

GENERAL
INFORMATION

NIH Policy on Sponsor Views for No Objection Statement (NOS) Waivers

National Institutes of Health (NIH) encourages J-1 Exchange Visitors to return to their home country after completing their exchange visitor program to fulfill the two-year home residence requirement (212e). For more information on the J-1 two-year home residence requirement, please visit the [DIS website](#) and the [DOS website](#).

Extenuating circumstances may warrant remaining in the U.S., thus requiring a waiver of this requirement. NIH (through DIS) must provide sponsor views on your NOS waiver application—either favorable or unfavorable—at the request of the Department of State (DOS). This document outlines NIH's policy on providing sponsor views for No Objection Statement (NOS) waivers of the J-1 two-year home residence requirement. For DIS to consider providing favorable sponsor views to DOS, you must meet the NIH NOS waiver policy requirements. This document describes the criteria NIH uses to determine whether we can comment favorably.

DIS will begin review for sponsor views once we are formally contacted by DOS. This includes preliminary review of any documentation, including a job offer letter. Please do not submit any documents until DIS contacts you by email with instructions. **ALL** items must be received **before** DIS will review your case to consider sponsor views.

If you meet one of the below requirements and NIH submits favorable sponsor views to DOS, we can no longer extend Form DS-2019. This means that once favorable sponsor views are issued, you must depart NIH or the NIH facility by EITHER the end date of your current NIH-sponsored Form DS-2019 OR start date of an approved change of immigration status, whichever occurs first.

NIH POLICY ON SPONSOR VIEWS FOR NOS WAIVERS

The NIH may consider favorable sponsor views if the J-1 Exchange Visitor (EV) has received or provides one of the following:

- I. An offer of employment in the biomedical sciences to the J-1 from NIH
- II. A formal offer of employment or current employment in the biomedical sciences to the J-1 from a bona fide employer outside NIH, but located within the United States
 - a. After NIH submits favorable sponsor views to DOS, the J-1 cannot return to NIH (or any NIH Facility) for two years. This restriction includes:
 - All Non-FTE NIH designations – paid and unpaid
 - Employment with a contracting company with NIH as a work site *unless the beneficiary also meets the requirements laid out in no. III*
 - b. The 2-year restriction begins on the end date of the most recent DS-2019 form or on the effective date of an immigration status change – whichever comes first

GENERAL
INFORMATION

NIH Policy on Sponsor Views for No Objection Statement (NOS) Waivers

- III.

An offer of employment to the J-1 as a **Contract Worker to be placed at NIH** in the biomedical sciences if the EV has met all of the following:
 - One or more publication(s) from their research performed at NIH, and;
 - Completed at least 4 years of NIH Intramural fellowship experience, and;
 - Has not received an exceptional extension beyond the fifth year, in accordance with NIH policy
- IV.

An approved Form I-140, Immigrant Petition for Alien Workers, showing the J-1 as the beneficiary under either the First Preference “EB-1” Category for Extraordinary Ability or the Second Preference “EB-2” Category for Exceptional Ability with National Interest Waiver

The above criteria apply to the J-1 Exchange Visitor. In other words, a job offer to a family member does **NOT** meet the NIH requirements, nor an approved Form I-140 for a family member.

Quick Navigation

I.

EMPLOYMENT WITH NIH.....

3

II.

EMPLOYMENT OUTSIDE NIH

4

III.

CONTRACT WORKER PLACED AT NIH

6

IV.

APPROVED I-140 PETITION.....

8

PROCESSING TIMELINE

9

DISCLAIMER

9

GENERAL
INFORMATION

NIH Policy on Sponsor Views for No Objection Statement (NOS) Waivers

I. EMPLOYMENT WITH NIH

The following items are required:

1. Completed [FTE appointment request](#) submitted to DIS by the NIH ICO

- a. Minimum appointment of 13 months is required
 - Full duration of the appointment must be completed before the EV can transition to Contract Worker
 - Full approvals of the FTE Offer must be confirmed from the ICO, Office of Human Resources, and Office of Intramural Research

2. Confirmation of understanding of the waiver policy from J-1 waiver applicant

- a. The assigned Immigration Specialist will e-mail you waiver instructions upon receipt of the completed and approved FTE appointment request
-

GENERAL
INFORMATION

NIH Policy on Sponsor Views for No Objection Statement (NOS) Waivers

II. EMPLOYMENT OUTSIDE NIH

The following items are required:

1. Copy of the official job offer letter OR confirmation of employment dated within 30 days, if currently employed*

- a. The letter or confirmation must incorporate the following elements to be considered a valid offer of employment:
- ☐ Employer letterhead
 - ☐ Duration of employment (evidence of a long-term, full-time commitment is required)
 - ☐ Job or position title
 - ☐ Brief description of job duties
 - ☐ Complete work site address
 - ☐ Salary and benefits
 - ☐ Reasonable future start date or actual start date
 - ☐ Signed by an individual authorized to extend the employment offer
 - ☐ Indicate your acceptance of the position. If no acceptance field is provided, add at the bottom of your job offer letter: "I accept(ed) the terms and conditions of the above employment offer." Sign and date your name by the acceptance.

*After receipt of the job offer letter, DIS will contact the employer to verify the employment. DIS will not provide favorable sponsor views without verification.

2. Confirmation of understanding of the waiver policy from J-1 waiver applicant AND your laboratory/branch sponsor*

- a. Confirm your understanding by sending an e-mail to DISWaiver@mail.nih.gov with the following:

This is to confirm that I, <<insert your name here>>, understand:

- *Once NIH submits favorable comments to DOS based on my outside employment, I must depart NIH or the NIH facility by EITHER the end date of my current NIH-sponsored Form DS-2019 OR change of immigration status, whichever occurs first.*
- *I am not eligible to return to NIH in a Non-FTE designation or as a Contract Worker for a period of two (2) years from my departure from NIH.*
- *If I have already departed NIH, then my two (2) years began the day following my last day at NIH.*
- *I further confirm that once NIH issues its Sponsor Views, I am no longer eligible for an extension of my Form DS-2019.*

GENERAL
INFORMATION

NIH Policy on Sponsor Views for No Objection Statement (NOS) Waivers

- b. The NIH lab/branch sponsor confirms understanding by sending an e-mail to DISWaiver@mail.nih.gov with the following:

This is to confirm that I have no objections to DIS/NIH providing favorable sponsor views on the waiver application by <<name of J-1 waiver applicant>>. I understand:

- *They provided evidence of an outside employment offer.*
- *They are no longer eligible for an extension of their J-1 status (Form DS-2019) once NIH issues its sponsor views.*
- *Once they depart NIH or the NIH facility, they cannot return in a Non-FTE designation or as a Contract Worker for a period of two (2) years from their departure from NIH.*
- *If they have already departed NIH, then the two (2) years started immediately following their last day at NIH.*

***If you departed the NIH more than two (2) years ago, attestations are not required.**

GENERAL
INFORMATION

NIH Policy on Sponsor Views for No Objection Statement (NOS) Waivers

III. CONTRACT WORKER PLACED AT NIH

The following items are required:

1. Current CV including full bibliography

a. EV must have:

- One or more publication(s) from their time at NIH
 - PI must attest that at least one of the publications in the bibliography includes research performed at NIH
- Completed at least 4 years of NIH Intramural fellowship experience
- Not received an exceptional extension beyond the fifth year, in accordance with NIH policy

2. Copy of the official job offer letter*

a. The letter must incorporate the following elements to be considered a valid offer of employment:

- ☐ Employer letterhead
- ☐ Duration of employment (evidence of a long-term, full-time commitment is required)
- ☐ Job or position title
- ☐ Brief description of job duties
- ☐ Complete work site address
- ☐ Salary and benefits
- ☐ Reasonable future start date or actual start date
- ☐ Signed by an individual authorized to extend the employment offer
- ☐ Indicate your acceptance of the position. If no acceptance field is provided, add at the bottom of your job offer letter: "I accept(ed) the terms and conditions of the above employment offer." Sign and date your name by the acceptance.

*After receipt of the job offer letter, DIS will contact the employer to verify the employment. DIS will not provide favorable sponsor views without verification.

3. Confirmation of understanding of the waiver policy from J-1 waiver applicant AND your laboratory/branch sponsor*

a. Confirm your understanding by sending an e-mail to DISWaiver@mail.nih.gov with the following:

This is to confirm that I, <<insert your name here>>, understand:

- *Once NIH submits favorable comments to DOS based on my contract worker position, I must depart NIH or the NIH facility by EITHER the end date of my current NIH-sponsored Form DS-2019 OR change of immigration status, whichever occurs first.*
- *I am not eligible to return to NIH in a Non-FTE designation for a period of two (2) years from my departure from NIH.*

GENERAL
INFORMATION

NIH Policy on Sponsor Views for No Objection Statement (NOS) Waivers

- *If I have already departed NIH, then my two (2) years began the day following my last day at NIH.*
- *I further confirm that once NIH issues its Sponsor Views, I am no longer eligible for an extension of my Form DS-2019.*

- b. The NIH lab/branch sponsor confirms understanding by sending an e-mail to DISWaiver@mail.nih.gov with the following:

This is to confirm that I have no objections to DIS/NIH providing favorable sponsor views on the waiver application by <<name of J-1 waiver applicant>>. I understand:

- *They provided evidence of an employment offer as a contract worker.*
- *They have at least one publication based on research performed during their fellowship at the NIH: **[insert publication reference(s) here]***
- *They are no longer eligible for an extension of their J-1 status (Form DS-2019) once NIH issues its sponsor views.*
- *Once they depart NIH or the NIH facility, they cannot return in a Non-FTE designation for a period of two (2) years from their departure from NIH.*
- *If they have already departed NIH, then the two (2) years started immediately following their last day at NIH.*

***If you departed the NIH more than two (2) years ago, attestations are not required.**

GENERAL
INFORMATION

NIH Policy on Sponsor Views for No Objection Statement (NOS) Waivers

IV. APPROVED I-140 PETITION

The following items are required:

1. I-797 Notice of Approval from USCIS for I-140 Petition*

- a. Must indicate either: "Section: Alien of Extraordinary Ability, Sec.203(b)(1)(A)" or "Section: Indiv w/Adv Deg or Exceptional Ability in the National Interest."

*After receipt of approval notice, DIS will confirm the approval with USCIS. DIS will not provide favorable sponsor views without verification.

2. Confirmation of understanding of the waiver policy from J-1 waiver applicant AND your laboratory/branch sponsor*

- a. Confirm your understanding by sending an e-mail to DISWaiver@mail.nih.gov with the following:

This is to confirm that I, <<insert your name here>>, understand:

- *I confirm that once NIH issues its Sponsor Views, I am no longer eligible for an extension of my Form DS-2019.*

- b. The NIH lab/branch sponsor confirms understanding by sending an e-mail to DISWaiver@mail.nih.gov with the following:

This is to confirm that I have no objections to DIS/NIH providing favorable sponsor views on the waiver application by <<name of J-1 waiver applicant>>. I understand:

- *They provided evidence of an approved I-140.*
- *They are no longer eligible for an extension of their J-1 status (Form DS-2019) once NIH issues its sponsor views.*

***If you no longer hold J-1 status, attestations are not required.**

GENERAL
INFORMATION

NIH Policy on Sponsor Views for No Objection Statement (NOS) Waivers

PROCESSING TIMELINE

In general, DOS requires NIH to provide sponsor views within **60 days** of their request. DOS may request sponsor views sooner. DIS will review and make a sponsor view determination within 30 business days upon receipt of all required documentation. Provide your documentation to DIS as soon as possible once requested. It is **YOUR responsibility** to ensure that all documents are sent to DIS. DIS will not follow up with you. Carefully plan the timing of your waiver application given this timeline. You are ineligible to transfer or extend your J-1 program after the NIH provides sponsor views to DOS.

DISCLAIMER

Any policy or guidance contained in this document is for general information only. NIH reserves the right to add, delete, or otherwise modify the contents of this document at any time without notice. Accordingly, NIH gives no guarantee or assurance that “favorable” views will be granted despite compliance with this document. Violations of immigration rules and regulations as well as NIH program requirements will be viewed negatively in any determination.