

INCIDENTAL EMPLOYMENT, LECTURES OR CONSULTATIONS

for

Visiting Professors and Research Scholars in J-1 status

PURPOSE

This information was compiled from the U.S. State Department J Exchange Visitor Program regulations for J-1 Visiting Professors and Research Scholars. It is intended to explain your eligibility for incidental employment, lectures or consultations during your Exchange Visitor program in the United States with instructions on how to obtain proper authorization.

YOUR J-1 RESPONSIBLE OFFICER

To work or provide a service for compensation for any employer *other than* the school named on your Form DS-2019, you must first obtain approval in writing from your J-1 Responsible Officer, who is authorized to by the State Department to issue your Form DS-2019. S/he must evaluate the proposed employment in terms of your program objectives and your individual circumstances and then determine whether it will be appropriate or not. If Duke is your sponsor, then your J-1 Responsible Officer is located in Duke's Visa Services Office. If your J-1 sponsor is an *agency*, and if you are uncertain how to reach your J-1 Responsible Officer, an advisor in Duke's Visa Services Office will assist you in obtaining the necessary contact information, but the Duke advisor has no authority to grant employment authorization.

CONDITIONS

The proposed employment:

- 1) Must be directly related to the objectives of your Exchange Visitor program;
- 2) Must be *incidental* to your primary program activities; and
- 3) **Must not delay the completion of your Exchange Visitor program.**

PROCEDURES

To obtain authorization for incidental employment, you should present the following to your J-1 Responsible Officer:

- 1) A letter of offer from the prospective employer describing the terms and conditions of the proposed employment, including the name of the organization and its physical location, the date(s) of employment, the number of hours, the field or subject, the amount of compensation, and a description of the activity for which you are being hired.
- 2) The "Recommendation for J-1 Exchange Visitor Incidental Employment" form (see reverse side) completed by your department head or supervisor.

If your J-1 Responsible Officer approves the request, you will be issued an authorization letter to be shared with the incidental employer.

LECTURES OR CONSULTATIONS

Professors and research scholars may participate in occasional lectures and short-term consultations, if authorized to do so by his or her sponsor. Such lectures and consultations must be incidental to the exchange visitor's primary program activities. Professors and research scholars must provide the same information required for incidental employment, therefore, the following form should be completed by the supervisor.

AUTHORIZATION TO WORK

If the employment is a lecture or consultation, you will be working *not* as an employee but as an independent contractor, meaning that you will not have a sustained employer/employee relationship with the person or institution paying you. You will not need to complete a Form I-9, "Employment Eligibility Verification," in order to begin work. In that situation, your authorization will take the form of the letter issued by your J-1 Responsible Officer, which your incidental employer may ask to see, and you also should keep this letter **permanently** in your personal immigration records.

If the incidental employment is sustained, for example, if you will be teaching a course at another school that lasts an entire semester, then your authorization will need to be a new Form DS-2019 issued by your present J-1 Responsible Officer listing the name of the employer as a work site and the amount you will be paid. Your Responsible Officer also will have recorded this information in the Student and Exchange Visitor Information System (SEVIS).

DUKE VISA SERVICES OFFICE

University • Medical Center • Duke Health System • Affiliated Institutions

Recommendation for J-1 Exchange Visitor Incidental Employment, Lectures or Consultations

This form must be completed by the Supervisor not the J-1 professor/scholar.

Exchange Visitor's Name _____

Name of Prospective Employer _____

or Sponsor of the Lecture/Consultation _____

Location of Proposed Employment, Lecture or Consultation _____

Dates of Proposed Employment, Lecture or Consultation _____

Please provide a detailed description of the proposed activities.

Please explain how the proposed activity(ies) will benefit the visiting professor/scholar. (Such benefits might include, but are not limited to, the opportunity for the J-1 visitor to: 1) broaden his/her range of professional contacts, 2) engage in professional dialogue with students and colleagues who offer different perspectives on the J-1 Visitor's research/teaching subject, 3) gain experience conducting research or teaching at a different type of academic institution, etc.)

As the supervisor for the Exchange Visitor named above, I hereby certify that I have read the offer letter from the prospective employer or reviewed the conference description, that the proposed activity is directly related to the Exchange Visitor's principal activity, that it is incidental to that principal activity, and that the participation in this activity or employment will not delay the completion of the Exchange Visitor's program. I, heretofore, recommend that the proposed employment or conference attendance be approved.

Signature _____

Name and Title _____

Department _____

Date _____ Telephone _____ E-mail _____