

INTERNATIONAL FACULTY & SCHOLARS

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J-1 EXCHANGE VISITOR PROGRAM AND INSTRUCTIONS

PURPOSE OF THE EXCHANGE VISITOR PROGRAM

The intent and purpose of the J-1 Exchange Visitor Program (EVP) is "to exchange persons and ideas and to build mutual understanding among peoples and cultures."

There are four principal parties interacting in the J-1 EVP process:

- Department of State (DOS), which issues J visas to Exchange Visitors (EV) and their dependents;
- The University of Arizona (UA), a designated sponsor of the EVP;
- EVs, who have been selected by a UA department to participate in a particular exchange visitor program/activity; and
- Department of Homeland Security (DHS), which manages the Student and Exchange Visitor Information System (SEVIS), admits foreign nationals to the U.S. in J status, and adjudicates certain immigration benefits for EVs and their dependents.

International Faculty & Scholars (IFS) is authorized by DOS as the J-1 program sponsor for UA. Participants in the EVP will enter the U.S. on a J-1 visa, a nonimmigrant status classification for "exchange visitors". To hold J-1 status, the individual must have a DS-2019, pay the SEVIS fee & visa fee, and fill out the appropriate documents required by the U.S. Embassy/Consulate. J-1 status may not be used as a means of general employment. However, EVs may be *temporarily* employed by UA as long as their primary activities are teaching, lecturing, observing, or conducting research. At UA, "exchange visitors" are often referred to as "visiting scholars".

ELIGIBILITY REQUIREMENTS FOR ALL EXCHANGE VISITORS 22CFR §41.62(a)

- Bachelor's Degree (*Credential Evaluation may be required*);
- Sufficient funding;
- Sufficient proficiency in the English language, as determined by an objective measurement of English language proficiency, successfully to participate in their program and to function on a day-to-day basis;
- Intent to pursue appropriate activity;
- Intent to return to home country; **and**
- Medical insurance, meeting minimum requirements [22 CFR§62.14].

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

An EV may apply for a J-1 visa at a U.S. Embassy/Consulate abroad, <https://www.usembassy.gov/>, after they receive the DS-2019 Form. However, DOS may not issue a J-1 visa more than 90 days prior to the start date listed on the DS-2019 Form. Moreover, an EV *may not* enter the U.S. more than 30 days before the start date listed on the DS-2019 Form. Before applying for a J-1 visa for initial entry to the U.S. in J-1 status, EVs must pay the **SEVIS fee** and obtain a receipt of payment. Information regarding the SEVIS fee payment is available at <https://www.fmjfee.com/i901fee/>. In addition to the required documentation listed below, EVs should bring an original invitation letter written by the supervising faculty/staff and financial documentation indicating sufficient funding to support the EV (and their dependents).

- A **valid** passport (valid for at least six months beyond the date of arrival);
- A valid **DS-2019** Form issued by IFS; and
- SEVIS fee receipt, if applicable.

Please note that Canadian citizens are exempt from the visa requirements. Canadians must present the DS-2019 Form, SEVIS fee receipt, a valid passport (at least 6 months beyond the end of prospective program date), and financial guarantee upon entering the U.S.

EXCHANGE VISITOR CATEGORIES AND TIME LIMITATIONS

IFS is authorized by the Department of State, DOS, to participate in only the following categories:

Exchange Visitor Category	Minimum Duration	Maximum Duration
Professor or Research Scholar	3 weeks	5 years (continuous)
Short-Term Scholar	N/A	6 Months
Specialist	3 weeks	12 months

PROFESSOR & RESEARCH SCHOLARS 22CFR §62.4(e) & (f)

DEFINITIONS

Professor and Research Scholar are two separate categories but, because they are related, the regulations governing them are contained in the same subsection.

A Professor is defined as an individual engaging primarily in teaching, lecturing, observing, or consulting. A Professor may also conduct research, unless disallowed by the sponsor.

A Research Scholar is defined as an individual primarily conducting research, observing, or consulting in connection with a research project. The Research Scholar may also teach or lecture, unless disallowed by the sponsor.

DURATION OF STAY

An EV may participate as a Professor or Research Scholar for a minimum of 3 weeks to a maximum of 5 years. The 5 year maximum begins on the start date listed on the DS-2019 Form and runs continuously regardless of program participation.

5-year period is "use or lose," not an aggregate.

The five-year period afforded to an EV is on a 'use or lose' basis which commences with the program begin date identified on the DS-2019. For example, a research scholar who comes to an institution for two years and returns to their home institution for nine months will be eligible, as a program matter, to return to the same U.S. institution - or transfer to another - for an additional two years and three months. If the participant does not return to the U.S. until three months later, they have two years remaining on their program. [70 Fed. Reg. 28815](#) (May 19, 2005).

****SEVIS record must be continuously maintained to take advantage of the full five-year eligibility. This requires the Exchange Visitor and hosting UA department to submit an Out of Country request to IFS for any period of time outside of the US that exceeds 30 days prior to the scholar's departure.***

ACADEMIC CREDENTIALS

A DS-2019 Form with the EV category listed as “Professor”, “Research Scholar” or “Short-term Scholar” should have a minimum education level of Bachelor’s Degree. It is highly recommended that the EV obtain an academic evaluation of their credentials. EVs have had difficulty obtaining visas to enter the U.S. without demonstrating the appropriate level of credentials to the consular officials conducting their visa interviews. For example, statements from the home institution where the degree was obtained or letters from the UA attesting to the equivalency of an EV’s education level have resulted in visa denials.

TENURE-TRACK AND PERMANENT APPOINTMENTS 22 CFR § 62.20(d)(1)

The participant *shall not* be a candidate for a tenure-track position. This requirement means that a J-1 Professor or Researcher cannot hold tenure or be placed in a “tenure-track” position. An EV can, however, occupy a position *temporarily* even if the position is normally tenured or tenure-track. For example, an EV 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)(2)(i-iii)

Time spent in the U.S. in another J status may affect a foreign national's eligibility for participation as a Professor or Research Scholar. An individual is not eligible to “begin a new program” if they were physically present in any J status (including J-2 status) for 6 months or more during the immediately preceding 12 months start date listed on the DS-2019 Form, unless:

- 1) the participant is transferring to UA’s EVP in the same category, or
- 2) the participant’s presence in the U.S. was of less than 6 months’ duration, or
- 3) the participant’s presence in the U.S. was pursuant to a “Short-Term Scholar” exchange activity.

SHORT-TERM SCHOLARS 22CFR §62.4(b)

DEFINITION

A Short-Term Scholar is defined as a Professor, Research Scholar, 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 institutions. 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 their stay up to the six-month maximum or transfer to another J-1 program. **Extensions beyond 6 months are not permitted within the “Short-Term Scholar” category.** The 6 month maximum begins on the start date listed on the DS-2019.

ACADEMIC CREDENTIALS

Like Professors and Research Scholars, Short-Term Scholars are expected to have appropriate academic or similar credentials. A prospective Short-Term Scholar should have at least a Bachelor's Degree with significant experience in the field of endeavor.

SPECIALIST 22CFR §62.4(g)

DEFINITION

A Specialist is defined as an individual who is an expert in a field of specialized knowledge or skill coming to the U.S. for observing, consulting, or demonstrating special skills.

DURATION OF STAY

An EV may participate in the Specialist category for a minimum of 3 weeks up to a maximum of 12 months.

ACADEMIC CREDENTIALS

Specialists must demonstrate that they are experts in a field of specialized knowledge or skills. The defining criteria are unique to each field of expertise. The Specialist must demonstrate that they are recognized as experts in their field.

ALIEN PHYSICIAN (M.D.) PARTICIPATING IN J-1 PROGRAM 22CFR §62.27(c)

IFS is authorized to issue the DS-2019 Form to alien physicians to enable them to come to the U.S. for the primary activity of observation, consultation, teaching, or research. They can participate in a non-clinical exchange program, either with **no patient contact or care**, or where patient contact is **only incidental*** to the primary activity. Professor, Research Scholar and Short-Term Scholar categories are designed for these activities.

EXAMPLES OF ACCEPTABLE ACTIVITIES:

Diagnostic examination in the presence of a senior physician who repeats the examination or ensures at every step that it is done correctly and that proper diagnostic information is obtained;

Being present during therapies and treatment with opportunities for hands-on experience in ways that do not compromise the care of the patient; and/or

Being present in the operating room and having limited patient contact, but not performing procedures.

If the primary purpose of the EV's participation in the J-1 program is of a clinical nature, the EV may not be issued a DS-2019 under UA's J-1 program. In such cases, the alien physician must be issued a DS-2019 from the program of Educational Commission for Foreign Medical Graduates (ECFMG). Departments must contact the Graduate Medical Education (GME) Office at 626-7878 for participation of this nature. IFS does not process these types of cases.

***Exchange Visitors who will be participating in an EVP with incidental patient contact will be required to complete additional documentation with IFS.**

MANDATORY HEALTH INSURANCE REQUIREMENT 22CFR §62.14

All EVs (both J-1 principals and J-2 dependents) are required to have sickness, accident, medical evacuation, **and** repatriation insurance in effect for the entire duration of their EV status including when not in the U.S. A willful failure to carry insurance is considered to be a violation of the EVP regulations. EVs are required to show proof of health insurance in order to validate their J-1 program initially, and for any future extension and requested travel signatures.

Being benefits eligible through the UA does **not** automatically cover what is federally mandated. Please read the following Federal Regulation:

All Exchange Visitors are required to carry sickness and accident insurance, as well as repatriation and medical evacuation insurance, for themselves and any J-2 dependents during the EV's program. The regulations have specific minimum requirements for such coverage. 22 CFR§62.14. It is the responsibility of the EV program sponsor to advise the EV of the requirements for this coverage and to terminate an EV who willfully fails to carry the required insurance coverage. 22 CFR§62.40(a)(4). Because some J-1 professors, research scholars, and short-term scholars are paid by the college or university, they may be eligible for an institutional insurance plan. However, most of these plans do not provide coverage for medical evacuation or repatriation, so this coverage must be provided in another way. Some EVs, especially those who have funding from a private or governmental organization, may have coverage through another group plan offered by the funding sponsor. It is clear that DOS takes the requirement to maintain health coverage very seriously, as it is considered a serious infraction and those who have failed to maintain insurance coverage are not eligible for reinstatement. 22 CFR§62.45(f)(1)

For more information about the federal requirements regarding health insurance please contact IFS (520-626-6289). For more information about purchasing health insurance, please call Campus Health Services (520-621-5002).



THE UNIVERSITY OF ARIZONA

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2 YEAR HOME-COUNTRY PHYSICAL PRESENCE REQUIREMENT INA §212(e); 22CFR §41.62(c)-(d) & §41.63(c)

EVs may be subject to the two-year foreign residence requirement based on one or more of the following:

They received funding from the U.S. Government, their own government, or an international organization in connection with their participation in the EVP;

The education, training, or skill they are pursuing in the U.S. appears on the EV Skills List (2009 Amendment) for their country:

<https://travel.state.gov/content/travel/en/us-visas/study/exchange/waiver-of-the-exchange-visitor/exchange-visitor-skills-list.html>; or for the purpose of receiving graduate medical education or training.

If the U.S. Embassy/Consulate officials determine that the EV is subject to §212(e), an annotation will be made on the visa stamp in their 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 their DS-2019 Form.

Until the EV either complies with or is granted a waiver of the two-year requirement, they:

- Are not eligible to apply for a change of status to H-1B and some other immigration statuses; and/or
- change status to most other non-immigrant statuses from within the U.S.

If the principal J-1 EV is subject to §212 (e), all dependents who enter the U.S. in J-2 status are subject too.

EVs 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 immigration law. For more information about §212(e) and instructions for applying for a waiver, please visit the DOS website:

<https://travel.state.gov/content/travel/en/us-visas/study/exchange/waiver-of-the-exchange-visitor.html>

Once an EV receives notification of the DOS recommendation for a waiver, the EV is ***no longer eligible*** for further extensions of their J-1 status, although they may continue their current J program for the remainder of time listed on the DS-2019.

24-MONTH BAR ON REPEAT PARTICIPATION 22 CFR §62.20(i)(1)-(3)

An individual who participates in the EVP as a Professor or Research Scholar becomes subject to a 24-month bar, "Repeat Participation" after completing their program. The 24-month bar applies under two circumstances:

- 1) If the Professor or Research Scholar completes a full five years of program participation with one or more sponsors; or
- 2) If the Professor or Research Scholar completes their program before the full five-year period is over. In this case, the continuity of the five-year period is broken, the five-year window is "closed," the individual is not eligible to access the remaining unused time, and the individual must wait for two years before beginning a new program as a J-1 Professor or Research Scholar.

You may also hear the 24-month bar on repeat participation referred to as the 2-year bar on repeat participation. In this information packet, we refer to it as the "24-month bar", to distinguish it from the §212(e) 2-year home residence requirement. DOS has also begun referring to the bar as the "24-month bar".

EVs who have entered the U.S. under the EVP as a Professor or Research Scholar, or who have acquired such status while in the U.S., and who have completed their program are not eligible for participation as a Professor or Research Scholar for a period of two years following the end date of their program participation as identified in SEVIS (whether or not all five years of participation have been used).

The 24-month bar is not a home-residence requirement. The 24-month bar does not require the individual to reside in their home country as does 212(e) (2-year home residence requirement) nor does it require the person to be out of the U.S. It requires only that the person not be in J-1 Professor or Research Scholar status for two years before becoming eligible for another 5-year period of program eligibility in J-1 Professor or Research Scholar status.

12 Month Bar

22 CFR § 62.20(d)(2) establishes what is referred to as the "12-month bar." The general proposition of the 12-month bar is that an alien is not eligible to begin a new exchange program as a Professor or Research Scholar if they were physically present in any J status (including J-2 status) for "all or part of" the "twelve month period immediately preceding the date of program commencement set forth on their Form DS-2019." This general rule is then modified by three exceptions:

- 1) J-1 transfers. The 12 month bar is not applicable to those who will begin a program by transferring to a new program sponsor under the transfer procedures of 22 CFR §62.42; or
- 2) Presence in J-1 status of less than 6 months. An alien whose prior physical presence in J status was less than six months in duration is exempt from the 12-month bar (but see discussion below); or
- 3) Presence in J-1 status as a Short-Term Scholar. No time spent as a Short-Term Scholar under 22 CFR §62.21_H is counted as physical presence that triggers the bar.

GENERAL INSTRUCTIONS FOR DEPARTMENTS REQUESTING A DS-2019

PROCESSING TIME

The **standard processing time** for a DS-2019 Form is **2-3 weeks**, provided all the J-1 Initial & Transfer Request eForms have been submitted in UA International, the required documentation has been uploaded, and the fees are submitted. The program dates and duties and/or activities must be specific.

A fee of **\$450** will be charged for new requests. Any extensions will be charged **\$300**, transfers will be charged **\$450**, changes/amendments will be charged **\$150**, and J-2s will each be charged a **\$50** fee, regardless of when they are added. An eDoc, money order, or bank check is required with each DS-2019 request form. Once processed by our office the fees are non-refundable.

REQUIRED DOCUMENTATION

Departments must submit a J-1 Initial & Transfer request in UA International, completing all eForms and document uploads before IFS will begin processing a request.

- 1) J-1 Initial & Transfer Request submitted in UA International;
- 2) Copy of Scholars Passport (Biographical page only); Dependents (if any);
- 3) Copy of Invitation Letter;
- 4) Proof of Funding (must be in English and \$USD);
- 5) Proof of English language proficiency;
- 6) eDOC *and/or* money order/bank check for processing fee.



FINANCIAL DOCUMENTATION

The DS-2019 Form may be issued only for a period of time where there is **documented guaranteed funding**. In addition, funding must meet minimal funding requirements and cover the **entire period** of time on the DS-2019 for the EV (**\$1772/month**) and their dependents (**\$620/month each**).

General institutional support cannot 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 EV or an EVP should be designated as “funds from UA”. If the EV will receive a salary from funds granted to UA (but not specifically granted to the EV) to support research projects, check UA as the funding source and list the total amount for the entire period of the DS-2019 request. If the EV is not supported by UA funding, copies of financial documentation (personal bank statement, on-line banking statement, and/or award letter) must be submitted. The documentation must meet the following criteria:

- 1) The document contains the prospective EV's full name (as on passport);
- 2) The document is no more than 6 months old at the time a DS-2019 is requested;
- 3) The document must be written in English or have been translated into English;
- 4) The document must specify the total amount;
- 5) The amount must be in U.S. currency or converted into U.S. currency, <http://www.xe.com>

LETTER FOR ALIEN PHYSICIANS VERIFYING NO DIRECT OR INCIDENTAL PATIENT CONTACT/CARE

Please refer to prior pages for regulatory language explaining alien physicians (M.D.) participating in the J-1 EVP.

If **no patient contact or care** is involved in the alien physician's duties, a statement (must be printed on department letterhead) signed by the EV's supervisor and must be submitted with the DS-2019 request. This is required for all requests; initial and extensions.

Example:

This letter certifies that the program in which (EV's name), M.D. is to be engaged is solely for the purpose of observation, consultation, teaching, or research and that no element of patient care services is involved.

If **incidental patient contact or care** is involved in the alien physician's duties, a statement (must be printed on department letterhead) signed by the EV's supervisor and must be submitted with the DS-2019 request. This is required for all requests; initial and extensions.

- *The program in which (EV's name), M.D. will participate is predominantly involved with observation, consultation, teaching and research.*
- *Any incidental patient contact involving Dr. (EV's name) will be under the direct supervision of a physician who is a U.S. citizen or resident alien and who is licensed to practice medicine in the State of Arizona.*
- *Dr. (EV's name) will not be given final responsibility for the diagnosis and/or treatment of patients.*
- *Any activities of Dr. (EV's name) will conform fully with the state licensing requirements and regulations for medical and health care professionals in the State of Arizona.*
- *Any experience gained in this program will not be creditable towards any clinical requirements for medical specialty board certification.*

REQUEST FOR EXTENSION WITHIN 5 YEARS FOR PROFESSORS AND RESEARCH SCHOLARS

Please complete the DS-2019 Request Form and submit it with all other required documentation.

If the EV is subject to §212(e), applied for a waiver and received notification of the DOS recommendation for a waiver, the EV is ***no longer eligible*** for an extension. However, they may continue in their current J program for the remainder of time listed on the current DS-2019.

MANDATORY CHECK-IN PROGRAM AT IFS

All EVs who are issued a DS-2019 for the purpose of either "beginning a new program" or "transfer" are **required** to check –in and attend a mandatory in-person orientation at IFS in order to comply with DOS and SEVIS requirements. The EV must report to IFS within 10 days of arrival OR complete the online J-1 Check In eForm in UA International and upload the required documents. If the EV does not comply, their record will become "NO SHOW" in SEVIS, and they will not be able to apply for J-1 status in the future.

30 DAY VALIDATION OF PROGRAM PARTICIPATION

It is important that departments communicate with the EV often and **inform IFS immediately if the EV's arrival will be delayed. If this occurs, the start date of the DS-2019 must be amended.**

IFS is required by DOS and SEVIS to validate the EV's arrival **within 30 days** of the program start date listed on the DS-2019. This only applies to EVs who are issued a DS-2019 for the purpose of either "beginning a new program" or "transfer." If the EV's SEVIS record is not validated within 30 days, it will automatically become "Invalid" (by DOS) or in some cases "No Show". In this case, the EV will be considered in violation of program status by the DOS, and may be considered in violation of their nonimmigrant status. The EV will need to leave the U.S. immediately and make a new entry provided they are eligible to return. Validation of the SEVIS record is done by IFS after the EV attends the mandatory orientation, **there are no exceptions.**

EARLY DEPARTURE

If the EV **discontinues** their J-1 program with a department, the department **must** notify IFS, as IFS is required to report the event in SEVIS. Faculty sponsors and/or sponsoring departments must notify IFS immediately if the scholar departs or fails to participate in the exchange activities as notated on the DS-2019. The UA is responsible for the EV's immigration record until it is closed. Failure to appropriately notify IFS of an EV's status could jeopardize the entire Exchange Visitor Program at the UA. In addition, departments need to notify IFS if an EV leaves the J-1 program **more than 30 days before the end date on the DS-2019 Form.** Please notify IFS as soon as the EV departs.

30 DAY GRACE PERIOD AFTER COMPLETING J-1 PROGRAM

Upon successful completion of the J-1 program, the EV will have an additional 30 days to remain in the U.S., however, **they may not be employed, engage in research activities or perform unpaid work during this 30-day grace period.** The 30-day grace period is intended for purposes of traveling within the U.S., packing, and preparing for departure from the U.S.

J-2 DEPENDENT(S)

Dependents are defined as the spouse and minor children (under 21 years of age) of the J-1 EV. Dependent spouses and children of J-1 visitors usually enter the U.S. on J-2 visas. Each dependent will need to use their own DS-2019 in order to obtain a J-2 visa at the U.S. Embassy/Consulate and to enter the U.S. **If the department knows that dependent(s) of the prospective J-1 EV will accompany the J-1, please complete the dependent data section on the DS-2019 Request Form so IFS may prepare DS-2019 Forms for the dependent(s). If the J-1 would like to add dependents at a later time, a \$100 fee is required.**

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

A J-2 dependent's status terminates upon termination/completion of the J-1's participation in the EVP.