.org),

The Episcopal Diocese of Ohio <https://dohio.org/>

African Methodist Episcopal Church, <http://www.ame-church.com/>

N.E.Ohio Synod of the Evangelical Lutheran Church in America, <http://www.neos-elca.org/>

Baptist Church, <https://clevelandbaptist.org/>

United Methodist Church, [www.umc.org](http://www.umc.org)

Park Synagogue <https://www.parksynagogue.org/>

Beth El-The Heights Synagogue [www.bethelheights.org](http://www.bethelheights.org)

Beth Israel-The West Temple <https://thewesttemple.com/>

Green Road Synagogue <https://www.greenroadsynagogue.org/>

Young Israel of Greater Cleveland <https://yigc.org/>

The Temple - Tifereth Israel Temple (reformed), <https://www.tti.org/>

Islamic Center of Cleveland, [www.iccleveland.org](http://www.iccleveland.org)

Byzantine Catholic Eparchy of Parma, OH, [www.parma.org](http://www.parma.org)

St. Mark Coptic Orthodox Church, <http://www.stmarkclev.org/>

Orthodox Church (Russian, Greek, Antiochian) <https://www.orthodoxcleveland.us/>

St. Gregory of Narek Armenian Church, <http://www.stgregoryofnarek.org/>

St. Maron Church (Maronite Catholic Church) <http://www.saintmaron-clev.org/>

St. Elias Church (Melkite Catholic Church) <https://www.steliasmelkite.org/>

Shiva Vishnu Hindu Temple of Greater Cleveland, [www.shivavishnutemple.org](http://www.shivavishnutemple.org) \*

Sikh Gurudwaras in Ohio: <https://clevelandgurudwara.org/>,

<https://www.clevelandpeople.com/groups/sikhs/sikhs.htm>

Jain Society of Greater Cleveland: [www.jsgc.org](http://www.jsgc.org)

Sree Venkateswara (Balaji) Temple: <https://www.balajiusa.org/#/home>

Cleveland Buddhist Temple: [www.clevelandbuddhisttemple.com](http://www.clevelandbuddhisttemple.com)

Zen Center of Cleveland: [www.cloudwater.org](http://www.cloudwater.org) \*

Zoroastrian Community <https://www.zakoi.org/>

Jewish Community Federation, [www.jewishcleveland.org](http://www.jewishcleveland.org)

Catholic Charities of America, [www.ccdacle.org](http://www.ccdacle.org)

\*Due to cybersecurity measures, these sites may not be accessed on Cleveland Clinic computers.

## Social Service & Recreational Groups

(This list is compiled based on public information, if any group is not represented, please let us know so we can add them to our list)

All Cultural Groups: [www.clevelandpeople.com](http://www.clevelandpeople.com)

### ASIA/ASIAN SUBCONTINENT/SOUTHEAST ASIA/SOUTH PACIFIC

Federation of India Community Association, [www.ficacleveland.org](http://www.ficacleveland.org)

Organization of Chinese Americans of Greater Cleveland, [www.ocagc.org](http://www.ocagc.org)

Philippine American Society of Ohio, [www.philamohio.com](http://www.philamohio.com)

Japanese-American Citizens League: [www.jacl.org](http://www.jacl.org)

Vietnamese Community in Greater Cleveland

<http://www.clevelandpeople.com/groups/vietnam/vietnam.htm>

### EUROPE

Cleveland Society of Poles, [www.clevelandsociety.com](http://www.clevelandsociety.com)\*

Czech Cultural Center of Sokol, [www.sokolgreatercleveland.org](http://www.sokolgreatercleveland.org)\*

Hungarian Cultural Center of Northeast Ohio, <http://www.hungarianclub.org>

German Cultural Organizations <https://www.donauschwabencleveland.com/>

<https://germancentralfoundation.com/>

Slovak Institute, [www.slovakinstitute.com](http://www.slovakinstitute.com) \*

East Side Irish Club: <https://www.eastsideirish.org/>

West Side Irish Club: <https://www.wsia-club.org/>

Irish Cultural Garden Club: <https://irishgardenclub.org/>; Cleveland Irish Network:

<https://www.clevelandirish.com/home>

Mayo Society <http://www.clevelandmayosociety.org>

Northern Ohio Italian American Foundation <https://www.noiafoundation.com/>

La Gazzetta Italiana <http://www.lagazzettaitaliana.com/>

Turkish American Society of Northeast Ohio <https://www.tasno.org/Tasno/>\*

### AFRICA & THE MIDDLE EAST

Arab American Community Center, <http://www.aaccess-ohio.org/>\*

Cleveland Association of Black Story Tellers, <https://clevelandstorytellers.org/>

Association of Nigerian Physicians in the Americas, [www.anpa.org](http://www.anpa.org)

Karamu House <http://www.karamuhouse.org/>

### THE AMERICAS

Latino Cleveland <http://www.latinocleveland.com/>

Esperanza <https://esperanzainc.org/our-story/>

Julia De Burgos Cultural Arts Center: <http://www.juliadeburgos.org/>

Hispanic Center for Economic Development: <https://hbcenter.org/>

\*Due to heightened cybersecurity measures, these websites may not be accessed from Cleveland Clinic computers.

# Living in America

## Language and Culture

Whether you speak English or not, whether you are fluent or a beginner, the American culture is different and the ways and manners of speech may be different than the English you learned at home. Just as there are dialects of your language based on geographic locations there are also different ways of saying things in different parts of the U.S. There are several programs in the Cleveland area which can help you and your family members become more fluent in English and learn more about life in the U.S. There are also several good books available which may be helpful in understanding American culture.



***DON'T be shy!*** If there is something you don't understand (American slang or customs) or need help finding or doing something necessary to your living in Cleveland – don't hesitate to ask a member of the VIS staff. We will be happy to explain or provide information on what you need.

## English & Acculturation Programs

This document provides information on all English classes and resources in the Cleveland area: <https://my.clevelandclinic.org/-/scassets/files/org/graduate-medical-education/esl-flyer-10-21-2022>

## GOOD READING (all available from Amazon.com)

American Ways: An Introduction to American Culture (4th Edition) by Maryanne Datesman, JoAnn Crandall, Edward N. Kearny

English the American Way: A Fun ESL Guide to Language and Culture in the U.S. w/Audio CD by Sheila MacKechnie Murtha M.A., Jane Airey O'Connor M.Ed.

Immigrant Voices: New Lives in America, 1773-1986 by Thomas Dublin

Across Generations: Immigrant Families in America by Nancy Foner

## Social Security Number

A social security number is the U.S. equivalent to an identity number or social insurance number in other countries. You need it to do many things: open a bank account, obtain a credit card or buy a car. Be sure to keep your social security card and/or number in a safe place. Do not carry it in your wallet or have it listed on your driver's license. If this number is stolen or lost, the finder can use it to do everything you need it for and do it in your name – like opening bank accounts, obtaining credit cards etc.-this can financially ruin you. This is called identity theft. The SSA has a webpage dedicated to non U.S. citizens: <http://www.ssa.gov/people/immigrants/>. This pamphlet provides good information about identity theft: <http://www.ssa.gov/pubs/EN-05-10064.pdf>. You need to apply for your social security number in person at one of the local offices. You will need to bring your passport and all visa related documents (Form I-94 & Form I-797 or DS-2019).

The Cleveland area Social Security office locations:

- 3591 Park East Drive. Beachwood, OH 44122
- 11601 Shaker Blvd, Cleveland, OH 44120
- 18711 Miles Avenue, Warrensville Heights, OH 44128
- 7517 Lorain Avenue, Cleveland, OH 44102
- Anthony J. Celebrezze Federal Building, Room 793, 1240 E. 9th Street, Cleveland, OH 44199.

### **When you can apply**

H-1B holders can apply any time after arrival in the U.S.

J-1 holders need to wait until after their orientation. **It is advised that you not apply until your SEVIS record has been validated. If you apply before the validation, the Social Security Administration will not be able to verify your J-1 status. This will cause further delays in processing your application.**

### **Dependents and Social Security Numbers**

Dependents are generally not eligible for social security numbers. Only those eligible to work (J-2 with employment authorization) may apply for a number. However, for tax purposes you may be required to obtain Tax Identification Numbers (TIN) for each member of your family living with you in the U.S. You can find the application online at:

<http://www.irs.gov/uac/Form-W-7,-Application-for-IRS-Individual-Taxpayer-Identification-Number>

### **Obtaining a Driver's License/Obtaining a Car**

Your driver's license will be issued by the Ohio Bureau of Motor Vehicles (BMV) via an office in the County where you live in Ohio. Here is the link to the BMV website <https://www.bmv.ohio.gov/>.

The Cleveland Clinic and most of the suburban cities immediately surrounding the Clinic are in Cuyahoga County. This document has suggestions for buying or leasing a car.

<https://my.clevelandclinic.org/-/scassets/files/org/graduate-medical-education/car-buying-tips-11-3-2022>

You will need to bring your passport, Form I-94 and Form I-797 or DS-2019. You will also need a letter which verifies your employment at Cleveland Clinic. You can request a letter by sending an email to a member of the VIS team. Your spouse and eligible children will also need to provide these documents including a letter from the VIS team. Please include their name(s) in your request.

## **Know Your Rights**

Contrary to popular belief, nonimmigrants living and working/studying in the United States are entitled to certain rights under U.S. Law. The American Civil Liberties Union (ACLU) has information for nonimmigrants which outlines their rights on their website at this link:

<https://www.aclu.org/issues/immigrants-rights> The U.S. Congress has passed several laws regarding the treatment of immigrant workers in the U.S. which guarantees certain rights.

<https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/temporary-workers.html>

## **Important Telephone Numbers & Websites**

### **Cleveland Hopkins International Airport**

(216) 265-6000 / <https://www.clevelandairport.com/>

### **US Customs and Border Protection Office:**

(216) 267-3600 / [www.cbp.gov](http://www.cbp.gov)

### **U.S. Citizenship & Immigration Service (USCIS)**

1-800-375-5283 / [www.uscis.gov](http://www.uscis.gov)

### **U.S. Department of State**

J-1 Exchange Visitor Program Information/ <http://exchanges.state.gov/exchanges/index.html>

J-1 Waiver information (research) / <https://j1visawaiverrecommendation.state.gov/>

Foreign Consulates in the United States / <http://www.embassy.org/embassies/>

### **Internal Revenue Service (IRS)** - U.S. government agency responsible for Federal taxation

1-800-829-1040 / [www.irs.gov](http://www.irs.gov)

### **Social Security Administration**

1-800-772-1213 / [www.ssa.gov](http://www.ssa.gov)

### **State Medical Board of Ohio**

77 South High Street, 17th Floor / Columbus, OH 43215

(614) 466-3934 / <http://med.ohio.gov/>

### **Educational Commission for Foreign Medical Graduates**

[www.ecfm.org](http://www.ecfm.org)

3624 Market Street, 4th Floor / Philadelphia, PA 19104

General Inquiries: 215-386-5900 / Exchange Visitor Program: 215-823-2121

### **Graduate Medical Education Department**

Intranet: <https://portals.ccf.org/gme>

Internet: <https://my.clevelandclinic.org/departments/graduate-medical-education>

### **Visa & Immigration Services**

Internet: <https://my.clevelandclinic.org/departments/graduate-medical-education/incoming-residents-fellows/international-trainees>

Intranet: <https://portals.ccf.org/gme/Sections/International-Trainees>

### **Terra Dotta (web based visa portal for H-1B holders and J-1 research scholar exchange visitors):**

<https://clevelandclinic-iss.terradotta.com/index.cfm?fuseaction=scholarPortal.Department#/login>