All J, All Day:

Advising J-1 Students

NAFSA Region XI
Spring Immigration Workshop
March 17, 2014
Babson College





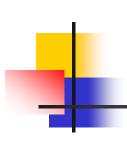
Maureen Martin
Harvard University
Maureen_martin@harvard.edu
www.hio.harvard.edu

Peter O'Meara

Harvard University

Peter_omeara@harvard.edu

www.hio.harvard.edu



The Objective of the Exchange Visitor Program

"... to increase mutual understanding between people of the United States and the people of other countries by means of educational and cultural exchanges."



U.S. Government Structure

<u>DHS</u> (Department of Homeland Security):

U.S. government agency responsible for domestic security matters, including immigration

DOS (Department of State):

Oversees visa issuance at U.S. consulates and embassies; Oversees the Exchange Visitor Program

ICE (Immigration & Customs Enforcement):

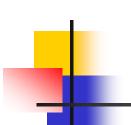
Responsible for <u>enforcement</u> of the <u>immigration laws; overseas SEVIS</u>

CIS (Citizenship & Immigration Services):

Administers and <u>adjudicates</u> matters related to <u>immigration services</u>

CBP (Custom & Border Protection):

Responsible for <u>border patrol and</u> <u>inspectors</u> at U.S. ports of entry



"The Big 5" Players in the EV Program

- Department of State (DOS)
- Exchange Visitor Program Sponsors
- Responsible Officers (ROs) and Alternate Responsible Officers (AROs)
- Exchange Visitors (J-1s & J-2s)
- Department of Homeland Security (DHS)



Special Features

- Multiple types of exchanges within one immigration classification or visa type
- RO/ARO responsibility
- Participation does not need to be specific to an institution
- Possible home residence requirement
- Mandatory health insurance
- Dependents eligible for work authorization / study
- Orientation requirement



- "Exchange Visitor Program Sponsor"
 - The Visa Sponsor: who issues the DS-2019 and administers the program
 - Appears in Box #2 of Form DS-2019
- "Financial Sponsor"
 - Can be different from the EV Program Sponsor
- These may both be different from the school of attendance!



- Size of Program
 - At least 5 Exchange Visitors per calendar year
- Program length = minimum of 3 weeks (except in Short-Term Scholar category)
- Reciprocity promoting exchange in the other direction as well (e.g. study or internships abroad)
- Cross-Cultural Activities



Responsibilities for the Institution and RO

- Adhere to DOS regulations
- Notify DOS of RO/ARO changes using SEVIS, followed up by signed, written citizenship statements
- Keep adequate records & prepare an annual report
- Provide pre-arrival information
- Offer appropriate orientation
- Furnish information to DOS as requested
- Retain all records related to Exchange Visitors for at least
 3 years after EV period of stay
- Ensure adequate staffing and sufficient support services for the EV program



Pre-Arrival Information

- How do you deliver this information?
 - Online (website); Handbook
 - Handouts accompanying DS-2019
 - DOS-EVP brochure
- Home Country physical presence requirement
- Health insurance requirement / health care
- Housing information
- Program information / campus information
- Employment basics
- Visa application process / arrival process





- Orientation is required
- Health care, health insurance
- J visa regulations; review of visa documents
- Payroll, ID cards, SSN, university procedures
- Exchange Visitor Program information
- Personal/individual orientations or group orientation sessions



Exchange Visitor Program Activity Categories

- Alien Physicians*
- College & University Students*
- International Visitors
- Research Scholars*
- Short-term Scholars*
- Summer Work Travel Participants
- Student Intern*

- Trainees*
- Interns*
- Au Pairs
- Government Visitors
- Professors*
- Secondary School Students
- Specialists*
- Teachers

^{*} COMMON IN HIGHER EDUCATION



J-1 Student Category

 Studying in the United States, pursuing a full course of study leading to a U.S. degree

OR

 Engaged in a prescribed course of study (nondegree) of up to 24 months in duration, in a program conducted by a post-secondary accredited educational institute

OR

Engaged in academic training authorized by the RO/ARO



J-1 Student - Eligibility

Students must meet one of the four criteria at any one point during their college studies:

- Student or program is financed directly or indirectly by:
 - U.S. government
 - Student's home country government
 - An international organization which the U.S. is a member by treaty or statue.

OR

2. Program is an agreement between the U.S. government and a foreign government

OR



J-1 Student - Eligibility

(continued)

- 3. Program is pursuant to a <u>written</u> agreement between:
 - American & foreign educational institutions
 - American educational institution & a foreign government
 - A state or local government in the U.S. & foreign government

OR

4. Student is supported substantially by funding from any source other than personal or family funds.

J-1 Student – Eligibility

If a student is eligible for J-1 student at *any* point in his/her program, then that person will continue to be eligible for J-1 student until the end of the program.

Loss of outside funding does not mean loss of J-1 student status.



Why sponsor in J-1 status?

J-1 vs. F-1

Why would you sponsor a student in J-1 status vs. F-1 status?

- Because their funding / sponsor / exchange agreement mandates it
- Because the student qualifies and the student requests to study in J-1 status
- Develop institutional policy!!!!

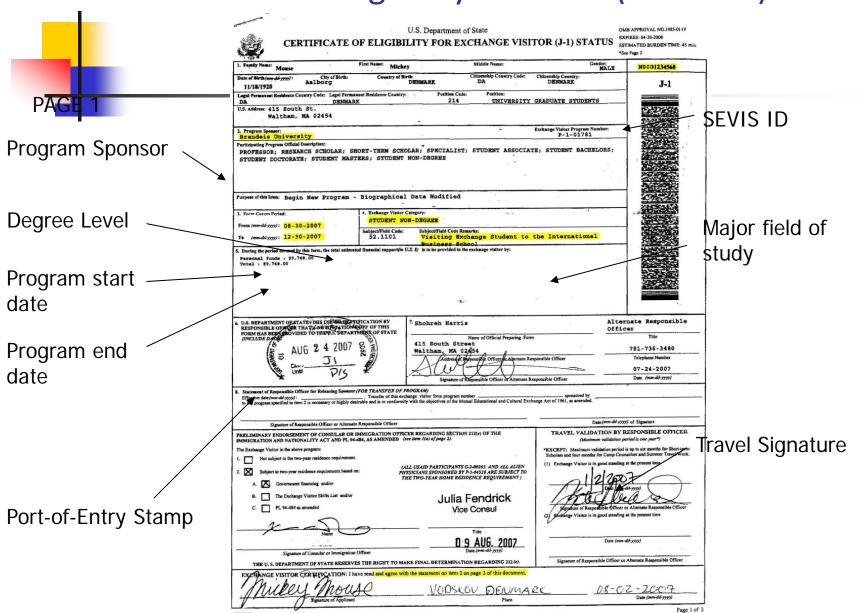


Amending Program Start Date

- EV cannot arrive within 30 days of start date on DS-2019?
 - Can amend the program start date in SEVIS to reflect later arrival
 - Get approval of late arrival from Admissions Office or host department
 - Updates in SEVIS so record appears at Embassy and Portof-Entry
 - Print new DS-2019
 - Try to get to EV before entry if possible



Certificate of Eligibility DS-2019 (for J visa)





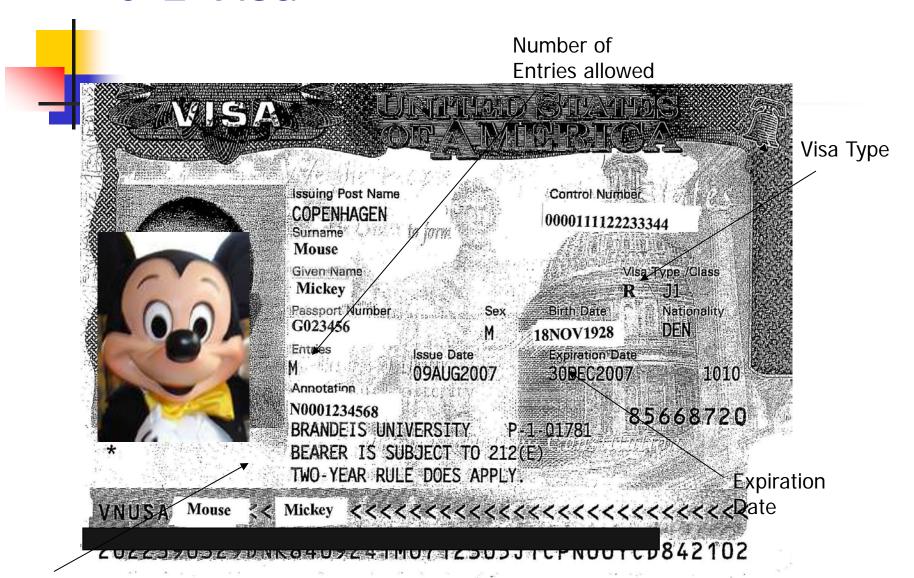
- Must be reported in SEVIS no later than 30 days from start date of DS-2019
- "Validate Program Participation" link
- Must include "current U.S. Address"
 - If only have temporary address, can use that or ISSO address
 - Physical/Residential address
- If you forget to Validate within the 30 days, it is possible to Correct the Record in SEVIS
 - BUT, better to avoid having to do this

SEVIS Validation

Program Validation Event - Bottom Half of Page

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J-1 Visa



Two-Year Home Residency Requirement Statement



- Who is subject?
 - EV Skills List
 - Government Funding
 - Direct or Indirect
 - Educational Commission for Foreign Medical Graduates (ECFMG)
- Who determines if 212(e) applies?
 - DOS, although DHS does play a small role
 - Preliminary determination vs. Advisory Opinion

Sample EV Skills List

http://travel.state.gov/visa/temp/types/types_4514.html

Kazakhstan GROUP (01)

01.10 Food Science

01.11 Plant Sciences

01.12 Soil Science and Agronomy

All of GROUP (03)

All of GROUP (04)

GROUP (09)

09.01 Communication and Media

Studies

09.04 Journalism

09.07 Radio, Television, and Digital

Communication

All of GROUP (10)

All of GROUP (11)

212(e) Two-Year Residence Requirement

- What does being subject to 212(e) mean?
 - Not eligible to apply for H, K or L visa at a US consular office
 - Not eligible for permanent residence (Green Card)
 - Not eligible to change status from J to any other visa status (except A or G) within the US.
 - May still leave the US and apply for another visa, with the exception of H, K or L visas



- Complying with 212(e)
 - EV must spend two years physically present in his or her country of citizenship or last legal permanent residence.
 - Time spent does <u>not</u> need to be continuous
 - Clock starts after J-1 program ends



Grounds for Waiver of 212(e)

- No Objection Statement
- Request by an interested U. S. Government Agency
- Fear of Persecution
- Exceptional Hardship to a U.S. Citizen or Permanent Resident Spouse or Child
- Physicians who perform medical service in a medically-underserved area



Effects of 212(e) waiver

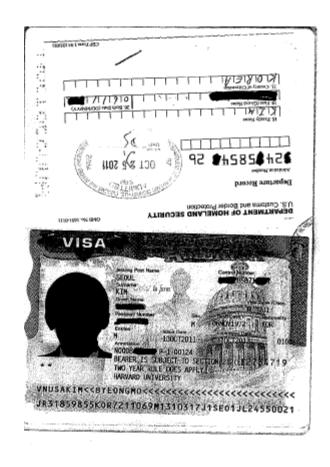
- While waiver is pending, no effect
 - Any new DS-2019s should be sent in
- DOS Waiver Division issues waiver recommendation
 - No extensions may be issued after receipt of waiver recommendation letter
 - EV may continue program for the remainder of time left on current DS-2019
 - Transfers?

212(e) Residence requirement

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212(e) Residence requirement





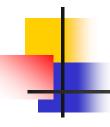
Maintaining J Status

- Report to program sponsor within 30 days of start date of DS-2019
- Maintain required documentation
- Duration of status
- Engage in appropriate activities
- Be employed only with authorization
- Carry adequate health insurance
- Report change of address to RO/ARO within 10 days



Exceptions to Full Course of Study Requirement

- Annual vacations and school breaks
- Documented medical condition
- Academic reasons
 - Improper course placement
 - Initial challenges with English language
- Non-degree program of 24 months or less
- Academic Training



Health Insurance

- All J-1/J-2's are required to carry health insurance. The minimum coverage to include:
- 1. Medical Benefits \$50,000 per person per accident or illness
- 2. Deductible does not exceed \$500
- 3. Repatriation \$7,500
- 4. Medical evacuation \$10,000
- 5. Must meet a minimum rating as stated by DOS
- 6. Continuous coverage while on exchange program
- Stay alert these amounts may increase in the near future!



- J-1 student must receive written approval to engage in part-time employment on campus.
- SEVIS must be updated accordingly
 - Must be done in RTI; batching still not possible
- The employment must meet one of the following criteria:
 - Scholarship, fellowship, or assistantship
 - On-campus employment
 - Off-campus when deemed serious, urgent, and unforeseen economic circumstances
- If J-1 through a different Exchange Visitor Program Sponsor, that Program issues authorization
 - Not all sponsors allow employment

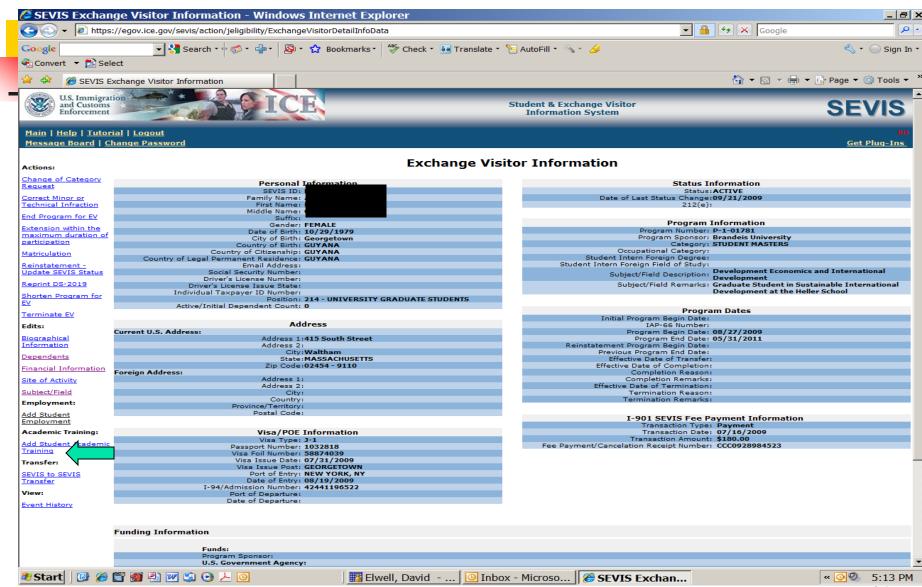


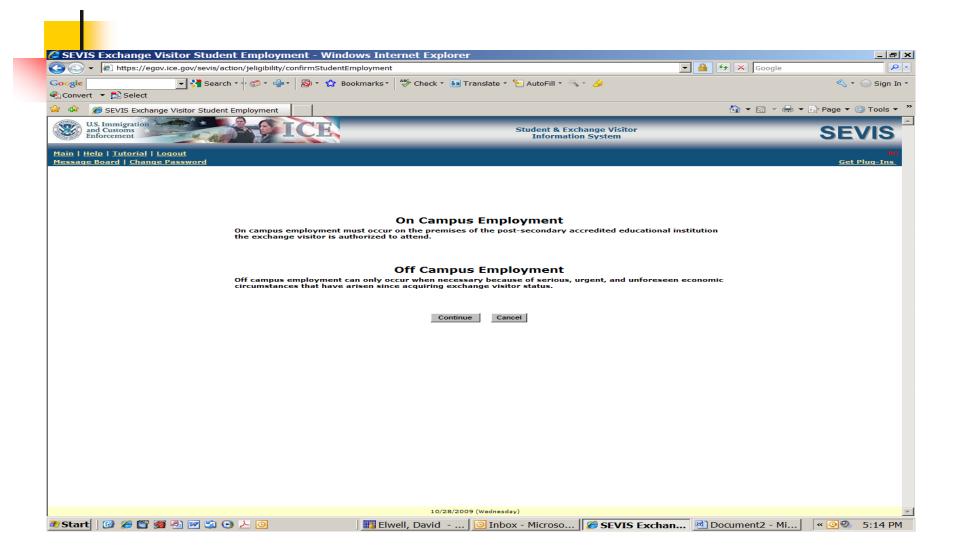
Student Employment

Student must meet the following conditions:

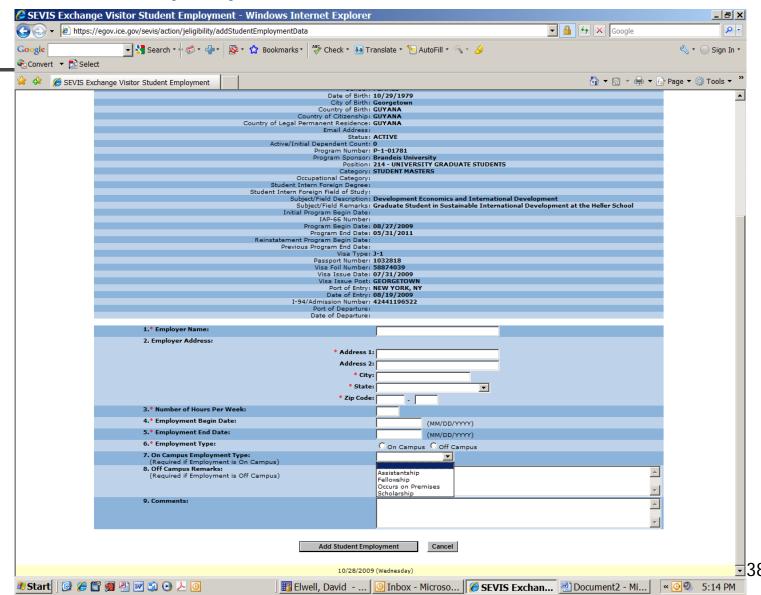
- Be in good academic standing
- Engage in a full course of study
- Be employed no more than 20 hours per week, except during holidays or student's annual vacation
- Economic Hardship Authorization: RO/ARO must evaluate the student's economic situation as to urgent, serious & unforeseen.

Add Student Employment





Student Employment Authorization Screen

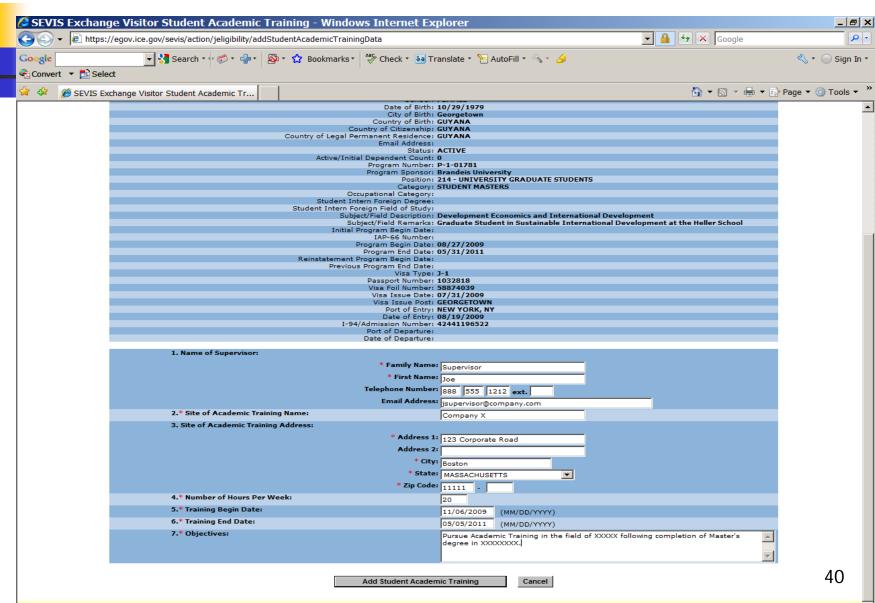




Academic Training

- Undergraduate and pre-doctoral students = maximum of 18 months of Academic Training (or length of EV program, whichever is shorter)
- Part-Time and Full-Time is at same rate (one month = one month)
- Post-Doctoral Training = 36 months maximum (in increments of 18 months or less)
 - Interpretation of this time may be different
 - 36 months minus any period authorized during Ph.D. program but prior to completion of degree

Add Student Academic Training Screen





- NAFSA web resources
 - www.nafsa.org
 - "Regulatory Information" page
- Government web resources
 - U.S. Department of State Exchange Visitor Program (Office of Designation – Academic and Government Programs Division)
 - http://exchanges.state.gov/jexchanges



Questions???