# **J-1 Exchange Visitor Orientation**



The HEPC J-1 Exchange Visitor Consortium comprises Bluefield State College, Concord University, Fairmont State University, Glenville State College, Shepherd University and West Liberty University.



# **Key Administrative/Campus Staff**

The HEPC Responsible Officer is Dr. Clark Egnor, Director of International Programs with the West Virginia Higher Education Policy Commission. Each campus has an Alternate Responsible Officer who serves the exchange visitors on each campus. Exchange Visitors should contact the Responsible/Alternate Responsible Officer on their campus for services and questions. Dr. Egnor can be contacted in the absence of your campus ARO.



# DEFINITIONS OF IMPORTANT TERMS



#### **DS-2019: (Certificate of Eligibility)**

This form does several things, including:

- facilitates the entry into the U.S.
- extends the stay of an exchange visitor
- facilitates program transfers

 facilitates separate entry of an exchange visitor's alien spouse or minor unmarried children into the United States.



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				a 2 on page 2 of this document.		
	Signature of Applicant			Place		Date (non-dif-page)

## I-94 Card/Record:

#### (Arrival-Departure Record- Admission Number)

• Most I-94 cards are now issued electronically by US Customs and Border Protection at https://i94.cbp.dhs.gov/.

- Visa classification and the expiration date of your authorized stay is written when you enter the U.S.A.
- All exchange visitors should have "J-1" written as the visa classification.
- "D/S" means the period during which you pursue your stated program, plus 30 days in which to depart the country.





#### Admission (I-94) Number Retrieval

#### Get I-94 Number

The following information is required to retrieve your Admission (I-94) number. Enter the information as it appears on your visa. If you do not have a visa, use the information as it appears on the biographic page of the passport you used to enter the United States.

\*See our Privacy Policy regarding our request for your personal information.

Family Name: 🕨			
First (Given) Name: 🕨			
Birth Date (MM/DD/YYYY):		select	
Passport Number: ►			
Country of Issuance:	-		
Date of Entry (MM/DD/YYYY):		select	
Class of Admission:	-		
	Submit		



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# U.S. Customs and Border Protection

Securing America's Borders

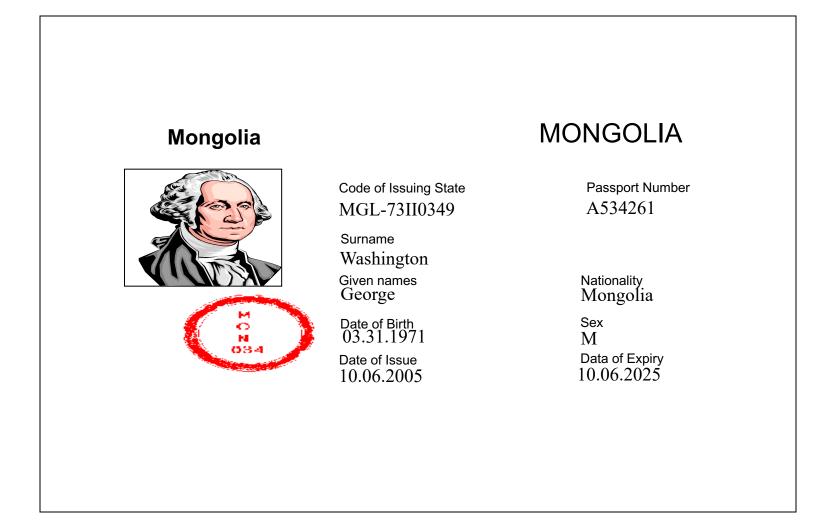
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First (Given) Name:	LYDIA
Birth Date (MM/DDYYYY):	01/01/1990
Passport Number:	P123123213
Passport Country of Issuance	e: Mexico
Date of Entry (MMDD/YYYY):	04/11/2012
Class of Admission:	B1

#### **Passport:**

- A passport is your country's identification of you as a citizen.
- Your passport must remain valid at all times. It is not allowed to expire.
- You may renew it by contacting your embassy/ consulate within the U.S.



### **Sample Passport**





## Visa: (Stamped Page in Passport)

• A Visa normally is a stamp placed in your passport by an official of the United States (or country you are entering).

• A way to differentiate between a passport and a visa is to remember that the passport is your country's identity of you as a citizen, while the visa is the other country granting you admission.

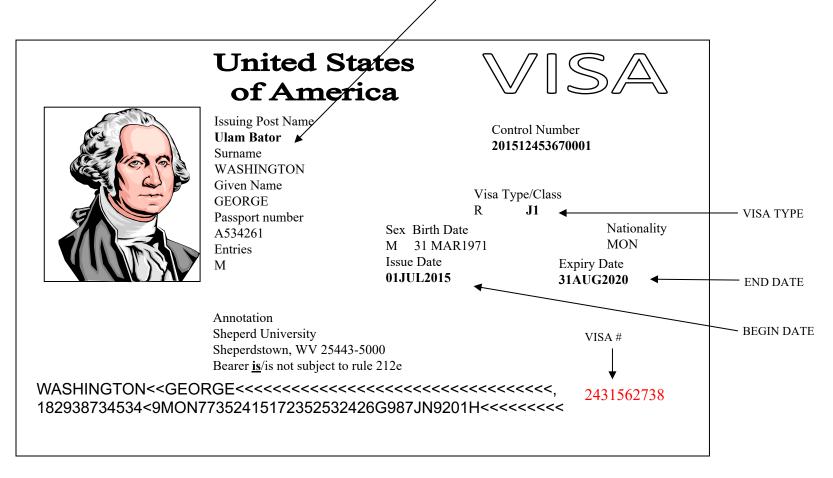
#### • THE VISA ON THE STAMPED PAGE IS ONLY TO BE RENEWED IF YOU'RE GOING TO LEAVE THE UNITED STATES AND RETURN AFTER IT HAS EXPIRED.

\*\*\*Keep in mind, a visa only **admits** you to the United States. Having a valid visa does not mean you're necessarily in proper immigration status.



# Sample Visa Stamp (in your passport)

CITY OF ISSUE





## **Submitting eForm Requests**

All requests for processing of J-1 exchange visitor benefits should be submitted to your host institution using the appropriate request form. This includes the following requests:

Academic Training (if a student) Dependent DS-2019 DS-2019 Extension Permission to Engage in Outside Lectures Replace a Lost DS-2019 Invitation Letter School Transfer Signature on DS-2019 for Travel SEVIS Update (address, etc.)

Request forms can be obtained from the Alternate Responsible Officer at the HEPC institution you are collaborating with.



# **Maintaining Your Status**

The responsibility for maintaining your Exchange Visitor status lies with you. There are several important things you must do to maintain status, including:

Only engage in activities permitted under the program and the category.

File timely and appropriate transfer and extension notifications.

Refrain from unauthorized employment, and maintain required health insurance coverage.

\*\*\*Each category may have additional specific requirements.



## **THE ROLE AND RESPONSIBILITY**

# **OF J-1 SCHOLARS IN**

# **COMPLIANCE WITH THE**

# **STUDENT AND EXCHANGE**

# **VISITOR INFORMATION SYSTEM**



## **OVERVIEW**

•All J-1 exchange visitors are part of the SEVIS tracking and monitoring system.

• Being a scholar with J-1 status, you are responsible for learning, understanding, and complying with the U.S. laws and regulations that apply to you.

 If you fail to do so, you could be deported from the United States and barred from returning for an extended period of time.



#### Requirement to Report Address Changes To Your HEPC Institution

You are required to report any address change to your host University **within 10 days** of the change. This includes address changes of any of your dependents, as well.

You can do this by going to by completing our SEVIS Update form and returning it to the Responsible Officer on your host campus.



## Requirement to Report Departure Date and Reason to Your Host Institution

You are required to inform your HEPC institution if you plan to leave the University before the date on your immigration document (Form DS-2019), and the reason for doing so.

You can do this by submitting the SEVIS Update form.



#### **Requirement to Abide by Employment Regulations**

Scholars are permitted to work as stipulated on the Form DS-2019 for the HEPC institution indicated.

You are **NOT** permitted to work anywhere else while in the United States, including being paid for a lecture or speech, without written authorization from an HEPC Responsible/Alternate Responsible Officer.

If such opportunities arise, please submit the Authorization to Lecture or Consult form to the appropriate institutional officer.



#### Requirement To Transfer To Another School

You are currently authorized to study or conduct research with an HEPC institution. If you decide to study or work at another school in the U.S., you must notify your host institution's Responsible/Alternate Responsible Officer of your intent to transfer and what school you plan on transferring to by submitting the SEVIS Update form.

Th HEPC will then enter a "Release" date in SEVIS. After this date is reached, the new school can issue you a transfer Form DS-2019.

You will then have to report to the Designated School Official/Responsible Officer at the new school within 15 days of the program start date.



#### Requirement for Receiving Authorization to Travel

You must notify the Responsible/Alternate Responsible Officer prior to traveling outside the U.S. so that the Form DS-2019 can be endorsed for travel or a new form can be issued, if required.

Students and scholars must submit a *"Travel Signature Request"* Form.

The request must be submitted <u>at least</u> 5 days prior to the anticipated travel date, although you are strongly encouraged to submit the form even earlier.



#### **Requirement to Adhere to Grace Period**

After the end-date on Form DS-2019, a J-1 exchange visitor has a 30-day grace period following completion of their program.

During the grace period, you are expected to depart the U.S., or if eligible, change to another non-immigrant status.

Failure to adhere to the grace period requirement is a violation of status.



#### Health Insurance Requirement

All exchange visitors and accompanying dependents are required by the U.S. Department of State to have insurance coverage for sickness or accident during the period of participation in the HEPC's exchange visitor program.

The minimum coverage you must have:

1) Medical benefits of at least \$100,000 per accident or illness.

2) Repatriation of remains in the amount of \$25,000.

3) Expenses associated with medical evacuation of the exchange visitor to his or her home country in the amount of \$50,000.

4) A deductible not to exceed \$500 per accident or illness.

5) Any insurance policy secured to fulfill the above requirements must be underwritten by an American insurance corporation having an A.M. Best rating of 'A' or above, an Insurance Solvency International, Ltd. (ISI) rating of 'A-1' or above, a Standard & Poor's Claims-paying ability rating of 'A-' or above, a Weiss Research, Inc. rating of B+. Insurance coverage backed by the full faith and credit of the government of the exchange visitor's home country shall be deemed to meet this requirement.

If an Exchange Visitor in the student category will be enrolled for courses, he/she will automatically be charged for the University of Cincinnati student health insurance policy. The policy meets the DOS standards and cannot be waived by the student. Any exchange visitor found to be willfully violating the insurance requirements will be terminated as an Exchange Visitor participant.



# Affordable Care Act

The Affordable Care Act, also known as the Patient Protection and Affordable Care Act (PPACA), and informally as Obamacare, was signed into law by President Barack Obama on 23rd March, 2010. The aim of the Act is a health care law aimed at improving the health care system of the United States by widening health coverage to more Americans, as well as protecting existing <u>health</u> insurance policy holders. Non-immigrant visa holders are required to be aware of the act as well.

More information about the ACA can be found at: https://www.healthcare.gov/



## Requirement to Report Health Insurance to HEPC

You are required to provide your host HEPC institution with documentation of your insurance that meets the federal requirements upon arrival in West Virginia. Failure to provide your HEPC host institution with proof of insurance will result in the termination of your J-1 Exchange Visitor Program.



#### Requirement to Apply for an Extension of Program

You must apply for an extension of your program **prior to** the expiration date on your Form DS-2019, if you cannot complete your program by that date.

You will need to have the J-1 extension request completed by your sponsoring department. They do this by submitting the J-1 Application request form.



### **Limitations of Stay**

The length of time you may remain in the United States on exchange visitor status is determined by the general limitations for the category and the length of time needed to complete the exchange objectives.

These limitations apply to the total length of stay as an exchange visitor. USCIS allows exchange visitors an additional grace period of 30 days to prepare for departure from the United States. It is important to be aware that the exchange activity and any related employment are permitted only until the ending date on the Form DS-2019. During the additional 30 days, your status will be much like that of a tourist in that you may remain and travel in the U.S.

If you transfer from one program sponsor to another, you **cannot** use that transfer to prolong your stay in the United States beyond the limitations of the pertinent category.



#### **Professors and Research Scholars**

The Form DS-2019 may be issued initially for the period of the exchange up to a maximum of five years for professors and research scholars.



#### **Short-Term Scholar**

A short-term scholar is defined as a professor, research scholar, specialist, or a person with similar education or accomplishments coming to the United States on a shortterm visit.

A short-term scholar is permitted to participate in activities such as conferences, workshops, seminars, and other events if these activities are stated on his or her Form DS-2019.

The maximum duration of stay is limited to 6 months.



# **Students**

The duration of status or length of time permitted for participation in a program is different for a student engaged in a degree program and a student engaged in a non-degree program.

#### **DEGREE-SEEKING STUDENTS**

The ending date on the Form DS-2019 controls the ending date of authorized stay. A student's stay in the United States could continue uninterrupted from the first year of a bachelor's degree program through the third year of postdoctoral training as long as extensions and academic training are approved in a timely fashion.

Degree students are authorized to participate in an exchange visitor program as long as:

• They are "studying at the post-secondary accredited educational institution listed on their Form DS-2019"

• Are "pursuing a full course of study"

• Are "making satisfactory advancement towards the completion of the academic program".

#### NON-DEGREE-SEEKING STUDENTS

Duration of status may continue for non-degree students for a total maximum stay of 24 months, as long as they are participating full-time in a prescribed course of study and meet the criteria described.



### **Specialists**

A specialist is an "individual who is an expert in a field of specialized knowledge or skill coming to the United States for observing, consulting, or demonstrating special skills".

Maximum duration of stay for a Specialist is one year.



#### **IMPORTANT NOTE:**

These requirements are not exhaustive and are subject to change without notice.

Students and scholars should contact the appropriate Responsible/Alternate Responsible Officer at the HEPC they are collaborating with for questions..



## Two Year Bar for Professors and Research Scholars

A two-year bar (exclusion) on repeat participation—regardless of how long the Professor or Research Scholar spends in the program—is in effect.

Once a program is complete, any exchange visitor in the Professor or Research Scholar categories is prohibited from returning to the U.S as a J-1 Professor or Research Scholar for two years.



## **Change of Category**

When a Form DS-2019 is prepared for you, a particular category of activity is indicated on the form. This indication of a category helps to establish and define your program objective.

For example, the Student category indicates a formal program of study leading to a degree, certificate or other similar educational objective, while the Research Scholar category indicates the objective of academic research.

\*\*\*A change of category represents a change of objective and is not typically permitted. Although the Department of State will allow such an application to be made, they are rarely approved.



## Change from Exchange Visitor Status to Another Status

#### YOU MAY CHANGE YOUR STATUS IN YOUR US:

If you did not come to the United States to receive graduate medical education, are not subject to the two-year home country residence requirement, or have had that requirement waived.

#### YOU MAY NOT CHANGE YOUR STATUS:

1. If you are subject to the two-year home country physical presence requirement you are eligible to change only to A (diplomatic or government official) or G (international organization) status, provided that you are accredited only by the foreign government or international organization to the Department of State.

2. If you were admitted in or acquired a J-1 status for the purpose of obtaining graduate medical education or training, your are ineligible for any change of nonimmigrant status, even if you are not subject to, have fulfilled, or have received a waiver or the two-year home country physical presence requirement.



## Change from Exchange Visitor Status to Another Status

#### CHANGE STATUS BY TRAVELING OUTSIDE THE U.S.

An alien outside the United States who previously had been in the United States as an exchange visitor may apply for a different nonimmigrant visa at a U.S. Embassy or consulate. Authority to grant such a visa lies within the discretionary power of the consulate officer. No minimum time abroad is required to obtain a different visa unless you are subject to the two-year home country physical presence requirement, in which case you must satisfy that requirement or have it waived before being eligible for an immigrant H or L visa. Returning to the United States in another status does not absolve you from a previously incurred two-year home country physical presence requirement.



# Two Year Home Country Physical Presence Requirement

The two-year home country physical presence requirement is one of the most important special characteristics of exchange visitor status and should be thoroughly understood by you as a participant. As an exchange visitor, you may not be eligible to obtain permanent resident, H temporary, worker or trainee, or L intra-company transferee status in the United States until you have resided and been physically present in your country of nationality or last legal permanent residence for a total of at least two years following departure from the United States. You are also not permitted to change to nonimmigrant status in the United States.

#### These restrictions apply in the following circumstances:

#### Medical Graduate Training

You came to the United States or acquired exchange visitor status in order to receive graduate medical education or training.

#### Government Financing

Your participation in the program for which you came to the United States was financed in whole or part, directly or indirectly, by an agency of the U.S. government or by the government of your home country;

#### Exchange Visitor Skills List

The determination as to whether you are subject to the two-year home country physical presence requirement, depending on the need for your specialized knowledge or skills in the home country, is made by reference to the Exchange Visitors Skills list. This is an official list of fields of specialized knowledge and skills needed in each country determined by each country's corresponding government. You are subject to the two-year home country physical presence requirement only if participation in an exchange program began after your field of study appeared on the skills list.



#### INSTRUCTIONS FOR APPLYING FOR A WAIVER OF THE TWO-YEAR FOREIGN RESIDENT REQUIREMENT PERTAINING TO EXCHANGE VISITORS ON THE J-1 VISA

Exchange visitors who are subject to, but do not wish to comply with, the two-year home country residence requirement, may apply for a waiver of that requirement under any one of the five applicable grounds provided by the United States immigration law.

#### Applicable Grounds for a J-1 Visa Waiver

• "No Objection" statement from the home government

Note: The law precludes use of this option by medical doctors. The exchange visitors government must state that it has no objection to the exchange visitor not returning to the home country to satisfy the two-year foreign resident requirement of Section 212(e) of the Immigration and Nationality Act, as amended, and remaining in the U.S. if he or she chooses to do so.

• Request by an interested (U.S.) Government agency, or IGA

If an exchange visitor is working on a project for or of interest to a U.S. Federal Government agency, and that agency has determined that the visitor's continued stay in the United States is vital to one of its programs, a waiver may be granted if the exchange visitor's continued stay in the United States is in the public interest.

Note: For applications on behalf of foreign physicians, who agree to serve in medically underserved areas, please refer to Federal Register Volume 62, No. 102 of May 28, 1997.

Persecution

If the exchange visitor believes that he or she will be persecuted upon return to the home country due to race, religion, or political opinion, he or she can apply for a waiver.

• Exceptional hardship to a United States citizen (or permanent resident) spouse or child of an exchange visitor.



## **Waiver Statement of No Objection**

# The Statement of No Objection involves a three-part procedure:

(1)The home country informing the U.S. Department of States (DOS), which runs the Exchange Visitor program, that it has no objection to the J-1 remaining in the U.S.

(2)DOS agreeing to the waiver.

(3)USCIS Waiver issuance.



# **Effects of Waivers on Extensions**

The DOS considers an exchange visitor's filing of a waiver application as evidence of his or her intent to abandon their exchange visitor program participant status.

#### Therefore:

- 1.No further extensions.
- 2.No further transfers.
- 3. Visa renewals are risky.



# **Dependents of Exchange Visitors**

Your spouse and unmarried minor children who accompany or follow you to the United States are usually admitted in J-2 classification, but are not exchange visitors. Occasionally, family members enter in other visa classes such as visitors, students, or temporary workers. You are not permitted to bring dependents to the United States in J-2 classification if adequate funding for their support and health insurance coverage is not available.

### **Eligibility Requirements**

 Only your spouse and unmarried minor children under 21 years of age are eligible for J-2 status.

• If your dependents are to accompany you to the United States, they may obtain their visas and admission to the United States along with you on the basis of the Form DS-2019 issued to them.



# **Dependents of Exchange Visitors**

You are required to report the following details about your dependents to your HEPC host institution:

- Their arrival in the U.S.
- Active email addresses for all dependents.
- The permanent departure from the U.S. of any dependents prior to the conclusion of your J-1 program.



# Request for a DS-2019 for Spouse and Children

To request a Form DS-2019 for any accompanying dependents in J-2 status, submit the Request for J-2 Dependent form. You will provide his/her biographical information (e.g., full name, address, country of birth, country of citizenship, gender, relationship to you, etc.).

Demonstrate support for yourself (\$18,000/yr) plus \$4,000 for a spouse and \$2,000 for each child before a Form DS-2019 can be issued for each of them.

Each dependent will then receive his/her own DS-2019 to apply for the appropriate visa.



# **Employment of J-2 Dependents**

J-2 dependents may apply to the district office of USCIS having jurisdiction over their place of temporary residence for permission to accept employment, provided the income from such employment will be used to support your family's customary recreational and cultural activities and related travel, among other things. Employment will not be authorized if this income is needed to support the J-1 principal alien.

Application for employment authorization is made:

- 1. On Form I-765, filed with USCIS
- 2. Accompanied by the appropriate fee.

3. A letter stating why the employment is desired, indicating the source and amount of support for the principal participant, and specifically stating that the income derived from employment will not be used for the support of the J-1 exchange visitor.

• Financial need is not a criterion for employment authorization of a J-2 dependent. However, DHS sometimes requires a budget or statement or estimated expenses to determine that you have adequate income.

• If permission of employment is granted, an Employment Authorization Document (EAD) is issued and is valid for any kind of full-time or part-time employment. It is important to timely file a new Form I-765 for continuation of J-2 employment authorization.



# **Employment Authorization Document** (Form I-766)





and Immigration This card is not evidence of U.S. citizensh This document is unid if altered, and may be needed by the U.S. Governme The orman identified is authorized to work in the U.S. for the validity of this ca

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# APPLYING FOR A UNITED STATES SOCIAL SECURITY NUMBER

As a J-1 exchange visitor, you are eligible for a Social Security Number. J-2's with an EAD are also eligible.

#### TO APPLY:

1. Complete Form SS-5.

2. You must then appear in person at the local Social Security Administration Office with Form SS-5, passport, visa, I-94 card, and Certificate of Eligibility (DS-2019), if applicable. Your SS Card will be mailed to you.

3. Your host HEPC institution will provide you with directions to the local Social Security Office.



## **Income Tax Filing Responsibilities**

What is a Tax Return? Every year the U.S. government (Federal) and the individual state governments, require that you file what is known as a "Tax Return" to each government. A tax "return" is type of "report" that you will send to each government (Federal and State) that states how much you earned, were taxed, and should have been taxed during the previous tax year. For example, 2015 Tax Returns will be due April 15, 2016 (or, they are due by June 15, 2016 if you will have already returned overseas).

### Who Needs to File an Income Tax Return?

Everyone who was physically present in the United States on a J-1 or J-2 immigration status (regardless of age or <u>income</u> level) for any time between January 1 and December 31 (even if it was for just <u>one day</u>) must file a Federal Income Tax Return for that year. *This includes spouses and children who did not earn any money.* 



### How to Obtain a West Virginia Driver's License

If you have a valid Foreign Driver's License or driver's license from another U.S. state, you may drive a car in West Virginia for up to one year from the date of your arrival in the U.S. Your DS-2019 must have been issued for a duration of time that exceeds one year in order to obtain an West Virginia Driver's license. However, if you purchase a car and register it in your name, or if you do not have a valid driver's license from West Virginia, the procedure for obtaining a West Virginia Driver's license is as follows:

1. Get a copy of the Digest of the West Virginia Driver's License Manual from any Bureau of Motor Vehicles or online.

2. Go to the nearest Division of Motor Vehicles Office, submit a driver's license application, take a vision test, a written test on West Virginia motor vehicle regulations and traffic signs, and pass a driving test.

3. In order to be issued a license, a foreign national must present:valid passport; U.S. visa; I-94; card; and DS-2019.

4. You must also show two acceptable documents establishing residency in West Virginia, a birth certificate, a US social security number.

You have the choice between a Not For Federal Use driver's license or ID card, or a REAL ID/For Federal Use card that contains a gold star, indicating that the card meets full federal requirements for future use at airports and other designated federal facilities and uses nationwide.



# A bad car crash



# MAKE SURE YOU PURCHASE automobile insurance. It's the law!



# **Money & Banking**

#### <u>Banks</u>

To function efficiently in the U.S. economy, you will need to open a checking and/or savings account at a local bank and understand the different types of accounts you can have.



# **Types of Transactions / Accounts**

#### Cashing checks:

•To cash a check, you will need to endorse it by signing your name on the back.

•You will be asked for personal identification in the form of a driver's license, or a State of West Virginia ID card.

•Some stores will cash a check for you if you shop there regularly.

#### Checking Accounts:

•Banks offer different types of checking accounts designed to fit individual needs.

•The cost of checking varies from bank to bank.

•Your cancelled checks and a list of all the account activity for the preceding month will be sent to you in a monthly statement.

•Writing a check for more money than you actually have in the account is illegal and can cost you time and money.

#### Credit Cards:

•Credit cards may be convenient, especially if you unexpectedly have major expenses.

•You must understand that you can easily accumulate large bills with credit cards, and before you know it, you may be in debt.

•Before you accept a credit card, you must be sure to understand all your obligations.

•Most banks charge an annual fee. If you are unable to pay your full balance each month, you will be charged high interest rates (usually 18% or higher) on the remaining balance and any additional charges you make.

# A COMMENT

# **Types of Transactions / Accounts (continued)**

#### Debit Card (also known as a Check Card):

- Allows you to withdraw from or deposit money to your bank account using an automatic teller machine (ATM) and to make purchases at stores that accept the card.
- Some debit cards carry a credit card logo (such as Mastercard or Visa), and can be used in place of a check or credit card.
- Debit cards are not credit cards, however, and they can be used only to the extent that you have funds in the account to which they are linked.

#### Savings Accounts:

A savings account enables you to save money and accumulate interest on your savings. Interest is paid either monthly or quarterly.

The difference between a savings and a checking account is that you cannot write checks on a savings account.

#### Foreign Currency:

- If you deposit a check drawn on a foreign bank in your US checking account, it may have to go through a collection process. This means that the money is not available to you until the US bank has collected it from the foreign bank. It may take several weeks before the money is credited to your account.
- In countries with restrictions on foreign exchange, you may need to provide your sponsor or your family with a letter of certification in order to receive money from your home country. You can contact the Responsible/Alternate Responsible Officer at your host institution can issue such a letter.



#### Office of Exchange Coordination and Designation

As an Exchange Visitor you are permitted to contact the Department of State Office of Exchange Coordination and Designation with questions or concerns about your J-1 program. Below you'll find the contact information for the <u>J-1 Visa</u> <u>Exchange Visitor Program</u> of the U.S. Department of State:

**Mailing Address**: U.S. Department of State Office of Exchange Coordination and Compliance ECA/EC/ECC, SA-44 ROOM 664 WASHINGTON DC 20547-4406

**Street Address (couriers)**: U.S. Department of State Office of Exchange Coordination and Compliance ECA/EC/ECC, SA-44 ROOM 664 WASHINGTON DC 20547-4406 FAX number: (202) 632-2900 Email: jvisas@state.gov.



# Welcome!!!

# For Questions contact the Responsible/Alternate Responsible Officer at your host institution.

