

## **9 FAM 41.62 NOTES**

*(CT:VISA-987; 07-31-2008)*  
*(Office of Origin: CA/VO/L/R)*

### **9 FAM 41.62 N1 QUALIFYING FOR AN EXCHANGE VISITOR VISA (J-1)**

*(CT:VISA-987; 07-31-2008)*

An applicant applying for a visa under INA 101(a)(15)(J) must meet the following requirements in order to qualify for an exchange visitor visa:

- (1) Acceptance to a designated exchange visitor program, as evidenced by presentation of Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status (see 9 FAM 41.62 N3);
- (2) Sufficient funds, or adequate arrangements, to cover expenses;
- (3) Sufficient proficiency in the English language to participate in his or her program and compliance with the requirements of Section 212(j) (INA), if coming to participate in a graduate medical education or training program (see 9 FAM 41.62 N7). Present intent to leave the United States at conclusion of program (see 9 FAM 41.62 N6);
- (4) Possession of qualifications for the program offered (see 9 FAM 41.62 N8); and
- (5) Compliance with INA 212(e) (see 9 FAM 40.202 and 22 CFR 41.63). Consular officers must annotate the Form DS-2019 (see 9 FAM 41.62 N3).

### **9 FAM 41.62 N2 DEFINITIONS AND CATEGORIES OF PARTICIPANTS**

#### **9 FAM 41.62 N2.1 The Exchange Visitor Program**

*(CT:VISA-987; 07-31-2008)*

- a. The purpose of the Exchange Visitor Program (J visa) is to further the foreign policy interest of the United States by increasing the mutual understanding between the people of the United States and the people of

other countries by means of mutual educational and cultural exchanges. The ultimate goal is to meet this purpose while protecting the health, safety, and welfare of the foreign nationals participating in the Program as exchange visitors. Only organizations that have been designated by the Department's Office of Exchange Coordination and Designation, Bureau of Educational and Cultural Affairs (ECA), may participate.

- b. The Office of Exchange Coordination and Designation, which administers the Exchange Visitor Program, is located at:

Bureau of Educational and Cultural Affairs  
Department of State  
State Annex SA-44  
301 4th Street, SW  
Washington, DC 20547

- c. Detailed guidance can be found on the Exchange Visitor Program.
- d. The Exchange Visitor Program Office is comprised of two divisions, as follows:
- (1) Academic/Government Programs Division (Room 820), Exchange Visitor Program Categories: College and University Students, Professors, Research Scholars, Short-Term Scholars, Specialists, International Visitors, Government Visitors; telephone: (202) 203-5029; fax: (202) 453-8640; and
  - (2) Private Sector Programs Division (Room 734), Exchange Visitor Program Categories: Alien Physicians, Au Pairs, Camp Counselors, Interns, Secondary School Students, Summer Work Travel, Teachers, Trainees; telephone: (202) 203-5096; Fax: (202) 203-5087.

## **9 FAM 41.62 N2.2 Designation as an Exchange Visitor Program Sponsor (22 CFR 62.6)**

*(CT:VISA-987; 07-31-2008)*

Details concerning designation as an exchange visitor program sponsor are contained at 10 FAM 250.

## **9 FAM 41.62 N2.3 Mandatory Exchange Visitor Classification in Certain Cases**

*(CT:VISA-987; 07-31-2008)*

- a. Participants in exchange visitor programs sponsored by the Department of State or the Agency for International Development (AID) (program serial numbers G-1 and G-2, respectively) are supported by U.S.

Government funding. These participants must be documented as exchange visitors (J visa) rather than in another visa category (such as F-1 student), even if they qualify for that visa category. Participants in exchange visitor programs sponsored by other U.S. Government agencies (program serial number G-3) or participants in a federally-funded national research and development center program (program serial number G-7), must also be documented as exchange visitors if participation is directly financed in whole or in part by the sponsoring agency.

- b. Many colleges and universities are certified by the Department of Homeland Security to issue the Form I-20 (F or M visa student; see 9 FAM 41.61). Many of the same colleges and universities are also designated by the Department of State to conduct an exchange visitor program (J visa). These latter entities have a program serial number beginning with P-1. The Exchange Visitor Program is comprised of 15 categories of exchange, one of which is student (see 9 FAM 41.62 N4). Foreign nationals wishing to come to the United States to study often seek admission to several U.S. colleges or universities and may have more than one Form I-20 or Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status. These same individuals may also apply to a U.S. Government entity as a participant in a G program in order to receive financial support. Such individuals issued a Form DS-2019 with a G series program number must receive the J visa in that category of exchange if they are accepting government funding for their program.

## **9 FAM 41.62 N3 FORM DS-2019, CERTIFICATE OF ELIGIBILITY FOR EXCHANGE VISITOR (J-1) STATUS**

### **9 FAM 41.92 N3.1 The Basic Form**

*(CT:VISA-987; 07-31-2008)*

- a. Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, is the basic document required to support an application for an exchange visitor visa (J-1). It is a 2-page document which can only be produced through the Student and Exchange Visitor Information System (SEVIS), the Department of Homeland Security (DHS) database developed to collect information on F, M, and J visa holders (see 9 FAM 41.62 N10). Page 2 of Form DS-2019 consists of instructions and certifications language relating to participation for which their signature on page one of the form is required. No blank SEVIS forms exist. Each Form DS-2019 is printed with a unique identifier known as a "SEVIS ID number" in the top right-hand corner, which consists of an "alpha" character (N) and up to 11 numerical characters (e.g. N0002123457).

- b. The Department of State's Office of Exchange Coordination and Designation in the Bureau of Education and Cultural Affairs (ECA/EC) designates U.S. organizations to conduct exchange programs. These organizations are known as program sponsors. When designated, the organization is authorized access to SEVIS and is then able to produce Form DS-2019 from SEVIS. The program sponsor transmits completed Forms to the potential exchange visitors and his or her spouse and minor children, if permitted by the sponsor and the governing Exchange Visitor Program regulations. Program sponsors only issue Forms DS-2019 to potential exchange visitors when it has been determined that they have met all regulatory requirements to participate in their exchange program for a specific activity. Consular officers must receive a completed Form DS-2019 with no data missing. Responsible officers must sign the Form DS-2019 in blue ink in order for the form to be valid for use.

## **9 FAM 41.62 N3.2 Processing of Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status**

*(CT:VISA-987; 07-31-2008)*

- a. All exchange visitors, unless personal appearance has been waived under 9 FAM 41.102, must read and sign the Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, at the time of visa issuance. The certificate indicates that the visa applicant understands all conditions of the stay in the United States in J status and understands also that a consular or immigration officer will make a preliminary determination as to whether the applicant is subject to the 2-year home country physical presence requirement. The applicant then must sign the bottom of page one of the Form DS-2019 confirming that he or she agrees to comply with that requirement if it is determined to be applicable.
- b. A consular or immigration officer makes the preliminary determination regarding the applicability to the alien of the 2-year home country physical presence requirement after a personal interview with the alien. The consular or immigration officer then signs page 1 of Form DS-2019 indicating the determination made by the officer. The Department of State's Waiver Review Division (CA/VO/L/W) reserves the right to make the final determination regarding 212(e).

## **9 FAM 41.62 N3.3 Serial Numbers of Designated Exchange Visitor Programs**

*(CT:VISA-987; 07-31-2008)*

When the Office of Exchange Coordination and Designation designates an

organization or agency as a sponsor, it is enrolled in SEVIS and assigned a unique program serial number (referred to as the program number) that is used to identify their program. The sponsor number is assigned based upon the following series:

- (1) G-1—Department of State;
- (2) G-2—U.S. Agency for International Development (USAID);
- (3) G-3—Other U.S. Federal agencies;
- (4) G-4—International agencies or organizations in which the U.S. Government participates;
- (5) G-5—Other national, State, or local government agencies;
- (6) G-7—Federally funded national research and development center or a U.S. Federal laboratory;
- (7) P-1—Educational institutions, e.g., schools, colleges, universities, seminaries, libraries, museums, and institutions devoted to scientific and technological research;
- (8) P-2—Hospitals and related institutions;
- (9) P-3—Nonprofit organizations, associations, foundations, institutions (academic institutions conducting training programs can be classified as a P-3 as long as they are considered nonprofit); and
- (10) P-4—For-profit organizations (business and industrial concerns).

## **9 FAM 41.62 N3.4 Requirement for Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1), Status, in Case of Spouse and/or Minor, Unmarried Children**

*(CT:VISA-987; 07-31-2008)*

- a. Each accompanying J-2 spouse or child of a principal J-1 is required to have a separate Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, issued by the program sponsor and will have their own unique SEVIS ID number. It is not possible to issue dependent J-2 visas on the basis of the principal alien's (J-1's) Form DS-2019.
- b. The J-2 must present their Form DS-2019 to both the consular officer and the Customs and Border Protection officer (CBP) at the port of entry (POE).

## **9 FAM 41.62 N3.5 Classification of Child Who Will Attend School in the United States**

*(CT:VISA-987; 07-31-2008)*

A minor, unmarried child qualified for J-2 status is not required to qualify under INA 101(a)(15)(F)(i) as a nonimmigrant student even though the child will attend school while accompanying the principal J-1 (see 9 FAM 41.11 N5.2).

## **9 FAM 41.62 N3.6 Processing of Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, at Port of Entry (POE)**

*(CT:VISA-987; 07-31-2008)*

- a. At each time of admission to the United States, an exchange visitor must present the Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, along with the visa to the U.S. Customs and Border Protection officer (CBP officer). Thus, after a J-1 visa has been issued, the consular officer must return the completed Form DS-2019, together with all supporting financial evidence, to the exchange visitor for presentation to the CBP officer at the port of entry (POE). Upon the exchange visitor's arrival in the United States, the CBP officer will examine the documentation and return the financial evidence to the exchange visitor.
- b. If the exchange visitor is admitted, the Department of Homeland Security (DHS) will return the Form DS-2019 to the individual endorsed with an admission number. The exchange visitor must safeguard the form at all times. If the exchange visitor loses the Form DS-2019, he or she must obtain a replacement copy from the designated sponsor.

## **9 FAM 41.62 N3.7 Form DS-7002, Training/Internship Placement Plan**

*(CT:VISA-987; 07-31-2008)*

- a. The Form DS-7002, Training/Internship Placement Plan, is designed to standardize applications and training or internship plans, and to increase transparency and accountability and curb potential abuse by having all three concerned parties—exchange visit—sign the Form DS-7002 acknowledging the program plan and their regulatory responsibilities.
- b. Training and internship J-1 applicants beginning new J programs, whose Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, is issued on July 19, 2007 or later, must produce the Form DS-7002 at

their visa interviews at the request of the consular officer. Posts should scan these forms into the CCD whenever possible, to allow ECA to closely monitor sponsors' compliance with the new regulations. This form will eventually be incorporated into SEVIS.

- c. Electronic signatures (including faxed signatures) are permissible on Form DS-7002, and posts should accept these as they adjudicate applications. Posts should be aware that it is the sponsor's responsibility to ensure compliance on this and other regulations, which will be verified in the future via a required compliance management audit.
- d. The form requires each participant to have U.S. contact information. As some participants may not have this information at the time of the visa interview, consular officers may accept the contact details for the participant's host organization in the United States instead. Sponsors will update SEVIS to reflect this information upon validation of a trainee or intern's record after arrival in the United States.

## **9 FAM 41.62 N4 CATEGORIES OF EXCHANGE VISITORS**

*(CT:VISA-987; 07-31-2008)*

- a. At present, the Department has 15 exchange categories that foreign nationals may participate in. They may only engage in activities authorized for their program.
- b. Sections 9 FAM 41.62 N4.1 through 9 FAM 41.62 N4.15 is a list of categories in alphabetical order, a brief description of the category, and the maximum duration of participation for each category. Sponsors other than U.S. Government agencies must provide each exchange participant visitor, except for the category of Short-Term Scholar, with a minimum period of 3 weeks in the United States.

### **9 FAM 41.62 N4.1 Alien Physician (22 CFR 62.27)**

*(CT:VISA-987; 07-31-2008)*

- a. **Alien Physician:** This category is for foreign national physicians pursuing American medical board certification through graduate education and training at accredited U.S. schools of medicine, or other U.S. institutions through a clinical exchange program.
- b. The Educational Commission for Foreign Medical Graduates (ECFMG) is the only program sponsor authorized to use this category. Foreign medical graduates under this category must successfully complete examinations administered by ECFMG that measure their command of



English and the medical sciences.

- c. All foreign medical graduates sponsored in the category of Alien Physician are subject to the 2-year home-country physical presence requirement (see 9 FAM 41.63 Notes).
- d. The maximum duration of the foreign physician category is 7 years, unless an extension of program is authorized by the Department.
- e. Any activities of the foreign national physician must conform fully with the State licensing requirements and regulations for medical and health care.
- f. **Exception to ECFMG sponsorship:** A foreign physician may be sponsored by a designated sponsor other than ECFMG (e.g., a U.S. university, academic medical center, school of public health, or other public health institution) as a “research scholar” only if the dean of the accredited U.S. medical school or his or her designee certifies the following 5 points and such certification is appended to the Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, issued to the perspective exchange visitor Alien Physician:
  - (1) The program is predominantly observation, consultation, teaching or research;
  - (2) Any incidental patient contact will be under the direct supervision of a U.S. citizen or resident-Alien Physician who is licensed to practice medicine in the State in which the activity is taking place;
  - (3) The foreign national physician will not be given final responsibility for the diagnosis and treatment of patients;
  - (4) Any activities will conform fully with the State licensing requirements and regulations for medical and health care professionals in the State in which the program is being pursued; and
  - (5) Any experience gained will **not** be credited towards any clinical requirements for medical specialty board certification.

The program sponsor’s letter of designation authorizes the use of the Research Scholar category; and the duration of participation as a Research Scholar is limited to 5 years, unless the Department approves a program extension for a G-7-sponsored exchange visitor.

## **9 FAM 41.62 N4.2 Au Pair (22 CFR 62.31)**

*(CT:VISA-987; 07-31-2008)*

- a. **Au Pair:** This category is for a foreign national entering the United States for a period of one year for the purpose of residing with an



American host family (or the family of a lawful permanent resident) while directly participating in their home life and providing limited childcare services. The au pair is also required to enroll and attend classes offered by an accredited U.S. post-secondary institution for not less than 6 semester hours of academic credit, or the equivalent. As a condition of participation, host-family participants must agree to facilitate the enrollment and attendance of the Au Pair and to pay the cost of such academic course work in the amount not to exceed \$500. Failure to adhere to the education component is grounds for termination from the program.

- b. **EduCare:** The regulations governing the Au Pair Program were amended to create a subcategory called EduCare. This component is specifically designed for families with school-aged children requiring limited child care assistance. Au Pairs participating in the EduCare component may not be placed with families having pre-school aged children unless alternative arrangements are in place for these children. EduCare participants are not to work more than 10 hours a day/30 hours a week. They must complete a minimum of 12 semester hours of academic credit, or its equivalent, during their program. Host families provide the first \$1,000 to the Au Pair toward the cost of the educational component. EduCare participants receive 75 percent of the pre-determined weekly wage that is required for an Au Pair participant.
- c. Au Pairs are not to be placed in the homes of family/relatives, irrespective of the distance in relations (e.g., third cousin, great aunt and/or uncle, etc).
- d. **Duration:** The duration of participation is limited to one year/one sponsor only unless specifically authorized by the Department of State (ECA/EC).
- e. **Extension of program:** Designated Au Pair sponsors may that an Au Pair participant be granted an extension of program participation beyond the original twelve months. Au Pair program sponsors may request an Au Pair participant be granted an additional 6-, 9-, or 12-month extension of program participation.
- f. **Repeat participation:** A foreign national who successfully completed an au pair program is eligible to participate again as an au pair participant provided that he or she has resided outside the United States for at least two years following completion of his or her initial au pair program. Effective July 21, 2008, a foreign national who successfully completed an au pair program is eligible to participate again as an au pair participant provided that he or she has resided outside the United States for at least two years following completion of his or her initial au pair program. The repeat participant must qualify as an au pair under the same rules as an initial participant.

## 9 FAM 41.62 N4.3 Camp Counselor (22 CFR 62.30)

*(CT:VISA-987; 07-31-2008)*

- a. **Camp Counselor:** This category is for a foreign national selected to be a counselor in an accredited U.S. summer camp (during the U.S. summer months) who imparts skills to American campers and information about his or her country or culture.

**NOTE:** While it is recognized that some noncounseling chores are an essential part of camp life for all counselors, this program is not intended to assist American camps in bringing in foreign nationals to serve as administrative personnel, cooks, nurses, physicians or menial laborers, such as dishwashers or janitors.

- b. **Duration:** The duration of participation shall not exceed 4 months.

## 9 FAM 41.62 N4.4 Government Visitor (22 CFR 62.29)

*(CT:VISA-987; 07-31-2008)*

- a. **Government Visitor:** This category is for a foreign national who is recognized as an influential or distinguished person in their own country, and who is selected by a Federal, State, or local government agency to participate in observation tours, discussions, consultations, professional meetings, conferences, workshops, and travel.
- b. This category is for the "exclusive use" of Federal, State, and local government agencies.
- c. **Duration:** The duration of participation shall not exceed 18 months.

## 9 FAM 41.62 N4.5 Intern (22 CFR 62.22)

*(CT:VISA-987; 07-31-2008)*

The Intern and training programs are operating under an Interim Final Rule that went into effect on July 19, 2007. The Exchange Visitor Program's existing trainee category was revised and a new Intern category created. The new Intern category aims to strengthen U.S. public diplomacy by expanding opportunities for substantive programming for foreign students and professionals, and to strengthen the existing J-1 training program through more effective oversight:

- (1) **Intern:** This category is for a foreign national who is either currently enrolled in and pursuing studies at a degree- or certificate-granting post-secondary academic institution outside the United States; or graduated from such an institution no more than 12 months prior to his or her exchange visitor program start date,

and who enters the United States to participate in a structured and guided work-based internship in his or her specific academic field;

- (2) **Duration:** The duration of participation shall not exceed twelve months;
- (3) **Program exclusions:** Sponsors must not:
  - (a) Place Interns in unskilled or casual labor positions, in position that require or involve child care or elder care, or in clinical or any other kind of work that involves patient care or contact, including any work that would require them to provide therapy, medication or other clinical or medical care (e.g., sports or physical therapy, psychological counseling, nursing, dentistry, veterinary medicine, social work, speech therapy, or early childhood education);
  - (b) Place Interns in positions, occupations, or businesses that could bring the Exchange Visitor Program or the Department into notoriety or disrepute;
  - (c) Engage or otherwise cooperate or contract with a staffing/employment agency (fourth party) to recruit, screen, orient, place, evaluate, or train trainees or Interns, or in any other way involve such agencies in an Exchange Visitor Program training or internship program;
  - (d) Designated sponsors must ensure that the duties of trainees or Interns as outlined in the T/IPP will not involve more than 20 percent clerical work, and that all tasks assigned to trainees or Interns are necessary for the completion of training and internship program assignments;
  - (e) Sponsor must also ensure that all "hospitality and tourism" training and internship programs of 6 months or longer contain at least 3 departmental or functional rotations;
  - (f) Place interns in the field of aviation;
- (4) **Training/internship placement plan (T/IPP):** Sponsors must complete and obtain requisite signatures for a Form DS-7002, Training/Internship Placement Plan, for each intern before issuing a Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status. Upon request, visa applicants must present their fully executed Form DS-7002 to a consular official during their visa interview (see 9 FAM 41.62 N3.7 for information on the training/internship placement plan);
- (5) **Repeat participation:** A foreign national can participate in additional internship programs as long as they maintain student status or begin a new internship program within 12 months of

graduation from an academic institution outside the United States.

**NOTE:** Participants who have successfully completed an internship program and no longer meet the selection criteria for internship programs may participate in a training program after a 2-year period of residency outside the United States following their internship program.

## **9 FAM 41.62 N4.6 International Visitor (22 CFR 62.28)**

*(CT:VISA-987; 07-31-2008)*

a. **International Visitor:** This category is for an individual who is a recognized or potential leader in their own country, selected by the Department of State to participate in observation tours, discussions, consultation, professional meetings, conferences, workshops and travel.

**NOTE:** This category is for the exclusive use of the U.S. Department of State.

b. **Duration:** The duration of participation shall not exceed one year.

## **9 FAM 41.62 N4.7 Professor (22 CFR 62.20)**

*(CT:VISA-987; 07-31-2008)*

a. **Professor:** This category is for an individual who is engaged primarily in teaching, lecturing, observing, or consulting at accredited post-secondary academic institutions, museums, libraries, or similar institutions. The Professor may also conduct research and participate in occasional lectures if authorized by the program sponsor.

b. The Professor's appointment to a position shall be temporary, even if the position itself is permanent. The individual shall not be a candidate for a tenure-tracked position.

c. On June 10, 1996, the Department adopted a rule which limits program participation as a Professor and/or Research Scholar to nonimmigrant aliens who have not been physically present in the United States in J visa status, for all or part of the 12-month period preceding their (re)entry into the United States as a Professor or Research Scholar participant. An exception to that rule was provided to nonimmigrant aliens present in the United States for less than 6 months or whose presence in the United States was as a program participant in the category of Short-Term Scholar.

d. Alien Short-Term Scholars and Physicians are governed by regulations set forth in 22 CFR 62.21 and 27, respectively.

- e. **Duration:** The duration of participation shall not exceed 5 years unless the participant is directly sponsored by a federally funded national research and development center or a U.S. Federal laboratory (Program Serial G-7). See 9 FAM 41.62 N 12.5.
- f. Professors and Research Scholars may be subject to a 12-month bar or 2-year bar for repeat participation (see 9 FAM 41.62 N12.3 and 9 FAM 41.62 N12.4). Please note that these bars are different from the 2-year residency requirement required under INA 212(e) for certain J visa recipients (see 9 FAM 40.202).

## **9 FAM 41.62 N4.8 Research Scholar (22 CFR 62.20)**

*(CT:VISA-987; 07-31-2008)*

- a. **Research Scholar:** This category is for an individual whose primary purpose is to conduct research, observe, or consult in connection with a research project at research institutions, corporate research facilities, museums, libraries, post-secondary accredited academic institutions, or similar types of institutions. The Research Scholar may also teach or lecture, unless disallowed by the sponsor. The Research Scholar's appointment to a position shall be temporary, even if the position itself is permanent. The individual shall not be a candidate for a tenure-tracked position.
- b. On June 10, 1996, the Department adopted a rule which limits program participation as a Professor or Research Scholar to nonimmigrant aliens who have not been physically present in the United States in J visa status, for all or part of the 12-month period preceding their (re)entry into the United States as a Professor or Research Scholar participant. An exception to that rule was provided to nonimmigrant aliens present in the United States for less than 6 months or whose presence in the United States was as a program participant in the category of "Short-Term Scholar."
- c. Short-Term Scholars and Alien Physicians are governed by regulations set forth in 22 CFR 62.21 and 62.27, respectively.
- d. Minimum qualifications for this category are a bachelors degree with appropriate experience in the field of in which research is to be conducted.
- e. **Duration:** The duration of participation shall not exceed 5 years unless the participant is directly sponsored by a federally funded national research and development center or a U.S. Federal laboratory (program serial G-7). See 9 FAM 41.62 N 12.5.
- f. Professors and Research Scholars may be subject to a 12-month bar or 2-year bar for repeat participation (see 9 FAM 41.62 N12.3 and 9 FAM

41.62 N12.4). Please note that these bars are different from the 2-year residency requirement required under INA 212(e) for certain J visa recipients (see 9 FAM 40.202).

## **9 FAM 41.62 N4.9 Short-Term Scholar (22 CFR 62.21)**

*(CT:VISA-987; 07-31-2008)*

- a. **Short-term Scholar:** This category is for a foreign national who is a Professor, Research Scholar, or person with similar education or accomplishments coming to the United States on a short-term visit for the purpose of lecturing, observing, consulting, training or demonstrating special skills at research institutions, museums, libraries, post-secondary accredited academic institutions, or similar type of institution.
- b. Exchange visitors who have recently participated in an exchange program as a Professor or Research Scholar in the United States are not expected to attempt to reenter the United States as a Short-Term Scholar to rejoin their original sponsor as this would be considered to be a continuation of their original program objective.
- c. **Duration:** The duration of participation shall not exceed 6 months. No program extensions are permitted.

## **9 FAM 41.62 N4.10 Specialist (22 CFR 62.26)**

*(CT:VISA-987; 07-31-2008)*

- a. **Specialist:** This category is for a foreign national who is an expert in a field of specialized knowledge or skill coming to the United States for observing, consulting, or demonstrating their special skills except:
  - (1) Research Scholars and Professors, who are governed by regulations set forth at 62.20;
  - (2) Short-Term Scholars, who are governed by regulations set forth at 62.21; and
  - (3) Alien Physicians in graduate medical education or training, who are governed by regulations set forth at 62.27.
- b. **Duration:** The duration of participation shall not exceed 1 year.

## 9 FAM 41.62 N4.11 Students

### 9 FAM 41.62 N4.11-1 Secondary School Student (22 CFR 62.25)

*(CT:VISA-987; 07-31-2008)*

- a. **Secondary School Student:** This category affords foreign Secondary School Students an opportunity to study for up to one year in a U.S. accredited public or private secondary school while living with an American host family or residing at an accredited U.S. boarding school. Participants in this category must meet the following requirements:
- (1) Be a Secondary School Student in their home country who has not completed more than 11 years of primary and secondary study excluding kindergarten; or
  - (2) Be at least the age of 15 but not more than 18-1/2 years of age as of the program start date; and
  - (3) Has not previously participated in an academic year or semester secondary school student exchange program in the United States or attended school in the United States in either F-1 or J-1 visa status. Screening factors such as English language proficiency, maturity, character, and scholastic aptitude are critical.
- b. Sponsors are required to secure host-family placement prior to the student's entry into the United States. In addition, sponsors are required to secure, in writing, from the school principal or other authorized school administrator, acceptance for enrollment prior to entry into the United States. All sponsors are required, in addition to the orientation requirements set forth in 22 CFR 62.10, to provide students, prior to their departure from their home country, with the following information:
- (1) A summary of all operating procedures, rules, and regulations governing student participation in the exchange visitor program along with a detailed summary of travel arrangements;
  - (2) Age and language-appropriate information on how to identify and report sexual abuse or exploitation;
  - (3) A detailed profile of the host family in which the exchange student is placed. The profile must state whether the host family is either a permanent placement or a temporary arrival family;
  - (4) A detailed profile of the school and community in which the exchange student is placed; and
  - (5) An identification card, which lists the exchange visitor name, U.S. host-family placement address and telephone number, and a



telephone number that affords immediate contact with the program sponsor, the program sponsor's organizational representative, and the Department of State in cases of emergency.

**NOTE:** This card may be provided in advance of home-country departure or immediately upon entry into the United States.

- c. **Duration:** The duration of participation is a minimum of one academic semester or a maximum of one academic year. Sponsors are permitted to issue a Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, for an academic semester or academic year. In the case where a student is from a country whose school calendar is opposite that of the United States, a sponsor can issue a Form DS-2019 for a calendar-year cycle.

## **9 FAM 41.62 N4.11-2 College/University Student (22 CFR 62.23)**

*(CT:VISA-987; 07-31-2008)*

- a. **College and University/Student:** In order to participate, a foreign individual must be someone who is:
- (1) Studying in the United States; pursuing a full course of study at a post-secondary accredited academic institution; pursuing a full course of study leading to or culminating in the award of a U.S. degree from a post-secondary accredited academic institution; or engaged full-time in a prescribed course of study in a nondegree program of up to 24 months duration conducted by a post-secondary accredited academic institution; or
  - (2) Participating in academic training as permitted in 22 CFR 62.23(f); or
  - (3) Engaged in English language training at a post-secondary accredited academic institution, or an institute approved by or acceptable to the post-secondary accredited academic institution where the college or university student is to be enrolled upon completion of the language training. A DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, for language training can only be issued if the student is fully funded by funding from the student's home government.
- b. Exchange visitors participating in the college or university student category must be supported substantially by funding from any source other than personal or family funds. The exception would be students who are participating in an exchange program in which there is a written, formal exchange agreement between the U.S. Government and a foreign government; or pursuant to a written agreement between a U.S. and

foreign academic institution; or a U.S. academic institution and a foreign government; or a State or local government in the United States and a foreign government.

- c. Exchange visitor College and University Students are prohibited from entering the United States solely for the purpose of participating in academic training, unless they are currently enrolled in a U.S. academic institution and their absence from their program in the United States was for vacation.
- d. **Duration:** Duration of participation is determined by whether the exchange visitor is a degree or nondegree student. An explanation of each is provided in 9 FAM 41.62 N4.11-3 and 9 FAM 41.62 N4.11-4.

### **9 FAM 41.62 N4.11-3 Degree Students**

*(CT:VISA-987; 07-31-2008)*

Exchange visitor students who are in degree programs shall be authorized to participate in the Exchange Visitor Program as long as they are either:

- (1) Studying at the post-secondary accredited academic institution listed on their Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, and are:
  - (a) Pursuing a full course of study as set forth in 22 CFR 62.23(e); and
  - (b) Maintaining satisfactory advancement towards the completion of their academic program; **or**
- (2) Participating in an authorized academic training program as permitted in 22 CFR 62.23(f).

### **9 FAM 41.62 N4.11-4 Nondegree Students**

*(CT:VISA-987; 07-31-2008)*

Exchange visitors who are Nondegree Students shall be authorized to participate in the Exchange Visitor Program for up to 24 months, if they are either:

- (1) Studying at the post-secondary accredited academic institution listed on their Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, and are:
  - (a) Participating full-time in a prescribed course of study; and
  - (b) Maintaining satisfactory advancement towards the completion of their academic program; **or**
- (2) Participating in an authorized academic training program as

permitted in 22 CFR 62.23(f).

## **9 FAM 41.62 N4.11-5 Student Intern Subcategory (22 CFR 62.23)**

*(CT:VISA-987; 07-31-2008)*

- a. The Department published, on June 6, 2007, a proposed rule creating a 'Student Intern' subcategory under the existing College and University Student category. This rule will permit Department-designated U.S. colleges and universities to administer internship programs substantially similar to those detailed herein under their J-1 College/University Student designation.
- b. The Department will advise posts of details of this new subcategory via telegram after public comments have been reviewed and a final rule is published.
- c. In the meantime, posts should be aware that a number of colleges and universities currently hold J-1 training designations and can be expected to issue Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, and Form DS-7002, Training/Internship Placement Plan, to applicants as trainees per the current rulemaking and the program guidelines described herein.
- d. The category of Trainee will be reflected on the Form DS-2019 if the sponsor is authorized for this category.

## **9 FAM 41.62 N4.12 Summer Work Travel (SWT)**

*(CT:VISA-987; 07-31-2008)*

- a. **Summer Work Travel (SWT):** In this category, a participant is defined as a bona fide foreign post-secondary student in his or her own country currently enrolled in and actively pursuing a degree or a full-time course of study at an accredited academic institution, or as that status is defined by the alien's home country educational system. Final year students are eligible to take part in this program even though they will have graduated at the time of participation as long as they apply to participate in the program prior to graduation.
- b. A participant must have completed at least their first year of postsecondary education to be eligible to participate in this program.
- c. Unless they are final-year students, participants must demonstrate that they are bona fide students who are maintaining student status and are actively pursuing their degree per their local educational system in order to participate in the Summer Work Travel program.
- d. Unless the participant is a final-year student, they must demonstrate that

they will resume activities as a student after participation in the SWT program.

- e. It is not necessary for the student to be enrolled in the same institution both before and after participating in SWT in order to qualify. Students can participate if they are transferring from one school to another, if they have finished an academic program at one school and are going on to another full-time program, or if they are continuing on to graduate school. Documentation, satisfactory to the consular officer, that the applicant has been accepted for and will commence studies upon their return may be accepted to establish status as a continuing student.
- f. Students attending vocational schools are not eligible for participation in the Summer Work Travel program, unless they can demonstrate that study in the vocational school will ultimately lead to a degree from a full-time post-secondary academic institution.
- g. There is no prohibition against students participating in the Summer Work Travel program for more than one year as long as they continue to meet the definition of a bona fide student as defined above.

## **9 FAM 41.62 N4.12-1 Summer Work Travel (SWT) Sponsor Obligations**

*(CT:VISA-987; 07-31-2008)*

Designated sponsors of Summer Work Travel exchange programs are obligated to pre-arrange employment for at least 50 percent of their participants. For those participants for whom employment has not been prearranged, sponsors must:

- (1) Ensure that participants have sufficient financial resources to support themselves during their search for employment;
- (2) Provide participants with pre-departure information that explains how to seek employment and secure lodging in the United States;
- (3) Prepare and provide a job directory that includes at least as many job listings as the number of participants entering the United States without pre-arranged employment; and
- (4) Undertake reasonable efforts to secure suitable employment for participants unable to find jobs on their own after 1 week.

## **9 FAM 41.62 N4.12-2 Duration of Summer Work Travel (SWT) Program**

*(CT:VISA-987; 07-31-2008)*

- a. The duration of participation in the Summer Work Travel (SWT) program shall not exceed 4 months. These 4 months should coincide with the exchange visitor's official academic school break. Please note that while the program may not be longer than 4 months, you are permitted to issue visas valid prior to the program start date.
- b. Posts are encouraged to work with local universities and the host government to set uniform program expiration dates for all SWT programs and communicate them to SWT sponsors. These dates should be broad enough to include most universities' vacations. Posts have discretion to decide whether they want to allow exceptions to these uniform dates if certain universities, or certain individual university programs, have longer vacation periods. However, posts are not permitted to make exceptions for individual students who have individual permission to miss classes. Such a case-by-case process is difficult to verify and cumbersome for posts.
- c. SWT programs are only permitted in the summer months of the host country.

## **9 FAM 41.62 N4.12-3 Summer Work Travel (SWT) Outreach and Anti-Fraud Measures**

*(CT:VISA-987; 07-31-2008)*

- a. Some Summer Work Travel (SWT) participants may have a difficult time finding a job placement once they arrive in the United States, or have concerns about their work conditions. You may wish to provide contact cards to each SWT traveler with the contact information for their embassy in the United States, adding the ECA general contact number, and a reminder that SWT participants should know the contact information of their U.S.-based sponsor (which is located in Box 2 of Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status). Providing this information to travelers also makes them less vulnerable to exploitation.
- b. Another way to minimize SWT abuse is to verify job offers for SWT applicants who have them. SWT regulations do not require an applicant to have a job offer before their program starts, but if an applicant has a job offer it gives the application a higher level of credibility and it is appropriate to investigate if indicated when adjudicating the application.
- c. It is important to ensure post's anti-fraud measures stay within the parameters established by regulations. Post must allow any applicant

with a valid Form DS-2019 to apply for a visa. However, post can emphasize that those applicants with verifiable placements and reliable sponsors are more likely to establish eligibility for visas. In addition, if post is aware that a foreign organization promised jobs but failed to place previous applicants upon arrival, post can ask the U.S. sponsor to confirm the job offer. A list of all designated Exchange Visitor Program sponsors with point-of-contact information, by category, can be found on the ECA Web site. Each local SWT third-party contractor operating overseas must be affiliated with a U.S.-based sponsor, which could lose their authorization to be an exchange sponsor if these practices become known. You should share information about misconduct by local sponsors with FPP, VO/F/P, and the ECA Compliance Unit so that ECA can investigate and sanction as appropriate.

## **9 FAM 41.62 N4.12-4 Student Work and Travel Pilot Programs for Citizens of Australia and New Zealand**

*(CT:VISA-987; 07-31-2008)*

- a. In September 2007 the U.S. Government signed memorandums of understanding (MOUs) with Australia and New Zealand launching 12-month student work and travel pilot programs. The MOU with New Zealand became effective on September 10, 2007; the MOU with Australia became effective on October 31, 2007. The MOUs allow Australian, New Zealand, or U.S. citizens who are bona fide post-secondary students or recent graduates (within 12 months of graduation) from post secondary schools to work and travel in Australia, New Zealand, or in the United States, respectively, for up to 12 months.
- b. The guidance for the Australia and New Zealand pilot programs differs from other J-1 SWT guidance (see 9 FAM 41.62 N4.12) in these respects: Participants are not required to return home in time for the school year to begin, and qualified post-secondary students can enter the United States at any time.
- c. **Duration:** The duration of participation in this category shall not exceed 12 months. No extensions of program are permitted. No repeat participation is allowed under this pilot program.
- d. Pilot program participants are not exempt from the usual MRV and reciprocity fees or the SEVIS I-901 Fee.

## **9 FAM 41.62 N4.13 Teacher (22 CFR 62.24)**

*(CT:VISA-987; 07-31-2008)*

- a. **Teacher:** This category is for an individual teaching full-time in a primary or secondary accredited academic institution. A foreign national must satisfy all of the following:

- (1) Meet the qualifications for teaching in primary and secondary schools in his or her country of nationality or last legal residence;
- (2) Satisfy the standards of the state in which he or she will teach in the United States;
- (3) Be of good reputation and character;
- (4) Seek to come to the United States for the purpose of full-time teaching at a primary or secondary accredited academic institution in the United States; and
- (5) Have a minimum of 3 years of teaching or related professional experience.

b. **Duration:** The duration of participation shall not exceed 3 years.

## **9 FAM 41.62 N4.14 Trainee (22 CFR 62.22)**

*(CT:VISA-987; 07-31-2008)*

The intern and training programs are operating under an Interim Final Rule that went into effect on July 19, 2007. The Exchange Visitor Program's existing Trainee category was revised and a new Intern category created:

- (1) **Trainee:** This category is for a foreign national who has either a degree or professional certificate from a post-secondary academic institution outside the United States and at least one year of prior related work experience in his or her occupational field in his or her home country; or 5 years of work experience in his or her occupational field;
- (2) **Program exclusions:** Sponsors must not:
  - (a) Place trainees in unskilled or casual labor positions, in position that require or involve child care or elder care, or in clinical or any other kind of work that involves patient care or contact, including any work that would require them to provide therapy, medication or other clinical or medical care (e.g., sports or physical therapy, psychological counseling, nursing, dentistry, veterinary medicine, social work, speech therapy, or early childhood education);
  - (b) Place trainees in positions, occupations, or businesses that could bring the Exchange Visitor Program or the Department into notoriety or disrepute;
  - (c) Engage or otherwise cooperate or contract with a staffing/employment agency (fourth party) to recruit, screen, orient, place, evaluate interns, or in any other way involve such agencies in an Exchange Visitor Program training



- program;
- (d) Designated sponsors must ensure that the duties of trainees or interns as outlined in the T/IPPs will not involve more than 20 percent clerical work, and that all tasks assigned to trainees or interns are necessary for the completion of training and internship program assignments;
  - (e) Sponsor must also ensure that all “Hospitality and Tourism” training and internship programs of six months or longer contain at least three departmental or functional rotations;
  - (f) Place trainees in the field of aviation;
- (3) **Form DS-7002, Training/Internship Placement Plan (T/IIP):** Sponsors must complete and obtain requisite signatures on this form for each trainee before issuing Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status. Upon request, visa applicants must present their fully executed Form DS-7002 to a consular official during their visa interview (see 9 FAM 41.62 N3.7 for information on the Training/Internship Placement Plan);
- (4) **Repeat participation:** A foreign national can participate in additional training programs after a 2-year period of residency outside the United States following their initial training program. Additional training must address the development of more advanced skills or a different field of expertise;
- (5) **Duration:** The maximum duration of participation must not exceed 18 months, with exception of training program in hospitality/tourism and agriculture, which are limited to 12 months.

## 9 FAM 41.62 N4.15 Exception for Management Training

*(CT:VISA-987; 07-31-2008)*

- a. Management training programs for trainees, in hospitality/tourism and/or agriculture can last 18 months if 6 months of the program consists of classroom participation and studies. Examples of programs in these fields eligible for 18-month duration would be turf grass management or agribusiness management placements or high-level hotel management placements. Such programs will be classified in the ‘Management, Business, Commerce and Finance’ occupational code, as opposed to the ‘Agriculture’ or ‘Hospitality and Tourism’ occupational category.
- b. Typical rotational programs offered in hotels or restaurants in a variety of related functions leading to a final rotation in a single supervisory position, such as front desk supervisor or manager, floor supervisor, lead

chief or room service manager would fall under the "Hospitality and Tourism" occupational category and be limited to 12 months.

- c. Nonmanagement placements on farms or other production facilities fall under 'Agriculture' and are limited to 12 months, or 18 months providing that 6 months of the program consists of classroom participation and studies.

## **9 FAM 41.62 N4.16 Error in Occupational Categories**

*(CT:VISA-987; 07-31-2008)*

The Interim Final Rule inadvertently omitted the occupational category of Social Work from the list. Social work is included among eligible occupational categories. ECA will correct this discrepancy when the rule is finalized.

## **9 FAM 41.62 N5 RESIDENCE ABROAD**

### **9 FAM 41.62 N5.1 Residence Abroad Required**

*(CT:VISA-987; 07-31-2008)*

The INA requires that the applicant possess a residence in a foreign country he or she has no intention of abandoning. The regulations require that the consular officer be satisfied that the alien intends to depart the United States upon completion of their exchange visitor program. Consequently, the consular officer must be satisfied that the applicant, at the time of visa application:

- (1) Has a residence abroad;
- (2) Has no immediate intention of abandoning that residence; and
- (3) Intends to depart from the United States upon completion of the program.

### **9 FAM 41.62 N5.2 Context of Residence Abroad for Exchange Visitor Visas**

*(CT:VISA-987; 07-31-2008)*

- a. The context of the residence abroad requirement for exchange visitor visas inherently differs from the context for B visitor visas or other short-term visas. The statute clearly presupposes that the natural circumstances and conditions of being an exchange visitor do not

disqualify that applicant from obtaining a J visa. It is natural that the exchange visitor proposes an extended absence from his homeland (see 9 FAM 41.11 N2). Nonetheless, the consular officer must be satisfied at the time of the application for a visa that an alien possesses the present intent to depart the United States at the conclusion of his or her program.

- b. However, consular officers should not automatically assume that an exchange visitor visa applicant will return to a residence abroad merely because the applicant is subject to the 2-year foreign residence requirement of INA 212(e) and the special restrictions of that section relating to changing nonimmigrant classification and adjusting to lawful permanent residence (LPR) status. A factor to consider is whether the skills that the alien expects to acquire in the United States can be readily and effectively utilized in the country to which he or she is returning.

## **9 FAM 41.62 N6 KNOWLEDGE OF ENGLISH**

### **9 FAM 41.62 N6.1 General Conditions**

*(CT:VISA-987; 07-31-2008)*

- a. A prospective exchange visitor must have sufficient proficiency in the English language to undertake the anticipated program successfully.
- b. Au Pair program participants must be proficient in spoken English (see 9 FAM 41.62 N7.3).

### **9 FAM 41.62 N6.2 Graduate Medical Education or Training**

*(CT:VISA-987; 07-31-2008)*

INA 212(j)(1)(B) requires competency in oral and written English on the part of every foreign medical graduate coming to the United States to participate in an exchange visitor program in the category of alien physician for graduate medical education or training. This requirement cannot be waived by a sponsoring organization.

## **9 FAM 41.62 N7 EMPLOYMENT (22 CFR 62.16)**

*(CT:VISA-987; 07-31-2008)*

- a. An exchange visitor may receive compensation from the program sponsor, or the sponsor's appropriate designee, for employment when such activities are part of the exchange visitor's program.
- b. An exchange visitor who engages in unauthorized employment shall be deemed to be in violation of his or her valid program status and is subject to termination as a participant of an exchange visitor program.
- c. The U.S. Department of Homeland Security (DHS) is responsible for authorizing the employment of the spouse and any minor unmarried children (J-2 visa holders) of the exchange visitor (J-1 visa holder).

### **9 FAM 41.62 N7.1 College/University Student Employment**

*(CT:VISA-987; 07-31-2008)*

- a. There are two types of employment authorizations available for students on the J visa:
  - (1) Student employment (see 22 CFR 62.23(g) for more information on student employment); or
  - (2) Academic training (see 22 CFR 62.23(f) for more information on academic training).
- b. In both situations, the responsible officer must approve the exchange visitor's participation in the activity. The difference between the two is that student employment occurs on campus unless there is serious, urgent, and unforeseen economic necessity; and, academic training is directly related to the student's major field of study and in most cases, occurs off campus and for a specified period of time.
- c. Exchange visitors who are participating as College/University Students (degree and nondegree) are permitted to work and are limited to twenty (20) hours per week, except during school breaks and annual vacation, unless authorized for economic necessity. Some examples of student employment are:
  - (1) Scholarship, fellowship, or assistantship: If the employment is required because of a scholarship, fellowship, or an assistantship, such activity usually occurs on campus with the school as the employer. In certain circumstances, however, the work can be

done elsewhere for a different employer. For example, an exchange visitor may work in a government or private research laboratory if the exchange visitor's major professor (e.g., department chair) has a joint appointment at one of those locations and the employment is supervised and counts towards the exchange visitor's degree;

- (2) On campus: The Exchange Visitor Program regulations allow for jobs on-campus that are related and/or unrelated to study, which stipulates that the work can be done "on the premises" of the school. This means that the school does not have to be the employer. For example, exchange visitors could work for a commercial company such as a food service operating on the campus;
- (3) Off campus: Exchange visitors may be authorized off campus employment when "necessary due to serious, urgent and unforeseen economic circumstances" that have arisen since the exchange visitor's sponsorship on the J visa.

## **9 FAM 41.62 N7.2 Summer Employment for College/University Students Transferring from One J Visa Program Sponsor to Another**

*(CT:VISA-987; 07-31-2008)*

If an exchange visitor intends to transfer sponsors during the summer months but wants to remain at the current program to work during the summer, the current sponsor must delay the transfer procedure until after the period of employment. In order to permit the exchange visitor to stay in the current program the period of employment must be included in the exchange visitor's program noted on the Form DS-DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status.

## **9 FAM 41.62 N8 VISA APPLICATION PROCEDURES AND CONDITIONS**

### **9 FAM 41.62 N8.1 Applicant Qualifications**

*(CT:VISA-987; 07-31-2008)*

- a. Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, is the basic document required to support an application for an exchange visitor visa and for maintaining exchange visitor valid program status. You should also ensure that the applicant's information is correct in SEVIS

(see 9 FAM 41.61) and that the SEVIS fee has been paid.

- b. If you are uncertain as to whether the applicant's qualifications or planned activities fit within the Exchange Visitor Program, or have concerns that the sponsor is not in compliance with sponsor regulations, you should suspend action on the visa application and notify ECA's Office of Exchange Coordination and Designation (ECA/EC/ECD) so that it may take up the matter with the sponsor. Contact information is available at ECA/EC/ECD. The e-mail address for questions is [jvisa@state.gov](mailto:jvisa@state.gov).

## **9 FAM 41.62 N8.2 Program Number**

*(CT:VISA-987; 07-31-2008)*

A J-1 visa must be annotated to show the name and program number of the exchange program in which the visa applicant is participating, the date of the program, and the SEVIS number of the individual.

## **9 FAM 41.62 N8.3 Suspension of Cases Involving Unrealizable Reporting Dates**

*(CT:VISA-987; 07-31-2008)*

- a. Action on the application must be suspended if the program start date specified in the applicant's Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, is already past or the consular officer believes that the applicant will be unable to meet that date. The officer should review the Consolidated Consular Database (CCD) to determine whether the sponsor has amended the SEVIS record to change the program start date. If this has not already been done, the applicant must request the sponsor enter a new program begin date in SEVIS that the applicant can meet.
- b. Consular officers may issue a J-1 visa to an exchange visitor at any time who is or has previously been admitted in J-1 status and is seeking a visa to continue participation in an Exchange Visitor Program, as long as the status of the alien's SEVIS record does not reflect inactive (as the exchange visitor may have withdrawn or have been withdrawn from the program) or terminated (that indicates that a sponsor has ended their program).

## **9 FAM 41.62 N8.4 Entry of Exchange Visitor Program Participants Prior to Program Start Date**

*(CT:VISA-987; 07-31-2008)*

- a. Posts may issue an exchange visitor's visa to an applicant at any time as long as the Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, and SEVIS record remain valid. However, the exchange visitor may not enter the United States earlier than 30 days before the initial program start date. Applicants continuing on an Exchange Visitor Program are not subject to this restriction.
- b. An exchange visitor who desires an earlier entry must qualify for, and obtain, a B-2 visitor visa. However, if the applicant enters on a B visa, he or she must first obtain a change of visa classification (Change of Status) from the Department of Homeland Security (USCIS) from B status to J status in order to participate in the exchange program. The alien must file Form I-506, Application for Change of Nonimmigrant Status, with the requisite filing and SEVIS fee for this purpose. The alien must also submit the annotated Form DS-2019 and the required financial evidence to the Department of Homeland Security office at which the application is made.

## **9 FAM 41.62 N8.5 Multiple or Consecutive Exchange Programs**

*(CT:VISA-987; 07-31-2008)*

An exchange visitor may participate in multiple or consecutive exchange programs unless otherwise limited or prohibited by the Exchange Visitor Regulations (see 22 CFR 41.63). Under no circumstances should a consular officer issue an individual two separate J-1 visas for two different programs that will run back-to-back or simultaneously (i.e., Au Pair then Trainee; or Summer Work Travel then College University Student).

## **9 FAM 41.62 N8.6 30-Day Post-Completion Period**

*(CT:VISA-987; 07-31-2008)*

- a. J visa exchange visitors, upon entry into the United States are issued Form I-94, Arrival and Departure Record, marked "D/S" (Duration of Status). This document, along with a valid Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, documents the valid nonimmigrant program status of an exchange visitor participant.
- b. The initial admission of the exchange visitor is not to exceed the period specified on the DS-2019 (the begin and end dates), plus a period of 30



days “for the purpose of travel” (see 8 CFR 214.2(j)). Department of Homeland (DHS) established this 30-day period (refer to 8 CFR 214.2(j)). DHS has concluded that the 30-day post-completion period was intended to be a period following the successful completion of the exchange visitor’s program and is to be used for domestic travel and/or to prepare for and depart from the United States, and for no other purpose. Foreign nationals are under the jurisdiction of DHS during this period. A program extension and/or transfer cannot be done if an exchange visitor’s record in SEVIS is not in active status during this period.

- c. Any validation study of return rates for J travelers must take this authorized grace period into account (see 9 FAM 41.62 N9.4).

## **9 FAM 41.62 N8.7 Annotation and Visa Validity**

*(CT:VISA-987; 07-31-2008)*

A J-1 visa must be annotated to show the program number, program dates, and sponsor name of the alien’s exchange program, as well as the SEVIS number of the individual. The J visa must also state whether the alien is subject to INA 212(e). An exchange visitor must not use any single J visa for a program other than that specified on the annotation, even when that J visa has not yet expired. Posts should generally issue the visa for the length of the program plus 30 days, which takes into account the grace period noted in 9 FAM 41.62 N10.5.

## **9 FAM 41.62 N8.8 Renewing J Visas for Returning Exchange Visitors**

*(CT:VISA-987; 07-31-2008)*

Consular officers generally should not refuse to renew J visas to returning exchange visitors who have remained in valid program status and have not had any significant changes in either their program or their personal circumstances. When an exchange visitor engaged in a program takes a short trip abroad and requires a visa to return to the United States, consular officers are encouraged to issue visas when possible to allow the individual to complete his or her program provided that the status of the exchange visitor’s record reflected in SEVIS is active.

## **9 FAM 41.62 N9 THE STUDENT AND EXCHANGE VISITOR INFORMATION SYSTEM (SEVIS)**

*(CT:VISA-987; 07-31-2008)*

- a. The Student and Exchange Visitor Information System (SEVIS) is an internet-based database which tracks students and exchange visitors in F, M, and J visa status while in the United States. Using SEVIS, designated Exchange Visitor Program sponsors enter information into SEVIS, which is then printed on the Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status.
- b. The Bureau of Educational and Cultural Affairs (ECA) authorizes sponsor officials access to SEVIS enabling them to update official records on exchange visitors and their dependants. SEVIS enables exchange program sponsors to transmit electronic information and event notifications, via the Internet, to the Department of State and Department of Homeland Security (DHS) throughout an exchange visitor's stay in the United States. The information in SEVIS is updated, as needed, and supersedes information on the printed Form DS-2019. The SEVIS record is the definitive record of exchange visitor eligibility and you must check it for each applicant.
- c. Exchange Visitor Program sponsors designated by the Bureau of Educational and Cultural Affairs (ECA) must use SEVIS. Only a Form DS-2019 that has been issued through SEVIS, and contains a unique SEVIS identification number and bar code, may be accepted in support of an exchange visitor visa application. The Form DS-2019 must be signed in blue ink by a sponsor's designated official (responsible officer or alternate responsible officer). Non-SEVIS Form DS-2019s are not valid.

### **9 FAM 41.62 N9.1 Responsible and/or Alternate Responsible Officers**

*(CT:VISA-987; 07-31-2008)*

- a. Exchange Visitor Program sponsors designate individuals to perform the duties attendant to designation.
- b. The responsible officer (RO) is the primary person appointed as being responsible and thoroughly familiar with the Exchange Visitor Program regulations, policies, and SEVIS requirements.
- c. Alternative responsible officer(s) (AROs) are individuals appointed to assist the RO in administering the program.

- d. The RO is required to train and supervise the AROs. Both the RO and AROs are required to ensure that the exchange visitor obtains sufficient advice and assistance to facilitate the successful completion of their exchange program. ROs and AROs are also responsible for the security of SEVIS. Only RO and AROs are authorized access to SEVIS to issue Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, or to change records in SEVIS.
- e. Lastly, all official communications relating to the Exchange Visitor Program with the Department of State and the Department of Homeland Security (DHS) are to be conducted through the RO and/or ARO. Both act as the custodian for the control, issuance, and distribution of the Form DS-2019.

## **9 FAM 41.62 N9.2 SEVIS I-901 Fee**

*(CT:VISA-987; 07-31-2008)*

- a. The SEVIS I-901 fee is a one-time fee for persons applying for F, J, or M visas. The fee covers the costs of administering the Student and Exchange Visitor Information System (SEVIS) and related enforcement efforts.
- b. For the purposes of an exchange visitor, a new SEVIS I-901 fee is required for each exchange visitor category in which they intend to participate. Most exchange visitors will pay the fee; however, those intending to Travel or Camp Counselor categories pay a reduced fee. For example, if an individual applies to be an Au Pair, the SEVIS I-901 fee is currently \$35.
- c. If the participant returns home and returns to the United States the following summer as a Trainee, the full SEVIS fee would be required. However, a nonimmigrant who comes to the United States as an associate degree student and intends to continue with their studies to acquire their Ph.D., would have to pay the full fee (see 9 FAM 41.62 N9.3, paragraph f).
- d. Those participants sponsored by a government program (G-1, G-2, G-3 and G-7) are not required to pay a SEVIS fee.

## **9 FAM 41.62 N9.3 SEVIS I-901 Fee Payment**

*(CT:VISA-987; 07-31-2008)*

- a. The SEVIS fee must be paid prior to visa application. Any J application presented without the required SEVIS fee should be refused under 221(g). However, applicants may schedule interview appointments before paying the fee. Consular sections will be responsible for verifying,

through SEVIS, that the SEVIS fee has been paid but are not responsible for collecting it. Payment may be made by any SEVIS I-901 fee payment method provided for by the Department of Homeland Security (DHS).

- b. SEVIS I-901 fee payment verification will be available through SEVIS. In the absence of this verification, a SEVIS I-901 receipt is sufficient proof of SEVIS fee payment. Consular officers may accept any receipt approved by the Department of Homeland Security (DHS) as proof of SEVIS I-901 fee payment.
- c. The SEVIS I-901 fee is nonrefundable. Exchange Visitor Program participants in the Au Pair, Summer Work Travel (SWT), and Camp Counselor categories, pay a reduced fee. Individuals participating in a program sponsored by the U.S. Government whose program number prefix begins with "G-1," "G-2," "G-3," or "G-7" are statutorily exempt from the SEVIS fee. Refunds will only be made for payments made in error.
- d. Only principal J-1 aliens have to pay the SEVIS I-901 fee. Even though J-2 derivative applicants have a unique SEVIS ID number, they do not have to pay a fee.
- e. If an applicant is initially unsuccessful in obtaining a visa, he or she may apply again for the same or a different program within 12 months without having to pay an additional SEVIS fee.
- f. The SEVIS fee must be paid for each exchange visitor program in which the applicant participates. A single program is defined by the category and/or sponsor at the time of initial program participation, and extends until a change of category (e.g., within the J visa program, a change from Research Scholar to Student), and/or within J categories (e.g., a J-1 Au Pair who applies for a change of status to an F-1 Student), a transfer from a fee-exempt sponsor (program number prefix begins with "G-1," "G-2," or "G-3") to a nonfee-exempt sponsor, or until such time as the nonimmigrant falls out of status or changes status.
- g. Consult the SEVIS Web site for additional information on the I-901 fee and fee payment.

## **9 FAM 41.62 N9.4 Fee Waivers for Exchange Visitors**

*(CT:VISA-987; 07-31-2008)*

U.S. Government-funded exchange visitors coming to the United States are eligible for machine readable visa (MRV) fee waivers only if they are participating in a Department of State, a U.S. Agency for International Development (USAID) or a federally funded educational and cultural exchange program. Exchange programs eligible for MRV exemption have a

program number that begins with the prefix G-1, G-2, G-3, or G-7 program serial number on the Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status. All other applicants with U.S. Government funding are subject to the MRV processing fee. Applicants participating in a U.S. Government-sponsored program, however, are also exempt from any applicable visa reciprocity fee.

## **9 FAM 41.62 N10 EXTENSION OF PROGRAM (22 CFR 62.43)**

*(CT:VISA-987; 07-31-2008)*

- a. A responsible officer/alternative responsible officer (RO/ARO) may extend an exchange visitor's participation in their exchange visitor program up to the maximum duration of participation for the category in which they are participating, unless there is a limitation appearing in Section 2 of Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status.
- b. The maximum duration of stay for each category of exchange is as follows:
  - (1) Alien Physician—limited to 7 years;
  - (2) Au Pair—1 year, with a possible extension of 6, 9 or 12 months, upon Department approval;
  - (3) Camp Counselor—not to exceed 4 months;
  - (4) Government Visitor—not to exceed 18 months;
  - (5) Intern—not to exceed 12 months;
  - (6) International Visitor—not to exceed 1 year;
  - (7) Professor—not to exceed 5 years unless directly sponsored by a federally funded national research and development center or a U.S. federal laboratory;
  - (8) Research Scholar—not to exceed 5 years unless directly sponsored by a federally funded national research and development center or a U.S. federal laboratory;
  - (9) Short-Term Scholar—not to exceed 6 months;
  - (10) Specialist—not to exceed 1 year;
  - (11) Student:
    - (a) Secondary School Student—minimum 1 semester, maximum not to exceed 1 academic year;
    - (b) College and/or University Student—refer to 9 FAM 41.62 N4.10-2 for specific information;

- (c) Student Intern proposed—refer to 9 FAM 41.62 N4.11-5 for specific information; not to exceed 12 months;
- (12) Summer Work Travel—not to exceed 4 months;  
**NOTE:** Australia and New Zealand pilot programs—not to exceed 12 months; refer to FAM 41.62 N4.12 for specific information;
- (13) Teacher—not to exceed 3 years;
- (14) Trainee—not to exceed 18 months; Flight Trainee—not to exceed 24 months.

## **9 FAM 41.62 N10.1 Requests for Extensions Beyond the Maximum Duration of Participation**

*(CT:VISA-987; 07-31-2008)*

A responsible officer (RO) or alternative responsible officer (ARO) seeking to extend the participation of an exchange visitor beyond the maximum duration of participation for the category in which the exchange visitor is participating, must receive prior approval from the Department for an extension of program. The RO or ARO must submit a request in SEVIS and provide the required written documentation in support of the request to the Office of Exchange Coordination and Designation, Bureau of Educational and Cultural Affairs (ECA/EC/AG or ECA/EC/PS).

## **9 FAM 41.62 N10.2 Department's Policy on Extension of Program Participation While a Waiver of the 2-Year Home-Residency Requirement Is Pending**

*(CT:VISA-987; 07-31-2008)*

When a responsible officer (RO) or alternative responsible officer (ARO) is notified by the Department that a favorable recommendation for a waiver of the 2-year home residency requirement has been sent to the Department of Homeland Security (DHS), the exchange visitor is no longer considered eligible for an extension of program beyond the end date shown on the current Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, even though he or she may not have completed the maximum duration of participation permitted for the category. However, if a waiver request is submitted and denied, the exchange visitor is within the maximum duration of participation established by the regulations, an extension may be issued by the sponsor up to the maximum duration of time permitted for that category.

## **9 FAM 41.62 N10.3 12-Month Bar (Professor and Research Scholar Categories)**

*(CT:VISA-987; 07-31-2008)*

- a. The 12-month bar is in place only for individuals applying to begin an exchange visitor program in the Research Scholar or Professor categories.
- b. The 12-month bar prohibits foreign nationals from beginning a new program in the Research Scholar or Professor categories if they were in the U.S. in J status (this bar includes J-2 dependents) for all, or part of the twelve-month period immediately preceding the date of the new program's commencement, unless they meet one of the following exceptions:
  - (1) The 12-month bar is not applicable to exchange visitor participants who are currently participants as a Professor or Research Scholar and are transferring to another institution in the United States to continue their current J-1 program;
  - (2) An exchange visitor participant whose prior J status was of less than 6 months duration (physical presence in the U.S.) is exempt from the 12-month bar;
  - (3) An exchange visitor participant in the Short-Term Scholar category is exempt from the 12-month bar.

## **9 FAM 41.62 N10.4 24-Month Bars on Repeat Participation (Professor and Research Scholar Categories)**

*(CT:VISA-987; 07-31-2008)*

The 24-month bar applies to Exchange Visitors in either the Research Scholar or Professor categories. Exchange participants who have entered the United States as a Professor or Research Scholar, or who have acquired such status while in the United States, and have completed their program are not eligible for participation as a Professor or Research Scholar for a period of 2 years following the end date of such program participation identified in SEVIS, even if the program is less than 5 years. If the participant completes a program at one institution, which is less than 5 years (e.g., 4 years), the participant has the option to have the current program extended up to the maximum duration of 5 years, transfer to another institution for 1 additional year, or return home and fulfill the 2-year bar.



## **9 FAM 41.62 N10.5 Extension of Professor and Research Category**

*(CT:VISA-987; 07-31-2008)*

- a. On May 19, 2005 regulations governing the Professor and Research Scholar category were amended (22 CFR 62.20) to extend the duration of program participation for Professors and Research Scholars from 3 years to 5 years. This rule also permits an extension beyond 5 years for participants under the direct sponsorship of a federally funded national research and development center or a U.S. Federal laboratory. These sponsors are identified in the Student and Exchange Visitor Information System (SEVIS) with a separate program serial (G-7) in order to differentiate them from other sponsors designated to conduct exchange activities in the categories of Research Scholar and Professor that are limited to a 5-year program duration.
- b. The 5-year duration of program participation begins with the participant's program begin date or initial program begin date (for continuing exchange visitors) identified in SEVIS and ending five years later. The 5-year period is calculated in calendar years from the participant's program begin date documented in SEVIS at the time the SEVIS record is validated. The Department assumes an exchange participant will actively pursue research or teaching opportunities for the entire 5-year period.
- c. The five-year period afforded to a participant in the Professor or Research Scholar category is on a "use or lose" basis. A participant afforded 5 years of participation is not eligible to return to the United States in either of these categories for a period of 2 years (24 months) immediately following completion of the 5-year period.
- d. The 2-year restriction applies to all potential and current exchange visitors (including J-2 dependents) who are being considered for the Research Scholar and/or the Professor category. For clarification purposes, some examples follow:
  - (1) A Professor who enters the United States on September 1, 2005, may leave the United States and return several times within the 5 years until August 31, 2010. After August 31, 2010, this individual cannot return to the United States in a Professor or Research Scholar exchange visitor category for 2 years (i.e., their program begin date as a Professor or Research Scholar could not be earlier than September 1, 2012);
  - (2) A participant who completes a Professor or Research Scholar exchange program at one institution for a period of less than 5 years, then remains outside the United States for a minimum period of 2 years, is eligible to begin another 2-year program. If the

period of time outside the United States is less than 2 years, the participant is still considered to be within the 5-year period of time from the initial program. If the participant completes a program at one institution which is less than 5 years (e.g., 4 years), the participant has the option to either have the current program extended up to the maximum duration of 5 years, transfer to another institution for 1 additional year, or return home and fulfill the 2-year bar.