



PURPOSE OF EXCHANGE VISITOR PROGRAM

The objective of J-1 exchange visitor program is “to increase mutual understanding between the people of the United States and the people of other countries by means of educational and cultural exchanges.” [Mutual Educational and Cultural Exchange Act (Fulbright-Hayes Act) of 1961]

There are four principal parties interacting in the J Exchange Visitor Program process:

- Department of State (DOS), which issues J visas to Exchange Visitors (EV) and their dependents and creates and administers federal regulations and policies governing the Exchange Visitor Program.
- Exchange Visitor Program Sponsors, which are legal entities (such as the Office of International Programs and Services) that have applied for and received designation from DOS to conduct an Exchange Visitor Program.
- Exchange Visitors, who are aliens that have been selected by an exchange visitor sponsor to participate in a particular exchange visitor program.
- Department of Homeland Security (DHS), which manages the Student and Exchange Visitor Information System (SEVIS), admits an alien to the U.S. in J exchange visitor status, and which adjudicates certain immigration benefits for J exchange visitors and their dependents.

The Office of International Programs and Services (IPS) is authorized by DOS as the J-1 program sponsor (exchange visitor program number P-1-27741) for Millersville University. Participants in the exchange visitor program will enter the U.S. on a J-1 visa, which is the nonimmigrant visa classification for “exchange visitors.” In order to obtain a J-1 visa or hold J-1 status, the individual must have a Form DS-2019 issued by IPS. J-1 visa category should not be used as a means of general employment although exchange visitors may be *temporarily* employed by Millersville as long as their primary activities are teaching, lecturing, observing, or conducting research. At Millersville, “exchange visitor” is often referred to as “visiting scholar.”

ELIGIBILITY REQUIREMENTS FOR EXCHANGE VISITORS [22 Code of Federal Regulations (CFR) § 41.62(a)]

- Intent to pursue appropriate activity
- Intent to return to home country
- Sufficient funding
- Appropriate background for program activity
- Adequate English

EXCHANGE VISITOR CATEGORIES AND TIME LIMITATION

The Office of International Programs and Services (IPS) is authorized by DOS to participate in the following activity categories:

Category	Minimum Duration of Stay	Maximum Duration of Stay
Professor or Research Scholar	3 weeks	5 years
Short-term Scholar	N/A	6 months

Professors and Research Scholars [22 CFR § 62.4(e) & (f)]

Definitions

Professor and research scholar are two separate J-1 exchange visitor categories, but because they are related, the regulations governing them are contained in the same subsection.

A J-1 “Professor” is defined as an individual primarily teaching, lecturing, observing, or consulting. A professor may also conduct research.

A J-1 “Research Scholar” is defined as an individual primarily conducting research, observing, or consulting in connection with a research project. A research scholar may also teach or lecture.

Duration of stay

An exchange visitor may participate in the Professor or Research Scholar category for a minimum program of 3 weeks to a maximum program of 5 years. The maximum of 5 years is counted from the program start date in SEVIS (the DS-2019 begin date).

Twenty-four-month bar on repeat participation [22 CFR § 62.20(i)(2)]

A professor or research scholar who has completed a J-1 program of five years or less is not eligible for repeat participation as a professor or research scholar for a period of twenty-four months following the end date in SEVIS. If one completed a J-1 Research Scholar or Professor category program on or after November 18, 2006, whether the SEVIS program duration was a full five years or a shorter SEVIS program length, twenty-four months must elapse before starting a new research scholar or professor program.

Academic credentials

Professors and research scholars are expected to have appropriate academic or similar credentials. A prospective exchange visitor professor or researcher must have at least a bachelor's degree with appropriate experience in the field of endeavor. Departments who use these categories for exchange visitors with less than a bachelor's degree may be required by DOS to establish that such a program furthers the objectives of exchange and collaborative teaching and research efforts and that the participants will engage in appropriate program activities.

Tenure track and permanent appointments [22 CFR § 62.20(d)(i)]

The participant **shall not** be a candidate for tenure track positions. This requirement is interpreted to mean that a J-1 professor or researcher cannot hold tenure or be placed in a position "on a tenure track." A person can, however, occupy a position *temporarily* even if the position is normally tenured or tenure track. For example, an individual may occupy, in a visiting capacity, a position that is normally tenured or tenure track, such as serving as a visiting professor in a position held by a tenured professor who is on sabbatical.

Twelve-month bar after previous J participation [22 CFR § 62.20(d)(ii)]

Time spent in the U.S. in another J status may affect an alien's eligibility for participation as a "**professor**" or "**research scholar**." An individual is not eligible to "*begin a new program*" if he/she was physically present in any J status (including J-2 status) for 6 months or more during the immediately preceding 12 months from the date of program commencement set forth on the new Form DS-2019, unless: 1) the participant is transferring to Millersville University's Exchange Visitor Program in the same category; or 2) the participant's presence in the U.S. was pursuant to a "Short-term scholar" exchange activity.

Short-Term Scholars [22 CFR § 62.4(b)]

Definition

A short-term scholar is defined as a professor, research scholar, specialist, or a person with similar education or accomplishments coming to the U.S. 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 educational institutions, or similar types of institution. Examples include educators, scientists, research fellows, writers, and museum administrators. The short-term scholar may also engage in collaborative research.

Duration of stay

The short-term scholar category is not subject to the three-week minimum length of program requirement. It is therefore an ideal category for programs and visits of short-term duration lasting anywhere from one day to a maximum of six months. A short-term scholar may extend his/her stay up to the six-month maximum or transfer to another J-1 program within that period, but **extensions beyond 6 months are not permitted**. The maximum of 6 months is counted from the start date on the Form DS-2019.

DOCUMENTS REQUIRED TO ENTER THE U.S. AS A J-1 EXCHANGE VISITOR

An exchange visitor may apply for a J-1 visa at an U.S. embassy/consulate abroad (<http://www.travel.state.gov>) after he/she receives the Form DS-2019. However, DOS may not issue a J-1 visa more than 90 days prior to the start date on the Form DS-2019. Moreover, an exchange visitor **may not** enter the U.S. more than 30 days before the start date on the Form DS-2019 [8 CFR §214.2(j)(1)(ii)]. Before applying a J-1 visa stamp for initial entry to the US in J-1 status, exchange visitors must pay the SEVIS fee and obtain a receipt of the fee payment; information on SEVIS fee payment is at <http://www.ice.gov/graphics/sevis/i901>.

In addition to the required documents listed below, we recommend exchange visitors bring additional documents, for example, an invitation letter written by the supervising faculty/staff and a financial document indicating how the exchange visitor will be supported.

- A valid passport (valid for at least six month in the future on the date of arrival)
- A valid Form DS-2019 issued by the IC
- SEVIS fee receipt, if applicable
- A valid J-1 visa in the passport

*Please note that **Canadian citizens** are exempt from the visa requirements. They are also exempt from the passport requirements if entering the U.S. from the Western Hemisphere. They can present a Canadian citizenship card or a birth certificate instead. Canadian citizens must pay the SEVIS fee in advance as it cannot be paid at the port of entry. Canadians must present the Form DS-2019, SEVIS fee receipt, and proof of Canadian citizenship upon entering the US.*



MANDATORY HEALTH INSURANCE REQUIREMENTS [22 C.F.R. § 62.14]

All exchange visitors (both J-1 principals and J-2 dependents) are required to have sickness and accident insurance and medical evacuation and repatriation insurance in effect for the duration of their exchange visitor status. A willful failure to carry insurance is considered to be a violation of the Exchange Visitor Program regulations.

For more information about health insurance, such as current insurance rates and a summary of what the insurance covers, please visit our web site at <https://www.millersville.edu/internationalprograms/international-students/getting-settled-in-pa/health-and-wellness.php>.

TWO-YEAR HOME COUNTRY PHYSICAL PRESENCE REQUIREMENT [I.N.A. § 212(e); 22 CFR § 41.62 (c) – (d) and § 41.63]

Exchange visitors may be subject to the two-year foreign residence requirement of Section 212(e) of the Immigration and Nationality Act (INA), as amended, for one or more of the following reasons:

- a) They received funding from the United States Government, their own government, or an international organization in connection with their participation in the Exchange Visitor Program.
- b) The education, training, or skill they are pursuing in this country appears on the Exchange Visitor Skills List (1997 Amendment) for their country.
- c) They acquired J-1 status on or after January 10, 1977, for the purpose of receiving graduate medical education or training.

When a prospective exchange visitor applies for a J-1 visa, if the U.S. embassy/consulate officials determine that he/she is subject to 212(e) based on the above reason(s), an annotation will be made on the J-1 visa stamp in his/her passport as "212(e) Two Year Rule Applies." In addition, a preliminary endorsement by the consular or immigration officer regarding section 212(e) is also marked on his/her Form DS-2019.

Until an exchange visitor subject to 212(e) home residence requirement either complies with or is granted a waiver of the two-year requirement, he/she:

- Is not eligible to obtain an H, K, or L visa at a U.S. consular office;
- Is not eligible for lawful permanent resident status;
- Is not eligible to change status from J to any other nonimmigrant status from within the U.S., except to "A" (Diplomatic) or "G" (Employee of an International Organization) status.

An exchange visitor who falls into one of those groups will continue to be subject, even if funding or field of study changes. If the principal J-1 exchange visitor is subject to 212(e), all dependents who enter the U.S. in J-2 status are subject to it as well. Changes of classification between J-1 and J-2 are considered by United States Citizenship and Immigration Services (USCIS) to be status changes, and applications for such changes from J is subject to the two-year residence requirement will not be approved in the U.S.

Note that a J-1 exchange visitor (and/or his/her dependents in J-2 status in the U.S.) who is subject to 212(e) may still leave the U.S. and apply for a new visa in any category other than H, K or L, for example, an F-1 or O-1 visa, even though he/she may not change status to F-1 or O-1 within the U.S. Entering the U.S. with a new visa, however, does not relieve the exchange visitor of the obligation to fulfill the two-year requirement at a later date.

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. For more information about 212(e) and instructions for applying for a waiver, please visit the DOS web (<http://www.travel.state.gov>). According to the DOS, once an exchange visitor program receives notification of the DOS recommendation for a waiver, the exchange visitor is **no longer eligible** for further extension of stay, although he/she may continue in the current J program for the remainder of time on the current DS-2019.

GENERAL INSTRUCTIONS FOR DEPARTMENTS REQUESTING FORM DS-2019

Processing time

The standard processing time for a Form DS-2019 is one week, provided the required documents are submitted.

Required documentation

It is important to point out that departments must submit all required documents before the Office of International Programs and Services (IPS) will be able to issue a Form DS-2019. This requirement is necessary in order to ensure that the individual's immigration status is maintained and consistent. The DS-2019 request form contains a checklist of required documents which should be completed by the department administrator, verifying all necessary documents are included before submission.

Financial documentation

A Form DS-2019 may be issued only for the period that there is **documented guaranteed funding**. In addition, the funding must meet IPS'S minimal funding requirement and cover the **entire period** of the DS-2019 requested for the exchange visitor, and his/her dependents if applicable. General institutional support should not be considered government financing unless it was **specifically designated for an international educational exchange program**. Government funds made available for a specific research goal or to the principal research investigator and not for the use of supporting an individual exchange visitor or an exchange program, should be designated as 'funds from Millersville University.' If the exchange visitor will receive a salary from funds granted to MU (but not specifically granted to the exchange visitor) to support research projects, check Millersville University as the funding source and list the total amount for the entire period of the Form DS-2019 requested.

If the exchange visitor is not financially supported by MU funding, a copy of financial documentation (such as a personal bank statement, on-line banking statement, award letter) must be submitted. The document must meet the following criteria:

- 1) The document contains the prospective exchange visitor's full name;
- 2) The document is no more than 6 months old at the time a Form DS-2019 is requested;
- 3) The document must be written in English or have been translated into English;
- 4) The document must specify the amount of funding.

EXTENSION OF DS-2019 AND 212(e) WAIVER

Please note, if the exchange visitor is subject to the two year rule, 212(e), according to the DOS, once an exchange visitor program receives notification of the DOS recommendation for a waiver, the exchange visitor is *no longer eligible* for further extension of stay, although he/she may continue in the current J program for the remainder of time on the current DS-2019.

MANDATORY IPS Orientation

All exchange visitors who are issued Form DS-2019s for the purpose of either "*begin a new program*" or "*transfer*" are **required** to attend a mandatory orientation with IPS within their first week of arriving at Millersville in order to fully comply with DOS and SEVIS requirements.

30-DAY VALIDATION OF PROGRAM PARTICIPATION

It is important that departments communicate with the exchange visitor often and **inform The Office of International Programs and Services (IPS) immediately if the exchange visitor's arrival will be delayed and the begin date of the Form DS-2019 needs to be amended.**

The Office of International Programs and Services (IPS) is required by DOS and SEVIS to validate the exchange visitor's arrival within 30 days of the program start date on the Form DS-2019. This only applies to exchange visitors who are issued Form DS-2019s for the purpose of either "*begin a new program*" or "*transfer.*" If the exchange visitor's SEVIS record is not validated within these 30 days, it will automatically become "inactive." In this case, the exchange visitor will be considered in violation of program status by the DOS, and may be considered in violation of his/her nonimmigrant status by DHS. The exchange visitor will need to leave the U.S. immediately and make a new entry provided he/she is eligible to return. Validation of the SEVIS record is completed by IPS after the exchange visitor attends their mandatory orientation.

EARLY DEPARTURE

If the exchange visitor **discontinues** his/her J-1 program with a department, the department must notify IPS because IPS is required to report the event to SEVIS. In addition, departments need to notify IPS if an exchange visitor leaves the J-1 program **more than 30 days before the end date on the Form DS-2019**. The Departure Form is available on our web site.

30-DAY GRACE PERIOD AFTER COMPLETING J-1 PROGRAM

Upon successful completion of the J-1 program, the exchange visitor will have an additional 30 days to remain in the U.S. though he/she may not be employed during this 30-day grace period. The 30-day grace period is intended for purposes of packing and preparing to depart the U.S.



Millersville University

OFFICE OF INTERNATIONAL
PROGRAMS AND SERVICES

J-1 Exchange Visitor Program Information For Academic Departments

J-2 DEPENDENT

Dependents are defined as the spouse and minor children under 21 years old of the J-1 exchange visitor. Dependent spouses and children of J-1 visitors usually enter the U.S. on J-2 visas. Each dependent will need to use his/her own Form DS-2019 in order to obtain a J-2 visas at the American embassy/consulate and to enter the United States.

Having J-2 status does not inherently give the J-2 the permission to work, but it gives the person the right to apply for work authorization from the USCIS. The J-2 does not have legal permission to work until the Employment Authorization Document (EAD) is approved. Under the current rules, there is no restriction on study for J-2 dependents.

A J-2 dependent's status terminates in the U.S. when that of the J-1 participant terminates.