

J-1 Visa Holder Employment

Sample Procedure

The following table contains a procedure that may be used when employing J-1 visa holders:

Step	Action
1	Verify the person's J-1 status and eligibility to work. Contact the SUNY international student office and advisor if necessary.
2	Appoint the person to the payroll. <ul style="list-style-type: none"> • Students should be initially appointed for no more than 12 months. • Professors and research scholars should be appointed for one academic year at a time.
3	Monitor the person's employment where necessary — e.g., ensure that students are limited to 20 hours per week when school is in session if they are enrolled in a full course of study.
4	At the end of each appointment period, verify the employee's status, usually in cooperation with the international student office or advisor.
5	If the person's J-1 status is verified and the person is eligible to work, reappoint the person for an appropriate period.
6	If the person's J-1 status has terminated, verify that the person has been approved by the United States Citizenship and Immigration Services (USCIS) for a change to an employable category before reappointment.

Taxation

Students are considered nonresident aliens for tax purposes for the first five years they are in the United States. They are exempt from FICA but must pay applicable federal, state, and local taxes unless covered by a tax treaty.

Professors and research scholars are considered nonresident aliens for tax purposes for the first two years that they are in the United States. They are exempt from FICA but must pay applicable federal, state, and local taxes unless covered by a tax treaty.

Insurance

Effective September 1, 1994, program sponsors are responsible for ensuring that J-1 visa holders meet the stringent requirements for insurance coverage in accordance with regulations for the Exchange Visitor Program. Noncompliance with the insurance requirements can result in the termination of the exchange visitor's participation in the Exchange Visitor Program.

Responsibilities

Operating Locations

The Research Foundation operations manager is responsible for ensuring that:

- employment of all J-1 visa holders is in compliance with Research Foundation policy and procedures.
- employment of all J-1 visa holders is monitored.
- accurate and complete records pertaining to the employment of J-1 visa holders at the location are maintained.

The director of the Central Office of Employee Services is responsible for:

- providing operating locations with guidelines and legal requirements for the employment of J-1 visa holders.
- communicating to the Research Foundation operations manager or designee any changes in laws regarding and affecting employment of J-1 visa holders.