

J-1 Scholar and Intern Regulation Handbook 2015-2016



Widener University
International Student Services (ISS)

INTERNATIONAL STUDENT SERVICES

Widener University 🌐 One University Place, Chester 19013 🌐 Phone: (610)-499-4498

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INTRODUCTION

The Exchange Visitor (J-1 Visa) Program was established by the U.S. Government to promote participation in Educational and Cultural programs by facilitating the visit of international scholars to the U.S. The objective of the program is to increase mutual understanding between the citizens of the U.S. and the Exchange Visitors' country. The EV may study, conduct research, teach, or receive training. Universities, research institutes, and organizations can be recognized by the U.S. Department of State as Exchange Visitor Program Sponsors.

Exchange Visitors (EVs) are granted the J-1 visa by their program sponsors. Accompanying dependents (spouse and unmarried children of 21 years of age or younger) will receive the J-2 visa status. As an EV Scholar, you fall into one of the following categories:

Short-Term Scholar	Maximum duration 6 months	No minimum duration
Researcher	Maximum duration 5 years	Minimum duration weeks
Professor	Maximum duration 5 years	Minimum duration 3 weeks
Intern	Maximum duration 1 year	Minimum duration 3 weeks

1. Short-term Scholar

Short-term scholars are visitors who come to Widener University for research, teaching, observing and related academic activity for a period of six months or less.

2. Researcher

This category is for a foreign national who enters the United States for the primary purpose of conducting research, observing or consulting in connection with research projects at Widener University. A research scholar may also teach or lecture so long as it is not their principal activity.

3. Professor

The professor category is for a foreign national who enters the United States for the primary purpose of teaching, lecturing, observing or consulting at Widener University. A professor may also conduct research so long as it is not their principal activity.

4. Intern

Interns are visitors with the primary purpose of participating in a full time internship in the United States. Interns must be currently enrolled and pursuing a degree at a postsecondary academic institution outside the United States or must have graduated from such an institution no more than 12 months prior to their exchange visitor program start date. Interns cannot work in unskilled or casual labor positions, in positions that require or involve childcare or elder care, in any kind of position that involves medical patient care or contact, or in positions that require more than 20 percent clerical or office support work.

Notes:

- The research scholar and professor's appointment to a position shall be temporary, even if the position itself is permanent. They may **not** be appointed to a tenure-track position.
- Professors and long term scholars must not have participated in and completed a professor or research scholar program within the last 24 months preceding the beginning date of their new program's commencement and must not have participated in a J-Visa program for all or part of the 12-month period immediately preceding the start date of a professor or research scholar program.
- The 12-month bar applies to J-1 Student Interns who wish to return in J-1 Professor/Research Scholar category.

BASIC J-1 VISA TERMINOLOGIES

SEVIS (Student Exchange Visitor Information System)

SEVIS is the federal government database that maintains and tracks information on F-1 and J-1 visa students and scholars.

Department of Homeland Security (DHS)

The Department of Homeland Security oversees three agencies:

1. *United States Citizenship and Immigration Services (USCIS)* is responsible for citizenship, asylum, lawful permanent residency, employment authorization, refugee status, inter-country adoptions, replacement immigration documents, family and employment immigration related, and foreign student work authorization.
2. *Immigration and Customs Enforcement (ICE)* is responsible for immigration investigations, detention, removal, intelligence, and SEVIS.
3. *Customs and Border Protection (CBP)* is responsible for immigration inspections at U.S. Ports of entry, border patrol, and custom services.

U.S. J-1 Visa

All J-1 visa holders are referred to as an Exchange Visitor (EV). It is a computer-generated entry permit that is issued by the U.S. Embassy or Consulate abroad for you to enter the U.S. to begin your studies. The only time you are required to have a valid visa is when you are entering the U.S. from another country. For more information about visa applications please visit the U.S. Department of State at www.travel.state.gov. You can stay in the U.S. on an expired J-1 visa as long as you have maintained your valid J-1 exchange visitor status (DS-2019).

I-94 Admission Record

The I-94 Admission Record, issued by CBP, documents your arrival and lawful entry to the U.S. The I-94 Admission Record could be issued either electronically or as a paper card. If you were issued an electronic I-94 Admission Record, you may retrieve and print a copy of your record from the CBP website: www.cbp.gov/i94.

Your I-94 Admission record should indicate your admission to the U.S. for the duration of status, abbreviated as "D/S", which stands for the period that a J-1 Exchange Visitor will be participating in their research or studies. The I-94 Admission Record is required to request for state and federal benefits, such as a Social Security Number (SSN) or Driver License.

DS-2019 Form

You receive the DS-2019 form from Widener University after you are invited to the university. You need to present this form to the U.S. embassy or consulate in your home country to apply for your J-1 Visa. This form contains your study/research information such as field of research, start and end date of the program participation, and other personal information relevant to your J-1 status.

Before *ANY* changes occur on any items on the Form DS-2019 (i.e. change of funds, change of research area, program end date/extension, etc), the J-1 visiting scholar must contact International Student Services (ISS) with the updated information and confirm if the changes are acceptable pursuant to J visiting scholar regulations.

DS-2019 Extension

In order to extend your duration of stay for further research etc., you must request an extension of your DS-2019 with ISS *at least 10 business days before it expires*. Failure to apply for DS-2019

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extension in a timely manner will result in termination of your J-1 status. You cannot extend beyond the maximum duration of your EV category.

Duration of status (D/S) and Grace period

Duration of Status (D/S) means the period during which the visiting scholar is pursuing a program objective (plus a 30-day grace period). This means that you can stay in the U.S. until the 30th day after the program end date your DS-2019 indicates, or the date that you complete/end your program objective, whichever comes earlier. If you end your J-1 program earlier than expected, you must consult with ISS about your situation and to confirm if you are eligible for the grace period. Once the J-1 exchange visitor leaves the U.S. during the 30-day grace period after his/her program completion/withdrawal date, his/her J-1 status becomes invalid. You must depart the U.S. by the 30-day grace period end date unless you have applied for a change of visa status with U.S. Citizenship and Immigration Service. There are no exceptions and work authorization is not permitted during this time. As a J-1 visiting scholar, you will not be eligible for any grace period if you violate your J-1 status and your J-1 SEVIS record is terminated.

Transfer of J-1 Status

This option enables you to transfer to another institution to continue your current activities in the U.S. You may transfer if:

- a. The J-1 visa category (Professor, Research Scholar, etc.) will not change.
- b. Time spent both at Widener University and the previous/future institution will not exceed the length of time allowed for the respective J-1 Visa category, and...
- c. The Responsible Officer at the current institution approves the transfer.

Please contact ISS for further details regarding transfers.

Changes of Category

A change in J-1 category is generally not allowed but can be allowed in extraordinarily circumstances. The Department of State may, at its discretion, permit an exchange visitor to change his or her category of exchange participation. Any change in category must be clearly consistent with and closely related to the participant's original exchange objective, and necessary due to unusual or exceptional circumstances. Contact ISS for further details.

Travel Abroad

J-1 exchange visitor are allowed to travel outside of the U.S. during their period of stay at Widener University, but they **must get a travel signature** from ISS before leaving and they **should inform** the director or assistant director the dates of their departure and the length of their trip. Travel signatures are issued on page 1 of the Form DS-2019.

To re-enter the U.S. after a trip abroad, you must present the following documents at the Port of Entry:

1. Valid passport (for at least 6 months)
2. Valid J-1 visa
 - ✓ If you do not have such a visa in the passport or your last visa will be expired at the time of re-entry to the U.S., you must obtain a new J-1 visa from the U.S. consulate or the embassy (preferably in your home country) before driving in or boarding a flight to the U.S.
3. Valid DS-2019 endorsed for travel by ISS (each signature is valid for one year). Bring your DS-2019 to ISS to receive a travel signature.

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Automatic Visa Revalidation for EVs

Automatic Visa Revalidation allows J-1 holders to enter the U.S. from Canada, Mexico, or one of the adjacent islands to the U.S. (other than Cuba) on an expired J-1 visa if the trip is not exceeding 30 days. However, you must have a valid DS-2019 endorsed for travel by ISS, valid passport, and an expired J-1 visa stamp.

If you meet one of the following criteria, you will NOT be able to use automatic revalidation rule.

1. You applied for a new J-1 visa while being out of the U.S. and it has not been issued.
2. You applied for a new J-1 visa and it was denied.
3. You have a terminated or completed SEVIS record.
4. You have been out of the U.S. for more than 30 days.
5. You are a citizen from one of the following countries:
 - ✓ Cuba
 - ✓ Iran
 - ✓ Sudan
 - ✓ Syria

Two-Year Home Country Residence Requirement

This is a condition that applies to some Exchange Visitors (EVs) who obtain J visa status under the following circumstances:

- a. The Exchange Visitor received full or partial funds from the U.S. government, his/her own government, or an international organization funded by government;
- b. The education, training, or skills that the Exchange Visitor is pursuing in the U.S. appear on the Exchange Visitor Skills List for his/her legal country of residence published by the Department of State.

EVs who become subject to the Two-year Home Residence Requirement are not eligible to change their visa status from J-1 to H (temporary worker), L (intra-company transferee), K (fiancé), or an immigrant visa ("green card"), unless they return and reside in the country of their last permanent residence for two years after completing their programs in the U.S. Generally your DS-2019 or visa will indicate if you are subject to the two year residency requirement.

EVs who become subject, but do not wish to comply with the residence requirement, may apply for a **waiver** from the U.S. Department of State during or after the completion of the program.

Note: Information and guidelines are available at www.state.gov. ISS will not be involved with the process of waiver application of EVs in any form. If an EV's waiver application is approved by the Department of State or USCIS, ISS will no longer issue a DS-2019 extension or transfer for a current EV.

MAINTAINING J-1 STATUS

Mandatory Check-in (validation of arrival)

As a newly admitted Widener University J-1 scholar, your arrival must be updated in SEVIS. This process is called 'validation' and must be completed promptly after the starting date stated on Box #3 on the DS-2019 form. In order to do this, you are required to check-in with the International Students Services (ISS) upon arrival to Widener University. Failure to validate your arrival will result in automatic termination of your J-1 EV status in the SEVIS system. You are required to bring the following documents to ISS:

- DS-2019 (Page 1)
- I-94 Admission Record (*access at www.cbp.gov/i94*)
- J-1 Visa (except Canadian citizens)
- Passport Photo Page
- Proof of Medical Insurance (you will be required to purchase insurance through Widener University. Unauthorized plans will not be accepted).

J-1 scholars and interns are required to attend the Orientation for International Scholars organized by ISS. The orientation will cover information about life and customs in the United States as well as immigration regulations.

Valid DS-2019 Form

The DS-2019 must be valid at all times. If you plan on extending your stay, you must apply for an extension of stay at least 10 business days prior to the expiration date of your DS-2019. Contact ISS for information on how to extend your DS-2019.

Valid Passport

Passport must be valid for at least 6 months beyond the validity of the DS-2019 form.

Health Insurance

U.S. Department of State regulations require that you as a J-1 exchange visitor obtain health, accident, medical evacuation and repatriation of remains insurance. The insurance policies must cover you and all accompanying dependents for your entire duration in the U.S. starting with the date of arrival and ending with the date of departure. Any exchange visitor who willfully refuses to comply with this requirement shall be considered to be in violation of his/her exchange visitor status. The program sponsor is obligated to inform the United States Department of State of the exchange visitor's noncompliance.

- A Scholar/Student Intern who is *not paid* by Widener University must purchase the university medical insurance through Student Health Services. Dependents of unpaid Scholars/Interns will be **required** to purchase insurance through International Student Insurance: <http://www.internationalstudentinsurance.com/schools/widener-university.php>.
- A Scholar/Student Intern who *is* receiving compensation from the university must purchase a Widener employee plan through Human Resources *as well as* a supplemental Medivac and Repatriation plan through International Student Insurance: <http://www.internationalstudentinsurance.com/>. Dependents of paid Scholars/Interns will be covered by the employee insurance and will purchase a supplemental plan as well.

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Address Reporting

In compliance with the U.S. Department of Homeland Security (DHS), you are required to have a valid address during your studies/research. DHS may terminate your immigration status automatically if you do not maintain your address information with Widener University in this proper format. While you are holding a Widener University-sponsored J-1 visa, you are required to provide the University the following addresses within 10 days and keep them up to date through ISS forms:

1. *Mailing address*: is used as your local U.S. address for immigration purposes. This is where you are residing while Widener University is the sponsor of your visa. This address cannot be your home country address, out of state address, department address, office or post office box.
2. *Permanent address*: address in your home country. This address cannot be a U.S. address or a post office box.

ISS will update the SEVIS system with your address. Simply fill out a Change of Address Form, available in the ISS office.

EMPLOYMENT

Employment for J-1 scholars

Employment outside of Widener University for J-1 Scholars is typically not allowed. International Student Services (ISS) must approve any outside lecture or consultation *before* the EV can accept the opportunity.

Acceptance of employment with an organization or institution other than the visa sponsor without written authorization is a violation of the EV's visa status and deems him/her subject to termination from participation in the exchange visitor program. Contact ISS for specific procedures on how to obtain employment authorization.

Allowed Employment for J-1 Professors and Scholars

1. J-1 visiting scholars in the Professor and Scholar category are permitted to receive compensation (if applicable) by participating in activities stated only on their DS-2019.
2. J-1 visiting scholars in the ***Professors*** and ***Research Scholar*** (short and long term) category may accept an occasional opportunity to lecture or consult *ONLY IF* they obtain prior written authorization from the International Advisor at ISS. They may not accept any other type of employment.

“Additional employment” is defined as participation in occasional lectures and short-term consultations. Such lectures and consultations must be incidental to the visiting scholar's primary program activities. These short term consultations and occasional lectures must meet the following conditions:

- a. Be directly related to the objectives of the visiting scholar's program;
- b. Site of activity for “additional employment” must have a certain relationship/agreement with Widener University
- c. Be incidental to the exchange visitor's primary program activities;
- d. Not delay the completion date
- e. Be documented in SEVIS

Teaching Activity vs. Research Activity

If the following modification happens to the existing J-1 visiting scholar's program objective, the J-1 visiting scholar must report it to the International Advisor at ISS *BEFORE* it becomes effective.

- You are in the Professor category but will start conducting research activities, or
- You are in the Research Scholar category but will start teaching a course.

Social Security Number (SSN) and Driver's License

An SSN is a number ID which may be required at the time of employment and allows you to apply for a driver's license, open a bank account, etc. EVs are eligible to receive an SSN with proper authorization from ISS. J-2 visa holders cannot obtain a number unless they have received an Employment Authorization Document (EAD) card. Please contact ISS for more information on the SSN and Driver's License.

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DEPENDENTS

The J-2 Visa is a non-immigrant visa for spouses and dependents (unmarried children under the age of 21) of J-1 exchange visitors who accompany or later join the J-1 holder in the United States.

Eligibility for a J-2 Visa depends on the specific exchange program being offered to the J-1 non-immigrant by sponsor organizations.

A J-2 may enter the United States along with their J-1 spouse or parent or join the J-1 while participating in their exchange program in the United States. The duration of their stay depends on the J-1's period of stay, and is automatically extended along with the J-1's. Moreover, J-2's are subject to the same bars and home residency requirements as the J-1 holder.

Adding a J-2 Dependent

To add a J-2 dependent, you must inform ISS before applying to J-1 or after the arrival to the US. Dependents cannot be added between the time you apply for a visa and arrive in the U.S. Submit a copy of the passport biographical page of each dependent and evidence of funds to ISS. ISS will issue new DS-2019s for you and your dependent(s).

Employment

All J-2 visa holders are eligible (subject to any existing labor regulations) to apply for a work permit in the U.S. The J-2 holder must apply for a work permit through USCIS. The income from the J-2 dependent cannot be used to support the J-1 visitor. DHS regulations provide that "J-2 employment may be authorized for the duration of the J-1 principal alien's authorized stay as indicated on Form I-94 or a period of four years, whichever is shorter. The employment authorization is valid only if the J-1 is maintaining status." ISS can assist with J-2 employment applications.

Studying in the US

Currently, the regulations do not have a prohibition for J-2s engaging in post-secondary study on a full-time basis, as long as their primary purpose in the U.S. is to accompany the J-1 status holder.

J-2 children are permitted to enroll full-time in elementary or secondary schools while in the U.S.

Travel and Reentry to the US

J-2 dependents follow similar travel and reentry procedures as the J-1 status holder, but should carry copies of the J-1's most recent immigration documents if traveling separately. Ideally, J-2 must accompany the J-1 in their travels and they must update their records with ISS. If the J-2 holder needs to leave the country definitely, they must consult ISS to update the record.

Health Insurance

J-2 holders must have a health insurance during the entirety of their stay.

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“I have read the information provided in this J-1 scholar and intern regulation handbook and understand that I must comply fully these regulations to maintain legal J-1 status. Most importantly, I understand that it is my responsibility to make sure I maintain proper status. I know that the Office of International Student Services will do everything possible to help me, but that I am personally responsible for my decisions and for staying up to date on all important immigration information that affects me.”

Scholar/Intern Name (please print): _____

Scholar/ Intern Widener Email: _____

Scholar/Intern ID Number: _____

Today's Date: _____

Scholar/Intern Signature: _____