

Policies for J1 Exchange Visitor Program Sponsored by Rutgers – Newark

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The J Exchange Visitor program was developed to implement the Mutual Educational and Cultural Exchange Act (Fulbright-Hayes Act) of 1961. The overall purpose of that Act, and the objective of the 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." –*International Student Advisor’s Manual by NAFSA, Association of International Educators.*

The J Exchange Visitor program is administered by the Office of Exchange Coordination and Designation under the Bureau of Educational and Cultural Affairs of U.S. Department of State (DOS). J1 regulations are found in Title 22 of the Code of Federal Regulations (CFR), Part 62.

Rutgers-Newark is an independent sponsor of J1 Exchange Visitor program approved by the DOS. In the past years, Rutgers-Newark has been in compliance with J1 regulations following, for the most part, the policies set up by the Center for International Faculty and Student Services on the Rutgers-New Brunswick campus, which worked with academic departments when establishing the policies. Based on J1 regulations, Rutgers-Newark campus culture, faculty comments, and history of the two J1 programs sponsored respectively by Rutgers-Newark and Rutgers-New Brunswick, the following Rutgers-Newark specific J1 policies are proposed to better serve the academic departments that host J1 exchange visitors on the Rutgers-Newark campus and to better assist the exchange visitors themselves and their dependents.

J1 Exchange Visitor Categories, Credential Requirement, Funding Requirement, Time Limitation and Employment Options for Each Category

Participants of the Exchange Visitor Program are divided into different categories, each with its own set of rules and regulations. Currently, Rutgers-Newark has been approved by DOS to sponsor exchange visitors in the following categories: Research Scholar, Professor, Short-term Scholar, College and University Student with subcategories of Graduate Degree Student, Graduate Non-degree Student, Undergraduate Degree Student, and Undergraduate Non-degree Student. A new rule was passed for another subcategory called Student Intern effective July 21, 2008 to allow all colleges and universities with approved J1 programs to provide internships for foreign students currently enrolled and pursuing a degree at a postsecondary academic institution outside the United States, but, as of the date this policy is written, Form DS-2019* for this subcategory is not yet available for issuance until required technical

* DS-2019 – An immigration document issued to J1 Exchange Visitors to obtain J1 visa or to J1 visa holders’ dependents to obtain J2 visa.

updates are implemented in SEVIS[†] and completion of a university and campus analysis of the impact of the implementation of this subcategory.

Research Scholar category:

Credential: J1 Exchange Visitors coming to Rutgers-Newark in the category of “Research Scholar” must be faculty members, post-docs, research associates and persons with similar education or accomplishments at their home institutions. Their primary purpose at Rutgers-Newark is to conduct academic or scientific research. By law, a J1 Research Scholar cannot be a candidate for a tenure track position.

Time limitation: Regulations allow an Exchange Visitor to be in J1 Research Scholar status for a maximum of five years, including time spent in other US institutions prior to coming to Rutgers-Newark or time spent abroad conducting academic activities for the same program. The five-year limit is programmed in SEVIS and, therefore, absolutely no exceptions to this limit are possible. A J1 Research Scholar is not allowed to stay in or re-enter the U.S. in the category of J1 Research Scholar or Professor within two years after completing each five-year program or following his/her departure of U.S. after completing one appointment of less than five years in this category.

The initial DS-2019 for J1 Research Scholar will be issued for the same period of time as the individual’s appointment, if less than five years, as stated on the appointment letter signed by the Dean (or his/her designee)—or, in the case of grant funded positions, by the Principal Investigator of the grant—provided proof of sufficient funding to cover the same period, including the SEVIS Administrative Fee of \$20 per month paid to Office of International Student & Scholar Services (OISS), is presented to the signing Dean (or his/her designee) or to the Principal Investigator. It can be extended to reach the limit of maximum five years if needed with new appointment(s) and sufficient funding.

Funding: In order to minimize incentives for illegal outside employment, a University-wide policy has been established that all funding to support J1 exchange visitors in the categories of “professor”, “research scholar” and “short-term scholar” during their stay at Rutgers must come from non-personal sources. The non-personal funding can be a combination from the J1 Exchange Visitor’s home institution, another sponsoring institution, and/or Rutgers and must be documented to yield a minimum of \$32,000 per year, which is the same for FASN Post-Doctoral Appointments during 2008-2009 academic year, for J1 Professors/Research Scholars/Short-term Scholars.

Note: The minimum for Post-Doctoral Appointments is non-contractual. If the FASN minimum changes in the future, it will be adjusted accordingly for the J1 Professors/Research Scholars/Short-term Scholars funding requirement.

Employment Options: By law, only employment authorized by the J1 program sponsor (Rutgers – Newark) and directly related to the J1 Research Scholar’s program is allowed. J1 Research Scholar is also permitted to do some teaching in the same field as his/her research. Occasional lectures and consultations

[†] SEVIS – Student & Exchange Visitor Information System, a web-based computer system used by the United States government to track and monitor all international students and scholars in F and J visa status and their sponsoring institutions. It is maintained and monitored by U.S. Immigration and Customs Enforcement (ICE), the largest investigative arm of the Department of Homeland Security (DHS) through its Student and Exchange Visitor Program (SEVP). All Forms I-20 (an immigration document issued to self/family financed international students to obtain F1 student visa) for F-1 students and Forms DS-2019 for J-1 Exchange Visitors are issued through SEVIS.

outside of Rutgers-Newark may be permitted if they meet regulatory criteria and are approved **in advance** by the Office of International Student & Scholar Services with support of Rutgers-Newark hosting department.

Professor category:

Credential: J Exchange Visitors coming to Rutgers-Newark in the category of “Professor” must be faculty members, professional researchers or persons with similar education or accomplishments at their home institutions. Their primary purpose at Rutgers-Newark is to teach. By law, a J1 Professor cannot be a candidate for a tenure track position.

Time limitation: Same as J1 Research Scholar category

Funding: Same as J1 Research Scholar category

Employment Options: By law, only employment authorized by the J1 program sponsor (Rutgers – Newark) and directly related to the J1 Professor’s program is allowed. J1 Professor is also permitted to do some research in his/her field. Occasional lectures and consultations outside of Rutgers-Newark may be permitted if they meet regulatory criteria and are approved **in advance** by the Office of International Student & Scholar Services with support of Rutgers-Newark hosting department.

Short-term Scholar category:

Credential: J1 Exchange Visitors coming to Rutgers-Newark in the category of “Short-term Scholar” should be professors, research scholars, specialists, or persons with similar education or accomplishments. Their primary purpose at Rutgers-Newark is to lecture or conduct research on short-term basis. This category is frequently used to bring in scholars who might possibly be returning to the U.S. on a regular or semi-regular basis for other short-term visits to Rutgers-Newark or other academic institutions. It is also used by scholars who would prefer not to be subject to the two-year bar applied to the "Professor" or "Research Scholar" categories or who are ineligible for the "Professor" or "Research Scholar" categories because of the two-year bar applied to them following their previous J1 status in Professor or Research Scholar categories.

Time limitation: J1 regulations allow J1 Short-term Scholars to stay for maximum six months with absolutely no extensions.

Funding: Same as J1 Research Scholar category

Employment Options: By law, only employment authorized by the J-1 program sponsor (Rutgers – Newark) and directly related to the J-1 Short-term Scholar's program is allowed. Occasional lectures and consultations outside of Rutgers-Newark may be permitted if they meet regulatory criteria and are approved **in advance** by the Office of International Student & Scholar Services with support of Rutgers-Newark hosting department.

Student (Degree or Non-degree) category:

Credential: J1 students must meet admission requirements and pursue a full course of study either by enrolling in classes or engage in academic and scientific research defined by the hosting department as full time. J1 regulations require that an international student must meet one of the following conditions to be eligible to participate in the J1 Exchange Visitor Program:

- (1) The student or his or her program is financed directly or indirectly by:
 - (i) The United States Government;
 - (ii) The government of the student's home country; or
 - (iii) An international organization of which the United States is a member by treaty or statute; or
- (2) The program is carried out pursuant to an agreement between the United States Government and a foreign government; or
- (3) The program is carried out pursuant to written agreement between:
 - (i) American and foreign academic institutions;
 - (ii) An American academic institution and a foreign government; or
 - (iii) A state or local government in the United States and a foreign government; or
- (4) The student is supported substantially by funding from any source other than personal or family funds.

- **Degree Students sub-category:** Rutgers-Newark offers J1 sponsorship for degree students only if there is government or other official funding involved; most of the J1 degree students at Rutgers are on the J1 sponsorship of other organizations, such as IIE, AMIDEAST, or Fulbright.

Funding: Evidence of funding for tuition, fees, and living expenses for the same amount required for F1 students (self or family sponsored) must be provided in order to obtain Form DS-2019. During the 2008-2009 academic year, evidence of funding of at least \$41,000 per year (for reference, please see <http://gradstudy.rutgers.edu/pdf/2009certfunds.pdf>) is required at the Graduate level and of at least \$43,350 per year (for reference, please see <http://www.admissions.rutgers.edu/021504.asp#1>) at the Undergraduate level. 80% or more (“substantial amount”) of the amount must come from sources other than personal or family funds. However, if there is an exchange agreement or contract defining financial responsibilities of the participating students, the terms of the agreement or contract supersede the 80% non-personal funding policy.

Time limitation: There are no regulatory time limits; students in this sub-category may take the time normally needed for completing the degree program. However, some students may have set time limitations imposed by the contracts between the sponsoring agencies and the students.

Employment Options: Part-time on-campus employment (up to 20 hours per week) is permitted, if approved by the J1 program sponsor; up to 18 months of "Academic Training" (3 years for post-doctoral research) is permitted, if certain eligibility criteria are met.

- **Non-Degree Students Enrolled Full-Time:** This sub-category is for exchange students who are enrolled full-time at Rutgers for one or two semesters before returning to their home institutions abroad to complete their degrees.

Time limitation: Two years maximum by law.

Funding: Same as J1 Degree students, but required levels funding will be calculated on a semesterly basis for the student’s length of study at Rutgers-Newark.

Employment Options: Part-time on-campus employment (up to 20 hours per week) is permitted, if approved by the J-1 program sponsor; "Academic Training" after the program is permitted for a period not to exceed the length of the program, and only if certain eligibility criteria are met.

- **Non-Degree Students, Not Enrolled in Classes--also called "Special Visiting Research Student"**
- This sub-category is for students enrolled at a foreign university whose degree programs either require students to conduct research in another country, or permit research conducted in another country to meet the research requirements for their degree program. Certification from the home institution is required.

Funding: If tuition is not required to pay Rutgers-Newark, evidence of funding for living expenses must be provided. For 2008-2009 academic year, evidence of funding of at least \$21,400 per year, the same minimum amount paid to Teaching Assistants, is required at the Graduate level. At the Undergraduate level, evidence of funding must show at least \$17,873 per year, (see <http://www.admissions.rutgers.edu/021504.asp#1>), the same amount required for F1 (self or family sponsored) students. In both cases, required levels of funding will be calculated on a monthly basis for the duration of a student's expected research at Rutgers-Newark. 80% or more ("substantial amount") of the amount must come from sources other than personal or family funds. However, if there is an exchange agreement or contract defining financial responsibilities of the participating students, the terms of the agreement or contract supersede the 80% non-personal funding policy.

Please note that the graduate TA salary is set by the AAUP contract and changes annually. If the number changes in the future, it will be adjusted accordingly for the J1 students funding requirement.

Time limitation: Two years maximum by law.

Employment Options: The only employment permitted is that which the hosting Rutgers-Newark department may have offered to enhance the research the student will carry out at Rutgers. It is restricted to part-time (up to 20 hours per week) employment in the host department at Rutgers- Newark, and is limited to work that is integral to the research objectives of the student.

Funding for J2 Dependents:

Evidence of funding showing a minimum of \$5000 for a J2 spouse and \$3750 for a J2 child must be provided before Form DS-2019 can be issued to the dependents (for reference, please see <http://gradstudy.rutgers.edu/pdf/2009certfunds.pdf>.) All funding to support dependents can be from personal or family sources.

Health Insurance Requirement

Health Insurance: J regulations require that all J1 and their J2 dependents carry health insurance while in J status in the U.S. Rutgers University provides international students and scholars with a health insurance program that satisfies this requirement. J1 students who are taking classes are automatically charged for health insurance with tuition and fees when registered in classes. J1 scholars, J1 Special Visiting Research Students who do not register in classes and J2 dependents may purchase Rutgers Health Insurance through their sponsoring departments or provide evidence of Health Insurance of their own. Documentation of health insurance purchase must accompany all requests for a DS-2019, except for students who will register in classes.

Two-Year Home Country Physical Presence Requirement

According to federal regulations I.N.A. § 212(e); 22 C.F.R. § 41.62(c)-(d) and § 41.63 ; 8 C.F.R. § 248.2(c)-(d) , certain J1 exchange visitors from certain countries and/or in certain special fields are subject to a two-year home country physical presence requirement following departure from the United States after each J1 program. For more information, please contact Department of State’s Bureau of Consular Affairs at (202) 663-1225 or check their website at http://www.travel.state.gov/visa/temp/info/info_1288.html. Before fulfilling the two-year requirement, he/she is not eligible to apply for an immigrant visa, for permanent residency, or for a nonimmigrant working visa such as H or L. If a J1 exchange visitor subject to the “212(e) Two-year rule” stays in the U.S. after the J1 program, he/she is not eligible to file for change of status from J1 to F1 student status, unless the requirement is waived by the Department of State. This is one of the most important characteristics of J1 Exchange Visitor status and should be thoroughly understood by program sponsors and by each exchange visitor.

J1 Program Re-designation Process and Program Sanctions And Terminations

J1 Exchange Visitor program sponsors are required by law to go through an official re-designation process with DSO once every other year. In addition, the sponsors are also required to submit an annual report on the program. Rutgers-Newark’s deadline for the annual report is at the end of July. New DOS rules on sanctions and program terminations went into effect on January 22, 2008, [22 C.F.R. Part 62, Subpart D (Sanctions) and 22 C.F.R. Part 62, Subpart E (Termination and Revocation of Programs)] stating that a J1 Exchange Visitor program sponsor that fails to administer its program according to regulations is subject to possible sanctions, including sanctions that can shut down the program. DOS regulations provide for graduated penalties along with due process rights. The regulations also allow DOS to take quick action against a sponsor if the health, safety, or welfare of an exchange visitor might be endangered, or if the national security interests of the United States might be damaged.
