

GENERAL
INFORMATION

NIH Policy for No-Objection Statement (NOS) Waivers

This handout outlines the National Institutes of Health's (NIH) policy for No-Objection Statement (NOS) waivers of the J-1 two-year home residence requirement (212e). Through the Division of International Services (DIS), NIH receives requests for sponsor views from the U.S. Department of State (DOS). DOS asks NIH to comment on waiver applications for Exchange Visitors who received NIH funding or J-1 sponsorship.

For DIS to consider providing a favorable sponsor view to DOS, you must meet the NIH's NOS waiver policy requirements. This handout describes the criteria by which NIH may comment favorably on a waiver request. For more information on the J-1 two-year home residence requirement (212e), please visit the [DIS website](#). For more information on how to apply for a waiver, please visit the [DOS website](#).

PLEASE NOTE: DIS/NIH will **not** begin review for sponsor views until we are formally contacted by DOS. This includes preliminary review of any documentation, including a job offer letter. Please do not submit any documentation until DIS contacts you by email with instructions on the submission of the items. **ALL** items must be received **before** DIS will review your case for NIH sponsor views.

All waiver correspondence should be sent to the "DIS Waiver Coordinator" via email to DISWaiver@mail.nih.gov.

NIH POLICY ON NOS WAIVERS

NIH encourages J-1 Exchange Visitors to return to their home country after their exchange visitor program. However, extenuating circumstances may warrant remaining in the U.S. A policy has been created to allow these exceptional circumstances. NIH (through DIS) must provide its sponsor views—either favorable or unfavorable—at the request of DOS on your waiver application.

The NIH may consider favorable sponsor views if the J-1 Exchange Visitor has:

1. Received an [offer of employment](#) in the biomedical sciences from NIH
 - a. Requires completion of initial FTE appointment before accepting employment with a contract employer with an NIH work site
2. Received a formal offer of employment or current employment in the biomedical sciences from a bona fide [employer outside NIH](#), but located within the United States.
 - a. Once NIH submits favorable sponsor views to DOS, the J-1 and any J-2 dependents cannot return to NIH (or any NIH Facility) in any capacity for two years. This restriction includes:
 - All NIH designations – paid and unpaid
 - Employment with a contracting company with NIH as a work site
 - 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.

Please note:

- **An employment offer as an NIH contractor does NOT meet the above requirements.** NIH contractors are individuals acquired via a contract/task order and placed at an NIH facility to perform a specific task or function. It is the policy of NIH not to grant No-Objection Statement (NOS) Waivers for any Contract Workers working at the NIH, either on an individual basis or through a contractor. You may find this policy at the [NIH OIR Sourcebook](#) under the section marked "Visas."
- A job offer to a J-2 dependent does **NOT** meet the NIH requirements. The offer must be made directly to the J-1 Exchange Visitor.

EMPLOYMENT WITH NIH

The following items are required:

1. **Completed [FTE appointment request](#) submitted to DIS by the NIH IC**
 - a. Minimum appointment of 13 months is required
 - b. Full approvals from the IC, Office of Human Resources, and Office of Intramural Research
2. **Confirmation of understanding of the waiver policy from J-1 waiver applicant AND your laboratory/branch sponsor.** The assigned Immigration Specialist will e-mail instructions upon receipt of the complete FTE appointment request and all FTE approvals.

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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:

- Employee letterhead
- Duration of employment (evidence of a long-term commitment is required)
- The 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 a favorable sponsor view 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 the end date of my current NIH-sponsored Form DS-2019 OR change of immigration status. I understand that I am not eligible to return to NIH for a period of two (2) years from my departure from NIH. If I have already departed NIH, then my two (2) years began after my last day at NIH. In addition, I understand that this policy also applies to any J-2 dependents."

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 a favorable sponsor view on the waiver application by <<name of J-1 waiver applicant>>. I understand that she/he provided evidence of an outside employment offer and based on the NIH NOS Waiver Policy, she/he must depart NIH or the NIH facility by the end date of his/her current NIH-sponsored Form DS-2019 OR when he/she changes to a different immigration status. I also understand that she/he cannot return to NIH for a period of two (2) years from his/her departure from NIH. If she/he has already departed NIH, then the two (2) years started after her/his last day at NIH."

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

PROCESSING TIMELINE

DIS will review and record submitted documentation within 5 business days. Upon receipt of all required documentation, DIS will review and make a sponsor view determination within thirty (30) business days. In general, DOS requires NIH sponsor views within **sixty (60) days** of their request. DOS may request sponsor views sooner. In turn, provide your documentation to DIS as soon as possible once requested. If you are unable to provide the required documents within the 60-day period, alert DIS. Carefully plan the timing of your waiver application given this timeline. It is **YOUR responsibility** to ensure that all documents are sent to DIS. DIS will not follow-up with you.

DISCLAIMER

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