Incidental Employment for J-1 Scholars

What is Incidental Employment?

Incidental Employment is a period of temporary employment that is secondary to an Exchange Visitor’s (EV’s) primary objective. If authorized, EV’s in the Research Scholar and Professor category, may participate in occasional lectures and short-term consultations. The purpose of such lectures and consultations must be incidental (secondary) to an EV’s primary program goals and objectives.

General Guidelines for Incidental Employment:

- As an EV, you are allowed to participate in occasional lectures and/or short-term consultations. The term “occasional” illustrates the view of single events rather than an ongoing activity. To ensure that “occasional lectures or short-term consultations” do not interfere with, and are in alignment with the activities of your EV program, they must:
  - Be directly related to the objectives of your Exchange Visitor Program.
  - Be incidental (secondary) to your primary program objectives.
  - Not delay the completion of your program.
  - Be documented on your DS-2019 and/or in your SEVIS record.

- Compensation is allowed. If you receive compensation for such activities, you must act as an independent contractor as defined in 8 C.F.R. § 274a.1(j), and must present the following to International Student and Scholar Services (ISSS):
  - A letter from your prospective employer providing the terms and conditions of the lecture or consultation including the duration, number of hours, field or subject, amount of compensation, location of employment, and description of such activity.
  - A letter from your Department Chair, PI, or faculty supervisor at the University of Utah recommending such activity and explaining how it would enhance your EV program.

- Incidental employment must be approved in advance of any employment activity. If approved, ISSS will provide a written Determination letter authorizing the short-term lecture or consultation, and issue a new DS-2019. Please note that if the incidental employment interferes or delays your primary objective, your immigration status will be adversely impacted.

How to apply for Incidental Employment:

Submit an Incidental Employment E-form through UAtlas, and be prepared to provide the following information when completing the E-form:

- Copy of your most current DS-2019.
- Signed letter from your prospective employer including the information mentioned above.
- Signed letter from your University of Utah Department Chair, PI, or supervisor to include the information mentioned above.

Disclaimer: International Student & Scholar Services provides support and information related to U.S. immigration laws and regulations related to F and J status. ISSS staff are not attorneys and any information provided by us should not be construed as legal advice. Individuals are welcome to consult a qualified immigration attorney for specific legal advice, particularly in complicated cases. For a list of local Utah attorneys please visit our website here.