

9 FAM 41.62 NOTES

(CT:VISA-1883; 09-12-2012)
(Office of Origin: CA/VO/L/R)

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

(CT:VISA-1806; 02-16-2012)

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 22 CFR 62.10(a)(2));
- (4) Present intent to leave the United States at conclusion of program (see 9 FAM 41.61 N4);
- (5) Possession of qualifications for the program offered (see 9 FAM 41.62 N5); and
- (6) 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 N8.7).

9 FAM 41.62 N2 DEFINITIONS AND CATEGORIES OF PARTICIPANTS

9 FAM 41.62 N2.1 The Exchange Visitor Program

(CT:VISA-1806; 02-16-2012)

- 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

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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 Designation, Private Sector Exchange, Bureau of Educational and Cultural Affairs (ECA), may participate.

- b. The Exchange Visitor Program (J visa) is administered under the oversight of the Deputy Assistant Secretary for Private Sector Exchange. The Office of Designation and the Office of Exchange Coordination and Compliance are located at:
 - Bureau of Educational and Cultural Affairs
 - Department of State
 - State Annex SA-5
 - 2200 C Street, NW
 - Washington, DC 20522
- c. Detailed guidance can be found on the Exchange Visitor Program.
- d. The Office of Designation is comprised of two divisions:
 - (1) Academic and Government Programs Division, Exchange Visitor Program Categories: College and University Students, Professors, Research Scholars, Short-Term Scholars, Specialists, International Visitors, Government Visitors; telephone: (202) 632-9310; fax: (202) 632-2701; and
 - (2) Private Sector Programs Division, Exchange Visitor Program Categories: Alien Physicians, Au Pairs, Camp Counselors, Interns, Secondary School Students, Summer Work Travel, Teachers, Trainees; telephone: (202) 632-2805; fax: (202) 632-2701.
- e. The Office of Exchange Coordination and Compliance is responsible for monitoring designated sponsors for regulatory compliance. Inquiries regarding sponsors and the Exchange Visitor Program (J visa) can be e-mailed to Compliance by using JVisas@state.gov.
- f. CA/VO's Public Inquiries Division has created a unit to respond to inquiries about individual student and exchange visitor visa cases. The Student/Exchange Visitor Visa Center can be reached via e-mail at fmjvisas@state.gov; this address can be shared with members of the public. Consular officers should continue to contact CA/VO/F/P with policy and procedural questions related to J visas.

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

(CT:VISA-1151; 02-10-2009)

Details concerning designation as an exchange visitor program sponsor are contained in 22 CFR 62.6.

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

(CT:VISA-1806; 02-16-2012)

- a. Participants in exchange visitor programs sponsored by the Department of State or the Agency for International Development (USAID) (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. The only exception is for an applicant who would otherwise qualify for an A (diplomatic) visa. Such applicants should always be issued A visas, rather than J visas, regardless of the funding of their travel. Contact CA/VO/F/P for additional guidance, if required.
- b. Many colleges and universities are certified by the Department of Homeland Security to issue the Form I-20, Certificate of Eligibility for Nonimmigrant (F-1) Student Status - for Academic and Language Students (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 College and University 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, Certificate of Eligibility for Nonimmigrant (F-1) Student Status - for Academic and Language Students 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 41.62 N3.1 The Basic Form

(CT:VISA-1806; 02-16-2012)

- a. Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, is the 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). SEVIS is the Department of Homeland Security (DHS) database developed to collect information on F, M, and J visa holders (see 9 FAM 41.62 N9). The potential exchange visitor's signature on page one of the form is required. Page 2 of Form DS-2019 consists of instructions and certification language relating to participation. 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 10 numerical characters (e.g., N0002123457).
- b. The Department of State's Office of Designation in the Bureau of Education and Cultural Affairs (ECA/EC) designates U.S. organizations to conduct exchange visitor 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.
- c. F/M/J visa applicants must present signed Forms I-20 or Forms DS-2019. If there are minor errors on the form (e.g., a program start date that is off one day) you can process the case using that form. However, if the form indicates an unrealizable program start date, or has a typographic error in the biographical data, you must verify that the information is correct in the SEVIS record in the CCD. You should then consider whether the error on the form would cause the traveler difficulty at the port of entry (POE). If it would, you should request that the applicant travel with a corrected hard copy of the form. However, once the visa is issued, the SEVIS record cannot be updated until the participant's program is validated ("Active" in SEVIS). No corrections to the record can be made until that time. In addition, in the event a visa is needed for a spouse or dependent, the system will not permit a new Form DS-2019 to be created until after the primary's SEVIS record is validated.

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

Status

(CT:VISA-1806; 02-16-2012)

- 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 authority to make the final determination whether to issue a favorable recommendation to DHS to waive the 2-year requirement under section 212(e).

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

(CT:VISA-1806; 02-16-2012)

When the Office of 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 the specific 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;

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- (8) P-2—Hospitals and related institutions;
- (9) P-3—Nonprofit organizations, associations, foundations, and 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-1883; 09-12-2012)

- 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 his or her Form DS-2019 to both the consular officer at the time of, or before, the visa interview, and the United States Customs and Border Protection (CBP) officer at the port of entry (POE).
- c. Participants in the Summer Work Travel, camp counselor, au pair, *and* high school exchange *programs* are not expected to be accompanied by dependents. Should you receive a Form DS 2019 supporting a J-2 visa application from an individual claiming such status, contact CA/VO/F/P and ECA for guidance immediately.

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-1806; 02-16-2012)

- a. After a J-1 visa has been issued, you must return the completed Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, together with all

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supporting financial evidence, to the exchange visitor. You should inform the exchange visitor that he or she should carry the DS-2019 on his or her person for presentation to the United States Customs and Border Protection (CBP) officer at the United States port of entry (POE). At each time of admission to the United States, an exchange visitor must present the Form DS-2019 along with the visa to the CBP officer. Upon the exchange visitor's arrival in the United States, the CBP officer will examine the visa, the DS-2019, and the supporting financial documentation and return the documents 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-1571; 10-04-2010)

- a. The Form DS-7002, Training/Internship Placement Plan, is designed to standardize applications in the Trainee, Intern and Student Intern categories and to increase transparency and accountability and curb potential abuse by having all three concerned parties— the exchange visitor, the U.S. sponsor and the entity providing the training or internship —sign the Form DS-7002 acknowledging the program plan and their regulatory responsibilities.
- b. Training and internship J-1 applicants must present the Form DS-7002 at their visa interviews at the request of the consular officer. Posts should scan these forms into the Consular Consolidated Database (CCD) whenever possible, to allow ECA to closely monitor sponsors' compliance with the new regulations.
- 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-1806; 02-16-2012)

- 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 their 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 involved with observation, consultation, teaching, or research;

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- (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.

In such cases, the program sponsor's letter of designation will explicitly authorize the sponsor to issue the DS-2019 using the Research Scholar category. 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-1806; 02-16-2012)

- 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 an 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

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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 request 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. 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-1806; 02-16-2012)

- 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 non-counseling 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 must not exceed 4 months.

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

(CT:VISA-1806; 02-16-2012)

- 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 United States Federal, State, and local government agencies.
- c. Duration: The duration of participation must not exceed 18 months.

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

(CT:VISA-1806; 02-16-2012)

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 must not exceed twelve months.
- (3) Program exclusions: Sponsors must not:
 - (a) Place Interns in unskilled or casual labor positions, in positions 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, early childhood education, or as hairdressers or manicurists);
 - (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 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.

In addition, sponsors must:

- (d) Ensure that the duties of trainees or interns as outlined in the trainee/internship placement plans (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; and
- (e) Ensure that all "hospitality and tourism" training and internship programs of 6 months or longer contain at least 3 departmental or

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functional rotations.

- (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 interviews (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 that address the development of more advanced skills or a different field of expertise 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-1795; 01-09-2012)

- 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 must not exceed one year.

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

(CT:VISA-1795; 01-09-2012)

- 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 must be temporary, even if the position itself is permanent. The individual must not be a candidate for a tenure-tracked position.
- c. The program limits 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

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into the United States as a Professor or Research Scholar participant. An exception to that rule is 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 22 CFR 62.27, respectively.
- e. Duration: The duration of participation must 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 N10 paragraph b (7)).
- 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 N10.3). Please note that these bars are different from the 2-year home 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-1806; 02-16-2012)

- 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 must be temporary, even if the position itself is permanent. The individual must not be a candidate for a tenure-tracked position.
- b. The program limits eligibility for 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 exchange visitors 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 must 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 N10 paragraph b (8)).

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- 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 N10.3). 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-1795; 01-09-2012)

- 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 must not exceed 6 months. No program extensions are permitted.

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

(CT:VISA-1795; 01-09-2012)

- 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 22 CFR 62.20;
 - (2) Short-Term Scholars, who are governed by regulations set forth at 22 CFR 62.21; and
 - (3) Alien Physicians in graduate medical education or training, who are governed by regulations set forth at 22 CFR 62.27.
- b. Duration: The duration of participation must 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-1806; 02-16-2012)

- a. Secondary School Student: This category affords foreign Secondary School Students an opportunity to study for an academic semester or an academic 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 departure from his or her home country, but are not required to have a placement before the visa interview. As a result, the student's DS-2019 may list the sponsor's contact information instead of the host family's contact information. 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

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- (5) An identification card, which lists the exchange visitor's 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. When 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-1806; 02-16-2012)

- a. College and University/Student: In order to participate, a foreign individual must be someone who will:
- (1) Study in the United States; pursue 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 engage full-time in a prescribed course of study in a non-degree program of up to 24 months duration conducted by a post-secondary accredited academic institution; or
 - (2) Participate in academic training as permitted in 22 CFR 62.23(f); or
 - (3) Engage 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.
- c. Duration: Duration of participation is determined by whether the exchange visitor is a degree or non-degree student. An explanation of each is provided in 9 FAM 41.62 N4.11-3 and 9 FAM 41.62 N4.11-4.

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9 FAM 41.62 N4.11-3 Degree Students

(CT:VISA-1795; 01-09-2012)

Exchange visitor students who are in degree programs must 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-1795; 01-09-2012)

Exchange visitors who are Nondegree Students must 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-1806; 02-16-2012)

- a. Department-designated U.S. colleges and universities can administer internship programs substantially similar to those detailed herein under their J-1 College/University Student designation.
- b. 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.
- c. The category of Trainee will be reflected on the Form DS-2019 if the sponsor is

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authorized for this category.

**9 FAM 41.62 N4.12 Summer Work Travel (SWT)(22
CFR 62.32)**

(CT:VISA-1883; 09-12-2012)

- a. Summer Work Travel (SWT): In this category, a participant is defined as a bona fide post-secondary student in the applicant's own or another foreign country if the applicant is currently enrolled and participating full time at an accredited post-secondary academic institution at the time of the application, or as that status is defined by the educational system of the country. On-line study, though it may be full time and may lead to a degree, does not qualify a student as a full time student for purposes of participation in the Summer Work Travel program. Final year students are eligible to take part in this program during the school's major academic break immediately following their graduation, as long as they apply to participate in the program prior to graduation.
- b. An applicant must have completed at least one semester, or the quarter or trimester equivalent, of postsecondary education to be eligible to participate in this program.
- c. Participants must demonstrate sufficient proficiency in English *to enable them to not only carry out their job duties but also to interact effectively with law enforcement authorities and medical personnel, read rental agreements, carry on non-work related conversations, etc.* It is appropriate to conduct SWT visa interviews in English in order to assess the applicant's proficiency. U.S. sponsors may use video teleconferencing to conduct interviews with potential participants but assertions by the sponsor that an applicant meets the English language requirement are not alone sufficient to meet the burden of proof for this program requirement.
- d. 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. Participants must be actually attending classes, rather than pursuing an on-line degree program.
- e. 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.
- f. 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 may 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 applicants have been accepted for and will commence studies upon their return may be accepted to establish status as a continuing student.

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- g. Students attending vocational schools are generally 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.
- h. Students may participate in the program every year that they meet the definition of bona fide student but participation each year is limited to the shorter of four months or the length of the long break between academic years at the school they attend.
- i. In no case should there be more than one Summer Work Travel period per year identified in any country without the concurrence of both the Visa Office and ECA's Office of Private Programs.

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

(CT:VISA-1883; 09-12-2012)

- a. *Designated U.S. sponsors of Summer Work Travel exchange programs must not place program participants in jobs as described in 22 CFR 61.32(h).*
- b. U.S. Sponsors must ensure that 100 percent of their non-Visa Waiver Program country participants *have* a confirmed, vetted job placement. Job placements may be secured directly by the U.S. sponsor or through self-placement by the participant. In all cases, the designated U.S. sponsor must:
 - (1) Vet the U.S. host employer in person or by telephone to verify the business owner's/ manager's names, telephone numbers, email and street addresses, and professional activities.
 - (2) Utilize publicly available information to confirm all job offers are made by viable business entities which provide jobs that meet the program regulations for appropriate SWT employment.
 - (3) Collect and verify the host employer's Employer Identification Number (EIN) and verify the Worker's Compensation Insurance Policy or equivalent in each state where participants are placed or evidence of that state's exemption from the requirement of such coverage.
 - (4) Inform pre-placed participants of the name and address of the actual employer and, prior to departure from their home country, any contractual obligations related to the participant's acceptance of paid employment, including the hourly wage, the number of hours of work per week, whether the employer has arranged housing and the financial obligations of the housing arrangement.
 - (5) Enter the participant's host employer, site of activity, and job title in SEVIS prior to issuing their Form DS-2019.
- c. For SWT participants from VWP countries, for whom employment has not been

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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) Maintain and provide a roster of bona fide jobs that includes at least as many job listings as the number of participants entering the United States without pre-arranged and confirmed employment; and
 - (4) Undertake reasonable efforts to secure suitable employment for participants unable to find jobs on their own after 2 weeks of commencing the job search.
 - (5) Vet the job placement selected by the participant PRIOR to the commencement of employment;
- d. All SWT participants should be cautioned to comply with their responsibility to inform their U.S. sponsor of their arrival and commencement at work and keep the sponsor informed of their whereabouts, should they change locations. SWT participants who wish to change jobs or to accept an additional job must inform their U.S. sponsor of the desired job placement and wait for the sponsor to perform the same vetting and approval process as for the initial employment prior to beginning work.

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

(CT:VISA-1883; 09-12-2012)

- a. The duration of participation in the Summer Work Travel (SWT) program must not exceed 4 months. These 4 months should coincide with the exchange visitor's official academic school break between school years. 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 *requested* to work with local universities and the host government to obtain *information on the host country's academic calendar for ECA's use in making a final determination of country-specific* program dates. The dates of the public university's academic break will generally provide an accurate indication of the appropriate four month, or shorter, time frame. These dates should be broad enough to include most universities' vacations. *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, cumbersome for posts, and subject to official malfeasance.
- c. SWT programs are only permitted once a year during the long break between academic years.

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

(CT:VISA-1883; 09-12-2012)

- a. Designated U.S. sponsors are responsible for conducting the Summer Work Travel program under the regulations contained in 22 CFR part 62.32. The US sponsors play a vital outreach role by explaining to host-country audiences the Summer Work Travel program's purpose, how it is structured, its economic imperatives, and the checks in place to safeguard the welfare of foreign youth while in the United States. You should seek to develop a good working relationship with U.S. sponsors, which will allow you to better reach local audiences and deal with any problems that come up later, after program participants have entered the United States, but ECA is responsible for managing the administrative relationship with the US sponsors and, in turn, will officially notify US sponsors of their compliance responsibilities.
- b. Some Summer Work Travel (SWT) participants may have concerns about their work conditions or have a difficult time finding a job placement once they arrive in the United States. You may wish to provide contact cards to each SWT traveler with the contact information for their embassy in the United States, the ECA general contact number, and a reminder that SWT participants should know the contact information of their U.S.-based sponsor and their U.S. employer located in Box 2 of Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status). See 9 FAM 41.62 Exhibit V for a sample handout. Providing this information to participants makes them less vulnerable to exploitation. The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (WWTVPRA) requires you to ensure that aliens applying for J visas are made aware of their legal rights under Federal immigration, labor, and employment laws. This includes information on the illegality of slavery, peonage, trafficking in persons, sexual assault, extortion, blackmail, and worker exploitation in the United States. At the time of the nonimmigrant visa interview, you must confirm that a pamphlet prepared by the Department detailing this information has been received, read, and understood by the applicant. Adjudicating officers should insert a case note to the effect that the applicant has acknowledged receipt and understanding of the pamphlet. See 9 FAM 41.53 N30 for more information about WWTVPRA enforcement.
- c. Another way to minimize SWT abuse is to selectively verify job offers for SWT applicants who have them. SWT regulations do not require participants from visa waiver countries 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. Non-VWP participants must present DS 2019s showing pre-placement in viable jobs at the time of their visa interview. The Kentucky Consular Center (KCC) undertook an extensive job and employer verification project for SWT 2010 and

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the results of their research is available for reference by posts through the CCD.

- d. 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. A list of all designated Exchange Visitor Program sponsors with point-of-contact information, by category, can be found on the [ECA's J-1 Visa](#) Web site. Each local SWT third-party contractor operating overseas must have executed a written agreement with the designated U.S. sponsor that explains their relationship and identifies their respective obligations. These agreements must include annually updated price lists for the services provided to the U.S. sponsors and confirm that they will not outsource any core programmatic functions or pay or provide other incentives to US host employers. The designated U.S. sponsor could lose its authorization to be an exchange visitor sponsor if inappropriate or illegal practices are discovered. ECA has created a "Foreign Entity Report" SharePoint site by country listing the designated U.S. sponsors and their affiliated local, third party agents/recruiters. Sponsors are required to maintain a current listing of all foreign agents or partners on the Foreign Entity Report. It must contain the names, addresses and contact information (i.e., telephone numbers and email addresses) of all foreign entities that assist the sponsors in fulfilling the provision of core program services. You should share information about misconduct by local third party entities with the Office of Fraud Prevention Programs (FPP), the Post Liaison Division (CA/VO/F/P), and the ECA Office of Coordination and Compliance so that ECA can review and take appropriate action.
- e. As described in 9 FAM 41.62 N4.12, in order to qualify for the program, applicants must demonstrate that they are "bona fide students." You may assume that bona fide students follow their home countries' rules to maintain the academic status that allows them to qualify for the Summer Work Travel program. In some countries and at some institutions, a non-timely return may adversely affect an applicant's academic status. It also upsets some university and Ministry of Education officials who resent the disruption to their institutions and in turn they blame the exchange visitor program sponsor or the Department of State.
- f. When you receive applications from previous SWT participants who failed to return in time for the start of their university classes, this fact may call into question their eligibility (whether they are in fact "bona fide students") for future exchange program visas. That is the case even when the applicant departed the United States within 30 days of the completion of his/her exchange program and did not incur a U.S. immigration violation. Each of these cases should be evaluated on its own *merits*.

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

(CT:VISA-1806; 02-16-2012)

- 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 certain 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 the following 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 must 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 Form I-901, Fee Remittance for Certain F, J and M Nonimmigrants.

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

(CT:VISA-1795; 01-09-2012)

- 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 must not exceed 3 years.

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- (1) In February 2007, ECA announced a two-year Pilot Program for Exchange Visitor Teachers to provide an opportunity to evaluate the need for and acceptance of a reduced experience requirement. The pilot period, scheduled to conclude February 15, 2009, has been extended for an additional two-year period to February 15, 2011. The pilot is being conducted by the Center for International Education, Inc. and Foreign Academic and Cultural Exchange Services (FACES), Department-designated Exchange Visitor Program sponsors. The pilot is limited to nine countries: Australia, Canada, Colombia, New Zealand, South Africa, Spain, United Kingdom, Ireland, and Venezuela. Only nationals from these countries who apply in their country of nationality may participate.
- (2) Participants in this pilot program are not required to have three years of prior teaching experience. Participants are required to be eligible for employment as a teacher in their home country as demonstrated by a provisional or full teaching certificate, license, or other credential that permits employment as a teacher in the respective home country. They must also present a signed letter of acceptance for a full-time teaching position from a U.S. accredited school (K-12), on school letterhead and signed by the appropriate school official. All other eligibility requirements for this exchange category must be met (Teacher - 22 CFR 62.24).
- (3) Pilot program participants are not exempt from the usual MRV and reciprocity fees or the SEVIS I-901 Fee.

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

(CT:VISA-1806; 02-16-2012)

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 acquired outside the United States; or 5 years of work experience outside the United States in his or her occupational field.
- (2) Program exclusions: Sponsors must not:
 - (a) Place trainees in unskilled or casual labor positions (cashiers, servers, kitchen help, custodial workers, etc.), in positions 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,

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speech therapy, early childhood education, or as hairdressers or manicurists);

- (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 to recruit, screen, orient, place, evaluate, or train trainees, 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 as outlined in the T/IPPs will not involve more than 20 percent clerical work, and that all tasks assigned to trainees are necessary for the completion of training program assignments;
 - (e) Sponsor must also ensure that all "Hospitality and Tourism" training programs of six months or longer contain at least three departmental or functional rotations; or
 - (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).

9 FAM 41.62 N4.15 Exception for Management Training for Trainees and Interns

(CT:VISA-1806; 02-16-2012)

- a. The occupational category of Management, Business, Commerce, and Finance is up to 18 months for any type of management training, which may include restaurant management, turf management, office management, etc. The duration of a trainee's or intern's participation in a training or internship program must be established before a sponsor issues a Form DS-2019. Except as noted below, the maximum duration of a training program is 18 months, and the maximum duration of an internship program is 12 months.
- b. For training programs in the "Hospitality and Tourism" occupational category, the maximum duration is 12 months. Training programs in the field of agriculture are permitted to last a total of 18 months, if in the development of the training plan, as documented in the T/IIP, the additional six months of the program consist of classroom participation and studies. Program extensions are permitted only within maximum durations as long as the need for an extended

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training and internship program is documented by the full completion and execution of a new Form DS-7002.

- c. 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.
- d. Non-management 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 N5 RESIDENCE ABROAD

9 FAM 41.62 N5.1 Residence Abroad Required

(CT:VISA-1806; 02-16-2012)

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 has present intent 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-1806; 02-16-2012)

- 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 applicant 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)

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and the special restrictions of that section relating to changing nonimmigrant classification and adjusting to lawful permanent resident (LPR) status. A factor to consider is whether the skills that the applicant 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-1151; 02-10-2009)

- 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.

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-1795; 01-09-2012)

- 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. An exchange visitor student can only work 20 hours per week while school is in session, and must pursue a full course of study concurrently. During official school breaks and annual vacations, exchange visitor students may work additional hours.
- b. An exchange visitor who engages in unauthorized employment must 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). The dependent must file Form I-765, Application for Employment Authorization, requesting permission

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to work from U.S. Citizenship and Immigration Services (USCIS) of the Department of Homeland Security.

9 FAM 41.62 N7.1 College/University Student Employment

(CT:VISA-1806; 02-16-2012)

- 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 non-degree) 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 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. The school does not have to be the employer. For example, exchange visitors could work for a commercial company such as a food service company operating on the campus;
 - (3) Off campus: Exchange visitors may be authorized off campus employment by the program's responsible officer (RO) 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-1151; 02-10-2009)

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-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-1806; 02-16-2012)

- 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 valid exchange visitor program participant status. The SEVIS record in the CCD will indicate the applicant's current SEVIS status. Posts should take care in cases listed as "deactivated," a code which is used to indicate that an exchange visitor has either transferred schools or changed education levels. When this occurs, a new record is created at the new school/education level. When that new record is registered, the old record is deactivated. When the CCD records SEVIS updates, the deactivated record is sometimes at the "top" of the list of records for the particular student. Absent other factors, that should not be a basis for refusing a visa. You should ensure that you check all SEVIS records for a given applicant, not just the topmost one, in order to determine the student's true SEVIS status.
- b. On occasion, you will see applicants who claim they have followed the established procedure, but post cannot locate their SEVIS records in the CCD. When this occurs, contact SEVP by sending an e-mail to the "SEVIS Source" mailbox at SEVP@dhs.gov. Consular officers may give this e-mail address to members of the public; for consular use, put the word "POLICY" in the subject line to indicate a message from post. In rare instances the case will be available in SEVIS but for unknown reasons was not "swept" into the CCD. SEVP can let you know if that is the case. SEVP also operates a Response Center (SRC) which can be reached by telephone at 703-603-3400. The SRC staff members are available Monday through Friday, from 8:30 a.m. to 5 p.m., Washington time.

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- c. 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. Questions about SEVIS fee payment should be directed to FMJfee.sevis@dhs.gov.
- d. 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 Designation (ECA/EC/D) so that it may take up the matter with the sponsor. Contact information is available at ECA/EC/D. The e-mail address for questions is jvisas@state.gov.
- e. J-1 and J-2 travelers are required to have adequate medical insurance in order to participate in an exchange program.

9 FAM 41.62 N8.2 Program Number

(CT:VISA-1806; 02-16-2012)

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 start and end dates of the program, and the SEVIS number of the individual.

9 FAM 41.62 N8.3 Cases Involving Unrealizable Reporting Dates

(CT:VISA-1806; 02-16-2012)

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 there is reason to believe the applicant will be unable to meet that date, you may assume the applicant may encounter difficulty at the port of entry (POE). Therefore, you should ensure that the sponsor is aware that the applicant is arriving later than the program start date. The most reliable way to ensure this is by reviewing 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 been done, you may request the sponsor enter a new program begin date in SEVIS that the applicant can meet.

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

(CT:VISA-1806; 02-16-2012)

- a. Posts may issue an exchange visitor 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

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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 applicant must file Form I-539, Application to Extend/Change Nonimmigrant Status, with the requisite filing and SEVIS fee for this purpose. The applicant 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. The applicant is not allowed to begin the exchange visitor program until USCIS has completed the change of status. The process to change status may be lengthy and may impact the ability of the applicant to undertake the program as established.

9 FAM 41.62 N8.5 Multiple or Consecutive Exchange Programs

(CT:VISA-1806; 02-16-2012)

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, however, 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-1806; 02-16-2012)

- a. Exchange visitors are issued Form I-94, Arrival and Departure Record, marked "D/S" (Duration of Status) upon entry into the United States. 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 will not exceed the period specified on the Form DS-2019 (the beginning and end dates), plus a period of 30 days "for the purpose of travel" (see 8 CFR 214.2(j)). The Department of Homeland Security (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

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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-1806; 02-16-2012)

A J-1 or J-2 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. J-1 visas should be issued for the program dates listed on the Form DS-2019.

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-1806; 02-16-2012)

- 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

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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).

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

(CT:VISA-1806; 02-16-2012)

- 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. Alternate 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 Remittance for Certain F, J and M Nonimmigrants, Fee

(CT:VISA-1806; 02-16-2012)

- a. The SEVIS I-901 fee is a one-time fee for persons applying for a J visa program. The fee covers the costs of administering the Student and Exchange Visitor Information System (SEVIS) and related enforcement efforts.
- b. Most exchange visitors will pay the full fee; however, the fee is reduced for some, including those in Summer Work Travel, Camp Counselor, and Au Pair

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categories. See SEVIS fees for additional information.

- c. Exchange visitors and their spouses and/or dependants 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 Remittance for Certain F, J and M Nonimmigrants, Fee Payment

(CT:VISA-1372; 11-09-2009)

- a. Applicants must pay the SEVIS fee prior to visa application. Refuse under 221(g) any J application presented without the required SEVIS fee. However, applicants may schedule interview appointments before paying the fee. Consular sections must verify 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. Consular sections must verify SEVIS I-901 fee payment verification through the CCD SEVIS report. In rare circumstances, you may accept a paper fee receipt as proof of payment, but in most cases applicants who cannot demonstrate that they have paid the SEVIS fee should be refused under INA 221(g).
- c. The SEVIS I-901 fee is nonrefundable, except for payments made in error for program numbers beginning with G-1, G-2, G-3, or G-7. 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, and if they pay a SEVIS fee in error, it may be refunded.
- 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. Multiple programs: 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, G-3, or G-7) to a non-fee-exempt sponsor, or until such time as the nonimmigrant falls out of status or changes status.

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- g. Consult the SEVIS Web site for additional information on the SEVIS I-901 fee and fee payment.

9 FAM 41.62 N9.4 Fee Waivers for Exchange Visitors

(CT:VISA-1571; 10-04-2010)

- a. U.S. Government-funded exchange visitors and their spouses and/or dependants 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 the 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 must pay the MRV processing fee.
- b. Applicants participating in any U.S. Government-sponsored J program, and their spouses and/or dependants are exempt from any applicable visa reciprocity fee.

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

(CT:VISA-1883; 09-12-2012)

- a. A responsible officer/alternate 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;

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- (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 N4.11-2 for specific information;
 - (c) Student Intern—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 9 FAM 41.62 N4.12 for specific information;
- (13) Teacher—not to exceed 3 years;
- (14) Trainee—not to exceed 18 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). If approved, the participant will present a Form DS-2019 with an extended end date. Such form can only be produced from SEVIS with the approval of the Department of State.

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-1806; 02-16-2012)

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 and the exchange visitor is still 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-1151; 02-10-2009)

- 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 United States 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; and
 - (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-1806; 02-16-2012)

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 24 months 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 one additional year, or return home and fulfill the 24-month bar. Note that the 24-month bar mentioned here is not the same as the two year home-country physical presence requirement needed to meet a 212(e) obligation.

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

(CT:VISA-1806; 02-16-2012)

- a. An extension of the Professor or Research Scholar categories beyond 5 years is permitted only 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 5-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

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(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 program of up to 5 years in duration. 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.