

J-1 Visa Category: Students

General Purpose of Visa

The overall J visa category is used by various types of visitors to enter the United States as participants in U.S. government-approved "Exchange Visitor Programs" for the purpose of gaining experience, studying, or doing research in their respective fields.

What Agency Administers the Program

The J visa category is administered by the United States State Department.

Institutions must be approved to be sponsors of Exchange Visitor Programs.

What Office Has Jurisdiction

The SUNY system, as well as several campus locations, are approved as sponsors for Exchange Visitor Programs.

J visa holders participating in SUNY-sponsored Exchange Visitor Programs are under the jurisdiction of the international student office and advisor at each SUNY campus. The program sponsor designates a "responsible officer" (RO), sometimes referred to as the "designated school official" (DSO), who is responsible for, among other things, helping to obtain the visa, monitoring visa status, and authorizing employment and academic training. Usually the responsible officer is the international student advisor. This officer may, in turn, designate alternate officers.

Note: The Research Foundation has not been approved as a sponsor for the Exchange Visitor Program.

Who is Eligible for J-1 Category

The *J-1* category is used by foreign students and professors and research scholars participating in Exchange Visitor Programs. This document deals with students holding J-1 visas.

Students

A college or university student is eligible to receive a J-1 visa under any one of the following circumstances:

- when the student's academic program is funded by
- the United States Government,
- the government of the student's home country, or
- an international organization of which the United States is a member.
- when the program is carried out under an agreement between the United States and a foreign government.
- when the program is carried out under a written agreement between American and foreign educational institutions.

- when the student is supported substantially by scholarships designed to promote international educational exchanges.
- when the student is supported substantially by funding from any source other than personal or family funds (e.g., an assistantship).

Educational Programs Students May Be Involved In

Exchange visitors under the college and university student category may participate in

- postsecondary programs,
- academic training, and
- postdoctoral research.

The following blocks provide information about each type of educational program.

Postsecondary Education

Foreign college and university students are allowed to participate in Exchange Visitor Programs at postsecondary accredited educational institutions if the students are

- pursuing a recognized full course of study leading to, oriented toward, or culminating in the awarding of a U.S. degree, or
- engaged full-time in a prescribed non-degree course of study lasting up to 24 months.

Academic Training

Academic Training — that is, training that relates to the student's course of study — is permitted while the student is enrolled in school or after completion of the program.

A student may participate in academic training programs during his or her studies, without wages or other remuneration, with the approval of the academic dean or advisor and the responsible officer.

The student is authorized to participate in academic training for the length of time necessary to complete the goals and objectives of the training, but for no more than the length of time occupied by the full course of study in the U.S., and for no more than 18 months in all. The 18-month limit applies regardless of whether the training is full or part-time. The duration of academic training must be approved by the academic dean or advisor and the responsible officer.

Compensated Academic Training

A student may be authorized to participate in academic training programs for wages or other remuneration during or after his or her studies. Authorization for training to take place after completion of studies must be granted within thirty days of completion of studies; the work itself may commence later.

Compensated academic training must be related to the student's field of study, and the student must be in good academic standing. Training that is a mandatory part of an academic program (e.g., co-op programs) will not count toward the 18 month limit.

To obtain authorization to engage in compensated academic training, the student must present to the responsible officer a letter of recommendation from the student's academic dean or adviser containing

- a statement of the goals and objectives of the training,
- a description of the training including its location, the name and address of the training supervisor, the number of hours per week, and the dates of the training,
- an explanation of how it relates to the student's major field of study, and
- an explanation of why it is an integral or critical part of the academic program.

The responsible officer must then

- determine if and to what extent the student has previously engaged in academic training to ensure the student does not exceed the period permitted,
- review the letter from the academic dean or adviser, and
- make a written determination of whether the academic training being requested is warranted.

Postdoctoral Research

A J-1 student who has completed a doctoral program and received the degree can spend up to three years, less any time spent in academic training, engaged in postdoctoral research or training under the supervision of an academic or research institution.

The amount of time that may be spent in research or training is initially limited to 18 months or less. A new Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, must be issued by the responsible officer for the second 18 months of postdoctoral research or training.

Duration of Status

Degree students are authorized to stay in the United States for the duration of their programs so long as they make progress toward their degree on a full-time basis.

Nondegree students are authorized for up to 24 months so long as they are in a prescribed course of study, as defined by federal regulations.

Employment Restrictions

Eligible Employers

A student in this status may be employed only by the sponsor of the Exchange Visitor Program or an appropriate designee within the guidelines of the approved program and set forth in the Certificate of Eligibility for Exchange Visitor Status (DS-2019).

Although the Research Foundation is not an approved sponsor, it can be designated as a source of funding on DS-2019 and therefore may employ J-1 Visa holders.

When the Research Foundation is not designated on the DS-2019, a student holding a J-1 visa can only be employed by the Research Foundation if he or she is

- a student in academic training (see section on Academic Training in this document), or
- a student demonstrating economic necessity.

Conditions on Employment

The employment qualifies for approval if:

- it is pursuant to the terms of a scholarship, fellowship, or assistantship.
- it occurs on the premises of the postsecondary accredited educational institution the visitor is authorized to attend.
- it occurs off-campus when necessary because of serious, urgent, and unforeseen economic circumstances which arose after the person acquired exchange visitor status.

Conditions on Students

Students holding J-1 visas are permitted to work on campus as long as they are:

- in good academic standing and maintain a full academic course load.
- authorized to work by the responsible officer.
- employed for no more than 20 hours per week when enrolled in a full course of study.

Note: When school is not in session J-1 students may work full-time, if all other criteria are met.

Employment Authorization

The responsible officer may grant employment authorization based on the exchange visitor's category, program objective, and other pertinent factors.

Spouses and Dependents

The spouse and dependents, if any, of a holder of a J-1 visa are eligible for J-2 visa status. Holders of J-2 visas are authorized to accept employment under certain circumstances with authorization from the United States Citizenship and Immigration Services (USCIS), provided that the income earned is intended to support the J-2 alien and not the J-1 alien. An Employment Authorization Document (EAD) must be issued by the INS before a person in J-2 status will be allowed to work.

Note: A person working in J-2 status is responsible for all federal, local, and state taxes, unless covered by a tax treaty, as well as FICA.

Changing Status

To obtain a new visa status, exchange visitors may have to satisfy the Home Residency Requirement, which is described in the following block.

Home Residency Requirement

Certain exchange visitors are not eligible for other types of visas, such as permanent-resident, H temporary-worker or trainee, or L intracompany transferee, until after they have maintained a residence and been physically present in their country of nationality or last legal permanent residence for a total of at least two years following departure from the United States.

Persons subject to this requirement are those who have participated in Exchange Visitor Programs and

- whose programs have been financed in whole or in part by their governments or by the U.S. government, or
- who are nationals of countries that clearly require the skills and services of people with the person's special training, or
- who are receiving graduate medical training in the U.S. (interns and residents).

Note: Under certain circumstances an exchange visitor may obtain a waiver of this requirement.

Forms

Certificate of Eligibility for Exchange Visitor Status (Form DS-2019). No fee. Issued by/through SUNY. A copy should be kept on file in the office responsible for Research Foundation personnel.

Employment Authorization Document (EAD). Issued by USCIS through SUNY.

References

For information about the Research Foundation's procedures for the employment of persons with a J-1 visa, see [J-1 Visa Holder Employment](#).

Also see [Exchange Visitor \(J\) Visas](#) and [Visas](#) on the Department of State Web site.

Change History

- **July 24, 2006** - Updated Immigration and Naturalization Service (INS) to United States Citizenship and Immigration Services (USCIS).

- **February 9, 2005** - Updated Certificate of Eligibility for Exchange Visitor Status form number from IAP-66 to DS-2019.

Feedback

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