

## Technical Advisory No. 6

### Summary of Common Visa Classifications for Visiting Foreign National<sup>1</sup> Scientists at the NIH

The following provides general guidance on the use and length of common visa classifications found at the NIH. Individual circumstances can often vary from this general guidance. Please consult with the [Division of International Services](#) for specific guidance and advice. The program limits summarized below apply to the situation at NIH and are not applicable in all respects to the regulations governing these visa classifications at other organizations/institutions.

In addition, NIH intramural policies must also be taken into account as to how long the visiting foreign national scientist can remain at the NIH (e.g. [5 Year/8 Year duration policy](#)).

#### 1. J-1 Exchange Visitors Sponsored by the NIH

##### a. Research Scholar Category

- i. Purpose: To engage in biomedical research training
- ii. NIH Designations that can be supported as a J-1 Research Scholar: All Non-FTE (Full-Time Equivalent) positions; FTE positions may be possible on a case-by-case basis
- iii. Duration: Research Scholars are eligible for a maximum program duration of five (5) years. The five (5) years begin when the foreign national scientist acquires J-1 status within the U.S. [Under limited circumstances](#), extensions beyond the maximum duration may be possible on a case-by-case basis.
- iv. Transfers: J-1 transfers in the same category between institutions may be permitted provided the transfer is necessary to facilitate the J-1 Exchange Visitor's research objectives (as determined by the DIS). Time spent in J-1 status at the previous institution counts toward the overall five (5) year maximum duration.

##### b. Short-Term Scholar Category

- i. Purpose: To engage in short-term biomedical research training
- ii. NIH Designations that can be supported as J-1 Short-Term Scholar: All Non-FTE (Full-Time Equivalent) positions; FTE positions may be possible on a case-by-case basis
- iii. Duration: Short-Term Scholars are eligible for a maximum program duration of six (6) months. The six (6) months begin when the foreign national scientist acquires J-1 status within the U.S. Extensions beyond the maximum duration are not permitted.

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<sup>1</sup> A "foreign national" at the NIH is defined as an individual who is \*not\* a citizen or a permanent resident of the United States. Such individuals are also known as "non-immigrants."



- iv. Transfers: J-1 transfers in the same category between institutions may be permitted provided the transfer is necessary to facilitate the J-1 Exchange Visitor's research objectives (as determined by the DIS). Time spent in J-1 status at the previous institution counts toward the overall six (6) month maximum duration.

c. **Government Visitor Category**

- i. Purpose: To engage in observation tours, discussions, consultations, and/or professional meetings, conferences or workshops
- ii. NIH Designations that can be supported as J-1 Government Visitor: Certain Non-FTE (Full-Time Equivalent) positions as reviewed on a case-by-case basis
- iii. Duration: Government Visitors are eligible for a maximum program duration of eighteen (18) months. The eighteen (18) months begin when the foreign national scientist acquires J-1 status within the U.S. Extensions beyond the maximum duration are not permitted.
- iv. Transfers: J-1 transfers are \*not\* permitted in this category.

2. **Temporary Workers Sponsored by the NIH**

a. **H-1B Temporary Worker in a Specialty Occupation**

- i. Purpose: To engage in professional services related to research in the biomedical sciences; can also support full clinical activities (provided certain requirements are met)
- ii. NIH Designations that can be supported as H-1B: All FTE (Full-Time Equivalent) positions
- iii. Duration: H-1B Temporary Workers are eligible for an initial period of up to three (3) years and extensions up to three (3) years, for a total of six (6) years of H-1B status. The six (6) years begin when the foreign national scientist acquires H-1B status within the U.S. Under limited circumstances, extensions beyond the maximum duration may be possible on a case-by-case basis.
- iv. Transfers: H-1B workers can switch employers and transfer or "port" their H-1B status, provided the new employer timely files an H-1B petition. Certain conditions apply; transfers or "portability" to the NIH are reviewed by the DIS on a case-by-case basis.
- v. Additional: For additional information on H-1B Temporary Workers, refer to [DIS Technical Advisory 20](#).

b. **O-1 Alien of Extraordinary Ability in the Sciences**

- i. Purpose: To engage in professional services related to research in the biomedical sciences; can also support full clinical activities
- ii. NIH Designations that can be supported as O-1: All FTE (Full-Time Equivalent) positions



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- iii. Duration: O-1 Aliens of Extraordinary Ability are eligible for an initial period of up to three (3) years with extensions available in one (1)-year increments. At present, there is no limit on the number of extensions that can be requested. The O-1 status begins when the foreign national scientist acquires O-1 status within the U.S.
  - iv. Transfers: O-1 workers can switch employers, provided the new employer timely files an O-1 petition. Employment cannot begin until the new employer receives approval of the O-1 petition.
  - v. Additional: For additional information on O-1 Aliens of Extraordinary Ability, refer to [DIS Technical Advisory 20](#).
- c. **TN (Trade NAFTA – North American Free Trade Agreement)**
- i. Purpose: To engage in activities related to research in the biomedical sciences by citizens of Canada or Mexico
  - ii. NIH Designations that can be supported as TN: All FTE (Full-Time Equivalent) positions and most Non-FTE positions
  - iii. Duration: TNs are eligible for an initial period of up to three (3) years with extensions available up to three (3) years at a time. At present, there is no limit on the number of extensions that can be requested. The TN status begins when the foreign national scientist acquires TN status within the U.S.
  - iv. Transfers: TNs can switch employers, provided the new employer timely files a TN petition or the TN applies for admission to the U.S. with the new employer. Employment cannot begin until the new employer receives approval of the TN petition or gains entry under the new employer’s sponsorship.
  - v. Additional: For additional information on TN (Trade NAFTA), refer to [DIS Technical Advisory 14](#).

### 3. **Business Visitors hosted by the NIH**

- a. **B-1/WB Temporary Visitors for Business**
- i. Purpose: To engage in short-term business activities, such as consulting with colleagues, attending professional meetings/conferences, or conducting independent research
  - ii. NIH Designations that can be supported as B-1/WB: Non-FTE (Full-Time Equivalent) positions **EXCEPT** for Visiting Fellow designations
  - iii. Duration: B-1/WB Business visitors are generally allowed three (3) to six (6) month periods of stay in the U.S. However, visitors who entered under the Visa Waiver Program (“WB” status) are granted a maximum of ninety (90) days of stay. The B-1/WB status begins when the foreign national scientist acquires B-1/WB status within the U.S. B-1 extensions may be possible on a case-by-case basis as reviewed by the DIS. No extensions are possible for WB visitors.



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- iv. Additional: For additional information on B-1/WB Temporary Visitors for Business, refer to [DIS Technical Advisory 5](#).

#### **4. Non-NIH Sponsored Non-immigrants**

##### **a. J-1 Alien Physician Category sponsored by the ECFMG (Educational Commission for Foreign Medical Graduates)**

- i. Purpose: To engage in clinical/residency training in an established accredited or non-standard training program
- ii. NIH Designations that can be supported as J-1 Alien Physician: Only a Clinical Fellow FTE (Full-Time Equivalent) position for those who will participate in an NIH clinical training program; Non-FTE positions, such as Collaborator (Clinical), may be possible on a case-by-case basis
- iii. Duration: ECFMG will sponsor J-1 Alien physicians for the time necessary to complete training in the particular specialty or sub-specialty area, not-to-exceed a maximum program duration of seven (7) years. The seven (7) years begin when the foreign national scientist acquires J-1 status within the U.S. Extensions beyond the maximum duration are not permitted.
- iv. Transfers: J-1 Alien Physicians remain under ECFMG sponsorship, but may switch employers to a new clinical training program – provided the switch is necessary to facilitate the J-1 Alien Physician’s training in his/her particular specialty or subspecialty area (as determined by the ECFMG). Time spent in J-1 status at the previous institution counts toward the overall seven (7) year maximum duration.
- v. Additional: For additional information on J-1 Alien Physician and Patient Contact, refer to [DIS Technical Advisory 4](#).

##### **b. J-1 Student Category, Sponsored by Student’s School**

- i. Purpose: To engage in a full course of study at an academic institution
- ii. NIH Designations that can be supported as J-1 Student: All Non-FTE (Full-Time Equivalent) positions; FTE positions may be possible on a case-by-case basis
- iii. Duration: Typically, J-1 Students are eligible for a maximum program duration of the time necessary to complete degree or program requirements. The time begins when the foreign national scientist acquires J-1 status within the U.S.
- iv. Additional: To work, J-1 Students must receive written authorization from their school’s Responsible Officer (RO) or Alternate Responsible Officer (ARO). J-1 Students in a doctoral degree program may be eligible for up to thirty-six (36) months of academic training in their field of study. Other students may have Academic Training up to 18 months, but not longer than the academic portion of their J-1 program.



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c. **F-1 Students, Sponsored by Student's School**

- i. Purpose: To engage in a full course of study at an academic institution
- ii. NIH Designations that can be supported as F-1 Student: All Non-FTE (Full-Time Equivalent) positions; FTE positions may be possible on a case-by-case basis
- iii. Duration: Typically, F-1 Students are eligible for a maximum program duration of the time necessary to complete degree requirements. The time begins when the foreign national scientist acquires F-1 status within the U.S.
- iv. Additional: To work, F-1 students must obtain written authorization from the school's Designated School Official (DSO) or obtain a valid Employment Authorization Document (EAD) issued by the Department of Homeland Security (DHS). Students must consult with their school to determine the proper work authorization. Common types of F-1 work authorization are:
  1. *Optional Practical Training (OPT)*: Allows for eligible students to work in their field of study during (pre-) or after (post-) completion of their degree program. No specific employer or host institution is required. The initial OPT is available for up to one (1) year. Requires written recommendation from the DSO **and** a valid EAD issued by the DHS.
    - a. *STEM OPT Extension*: Certain F-1 students approved for post-completion OPT based on a degree in a qualified STEM (Science, Technology, Engineering and Mathematics) field may be eligible for a one-time OPT extension of up to seventeen (17) months. Requires written recommendation from the DSO on the F-1 Student's Form I-20 **and** a valid EAD issued by the DHS.
    - b. F-1 Students who timely file for an EAD based on a STEM OPT Extension can continue working for up to 180 days while the STEM EAD application is pending with DHS. DIS requires presentation of DHS receipt notice for STEM EAD application.
  2. *Curricular Practical Training (CPT)*: Allows for eligible F-1 Students to work in their field of study for a specific employer or host as an integral part of their curriculum. Requires written authorization from the DSO on the F-1 Student's Form I-20. An EAD is **not** required.
  3. *Extended On-Campus Employment at an Off-Campus Site*: Allows for eligible F-1 Students to work in their field of study as an integral part of their curriculum under an established agreement between the school and a host institution. DIS requires written authorization from the DSO. An EAD is **not** required. Limited to 20 hours per week while school is in session; can be full-time during official school breaks.
  4. *Economic Hardship*: Allows for eligible F-1 Students to work in circumstances of severe economic hardship. Requires written recommendation from the DSO on the F-1 Student's Form I-20 **and** a valid EAD issued by the DHS. No specific employer or host institution is required. Limited to 20 hours per week while school is in session; can be full-time during official school breaks.



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