



## Visiting Scholar Guide for Departments

The Exchange Visitor Program was developed based on the Mutual Educational and Cultural Exchange Act (Fulbright-Hayes Act) of 1961. The program “foster global understanding through educational and cultural exchanges” through work- and study-based programs. The Department of State (DoS) issues J-Visas and establishes and administers the federal regulations and policies governing the Exchange Visitor Program. There is an expectation of reciprocity with the Exchange Visitor Program. John Jay College has been designated by the DoS as an exchange visitor sponsor. This designation authorizes John Jay to issue the DS-2019 Certificate of Eligibility to invite exchange visitors to the U.S. for educational and cultural exchange.

The information below shall act as a guide to departments interested in inviting a Visiting Scholar to the John Jay campus. There are specific guidelines and immigration regulations to consider when inviting a Visiting Scholar to your campus as well as responsibilities for both the Visiting Scholar and the sponsor. The Exchange Visitor (J) non-immigrant visa category is a temporary program and J visa holders should have no immigrant intent. This visa category should not be used for permanent employment positions. Again, this program is designed for educational and cultural exchange among countries.

Special Note: All the forms referenced in this document can be obtained from the Office of International Student and Scholar Services. Contact information is available at the end of this guide.

### **CATEGORIES OF EXCHANGE VISITORS & TIME LIMITATIONS**

John Jay College is designated to sponsor the following categories of exchange visitors: student, professor, research scholar and short-term scholars. Each category permits specific kinds of activities and has its own maintenance of status requirements, limitations of stay and employment options. Here are the most common categories:

**Student-** A college or university student who is studying in the US at a post-secondary accredited educational institution as:

- A full course of study degree-seeking student,
- A prescribed post-secondary course of study student,
- A full-time non-degree student (of up to 24 months in duration),
- A student in post-secondary English language training, or
- A student participating in authorized Academic Training.

Students have a minimum stay of 3 weeks and there is no limit to the maximum stay. Academic Training is a benefit that allows J-1 degree and non-degree seeking students the opportunity for employment

experience directly related to their field of study. Authorization must be received PRIOR to any work. Please refer to the handout “Academic Training Application for J-1 Students” for more information.

**Professor-** An individual primarily teaching, lecturing, observing, or consulting at post-secondary accredited educational institution or similar types of institutions. A professor may also conduct research if approved by the campus. Professors have a minimum stay in the U.S. of 3 weeks and a maximum of up to 5 years. J-1 Professors may not hold or be candidates for tenure. Limitations include 12 and 24 month bars, described below.

**Research Scholar-** An individual who is primarily conducting research, observing or consulting in connection with a research project at a research institution, post-secondary educational institutions or similar types of institutions. A Research Scholar may also lecture if approved by the campus. This category also has a minimum stay of 3 weeks and a maximum stay up to 5 years. J-1 Research Scholars may not hold or be candidates for tenure. Limitations include 12 and 24 month bars, described below.

**Short-term Scholars-** An individual who is a professor, research scholar, specialist or person with similar education or accomplishments coming to the U.S. on short-term visit for the purpose of lecturing, observing, consulting, training, or demonstrating special skills at a post-secondary educational institution or similar types of institutions. There is no minimum stay requirement. The maximum duration of stay is limited to 6 months. Short-term Scholars are not subject to the 12 and 24 month bars, described below.

NOTE: Short-term Scholars are expected to complete their J-1 program objective within the 6-month limit. Any repeated, “revolving door” use of multiple Short Term Scholar visits for the same scholar is inappropriate and contradictory to the purpose of the U.S. DoS Exchange Visitor Program. In order to ensure the integrity of John Jay’s J-1 program, ISSS will carefully evaluate multiple Short Term Scholar requests for the same J-1 scholar. For such requests, detailed written justification regarding how a single program objective is accomplished through multiple Short Term visits may be required.

**J-2 Dependent-** A family member is classified as a dependent only if they are coming into the country on a J-2 visa. A J-2 is defined as an accompanying spouse\* or unmarried child under the age of 21. A family member who is or will be coming to the U.S. on another type of visa is not considered a dependent and should not be included in the DS-2019 Request. J-2 dependents may enter with or after the J-1 exchange visitor but never before. Each J-2 spouse/dependent will be issued his/her own SEVIS ID# and DS-2019. Each dependent should sign his/her own dependent DS-2019 unless the dependent is under the age of 14 in which case the J-1 exchange visitor should sign the dependent’s DS-2019. Their status in the U.S. is dependent on the J-1 so they can remain in the U.S. during temporary J-1 departures. Generally, a “temporary departure” is less than 30 days for scholars and as long as the J-1 is maintaining full time enrollment for students. The J-2 is eligible to attend classes or be admitted to a full-time degree program. J-2 dependents are usually able to obtain permission to work from USCIS. Work authorization requires a separate application process that can be initiated after the J-2 has arrived in the U.S. and must be approved by USCIS before beginning any employment

\*The current federal definition of spouse, as it relates to immigration benefits, refers only to one person of the opposite sex who is a husband or wife. ([9 FAM 40.1N1.1](#))

## **ELIGIBILITY REQUIREMENTS**

There are a few basic requirements that are required of all exchange visitors:

- 1) Intent to pursue appropriate activity (e.g. pursue studies, research or teaching)
- 2) Intent to return to home country, as this is a non-immigrant visa (to be determined by consular officer in home country at time of visa application)
- 3) Sufficient funding for program
- 4) Appropriate background for program activity
- 5) Adequate English proficiency

Students must also meet one of the following four criteria at some point during their studies:

- Student or program is financed directly or indirectly by U.S. Government, student's home country government, or an international organization;
- Program is an agreement between the U.S. government and a foreign government;
- Program is pursuant to a written agreement between American & foreign educational institutions, American education institution & a foreign government, or a U.S. state or local government & foreign government; OR
- Student is supported substantially by funding from any source other than personal or family funds

Scholar categories (e.g. Research Scholar and Professor) are expected to have the appropriate academic or similar credentials for the exchange activity. This is generally expected to be a minimum of a bachelor's degree with the appropriate experience in the field of activity [9 FAM 41.62 N4.8(d)]. Scholars cannot hold a tenure track position.

### **APPLICATION PROCESS**

To allow ample time to prepare your Visiting Scholar to receive their DS-2019, obtain their visa and make timely arrival plans, please submit documentation **3 months before the anticipated program start date**. This means that you will need to work with your International Student and Scholar Advisor (ISSA) as early as possible to meet this required time line. While not all your requests will take the three months to process, it is essential to plan in advance to allow the best possible preparation for your Visiting Scholar's arrival. Please submit all materials together. Your ISSA will also be able to explain any costs associated with requesting a DS-2019.

**SPECIAL NOTE:** DS-2019s will be issued for a maximum of one year with the ability to extend on a yearly basis as allowed by the exchange category. This will assist with efforts to ensure continued funding and participation in appropriate program activity. Exemptions will be limited.

### **DEPARTMENT RESPONSIBILITIES**

**Step 1:** Faculty members interested in bringing a Visiting Scholar to the campus should obtain approval from their Departmental Chair, as detailed in the Office of OAR's Visiting Scholar Policy. They must submit a request to the Office of Advancement for Research (OAR) and secure OAR's endorsement/approval. Once OAR approval is granted, if a visa is required, the host faculty can send the DS-2019 Request Form to the Visiting Scholar to be completed and returned with supporting documentation. The "Checklist for DS-2019" Form will assist with this process. Completed Request Form and supporting documentation should be submitted to OAR.

**Step 2:** OAR will submit the completed application to International Student & Scholar Services (ISSS) for review. If approved, ISSS will issue the DS-2019 and mail directly to the Visiting Scholar at the address indicated on the DS-2019 Request Form. ISSS will assist the department or host faculty member with

providing the necessary materials for the Visiting Scholar's visa application and arrival preparations, as well as any concerns or guidance needed during the process.

**Step 3:** Once the prospective Visiting Scholar has received their welcome packet, including the DS-2019, they will need to pay the required SEVIS I-901 Fee (instructions will be in the welcome packet). They will be required to provide a SEVIS I-901 fee payment receipt and their DS-2019 with other supporting documentation at the U.S. Consulate or Embassy in their home country to obtain the J-1 visa. Please note the Visiting Scholar, not the campus, is required to pay both the SEVIS I-901 Fee (more information available at [www.fmjfee.com](http://www.fmjfee.com)) and the non-immigrant visa application processing fee (more information available at [http://travel.state.gov/visa/temp/types/types\\_1263.html](http://travel.state.gov/visa/temp/types/types_1263.html)). The welcome packet will provide the Visiting Scholar more information regarding applying for the J visa.

**Step 4:** After obtaining their J-1 visa and making travel plans, the Visiting Scholar will enter the U.S. using their valid passport, J-1 visa, and DS-2019. J-1 visa holders should not enter the U.S. more than 30 days before their program start date (indicated on their DS-2019). Newly arrived Visiting Scholars are **REQUIRED** to make an appointment with the campus Responsible Officer (RO) upon arrival to campus. The RO will review their immigration documents, complete check in procedures and provide a required orientation to their status. Once this is complete, they will validate the Visiting Scholar in SEVIS. This **MUST** be completed no later than 30 days from the start date of the DS-2019 or the Visiting Scholar's status will be jeopardized. It is crucial that departments assist both the Visiting Scholar and RO with ensuring this required validation occurs in a timely manner.

\*Should the campus Responsible Officer (RO) not be available or on campus, the Alternate Responsible Officer (ARO) can fulfill the same duties.

### **TWO-YEAR HOME-COUNTRY PHYSICAL PRESENCE REQUIREMENT**

The intent of the Exchange Visitor Program is for the home country to benefit from the Exchange Visitor's experiences in the United States. Accordingly, the J-1 Exchange Visitors and their accompanying J-1 dependents may be subject to a two-year home-country physical presence residence requirement based on Section 212(e) of the Immigration and Nationality Act and Title 22 Part 40 and Part 41 in the Code of Federal Regulations. The J visa stamp in the Exchange Visitor's passport and/or the DS-2019 form should specify if they are subject with the phrase: "Bearer (is/is not) subject to 212(e). Two-year rule (does/does not) apply."

If subject, they are required to return to their home country (foreign residence) for two years before being eligible for H, L or immigrant status or they must request a waiver of residency requirement. The two-year home-country physical presence requirement is usually assigned based on government funding, graduate medical education or training, or specialized knowledge or skills according to the Exchange Visitor Skills List. Exchange Visitors are eligible to subsequently return to the U.S. in other non-immigrant visa categories for which they qualify, even if subject to the two-year requirement. However, those subject to the requirement are not eligible to return in H, L or immigrant status until the two-year residency is met in the aggregate. Waivers of the two-year requirement may be granted by the Department of State's Waiver Review Division under special conditions.

For more information regarding the two-year home-country physical presence requirement, please visit the Department of State website at [http://travel.state.gov/visa/temp/types/types\\_1267.html#15](http://travel.state.gov/visa/temp/types/types_1267.html#15).

## **12 AND 24 MONTH BARS**

The 12/24 Month Bars are NOT the same as the two-year home-country physical presence requirement. The 12 and 24 month bars may impact an exchange visitor's eligibility to enter the U.S. in either J-1 Research Scholar or J-1 Professor status depending on recent periods of J status.

**The 12-Month Bar:** Individuals who have been in the United States in J status for more than six months in the previous 12 months are not eligible to enter the United States as a J-1 Research Scholar or Professor for a 12-month period from last U.S. departure. Time spent in the J-1 Short-term Scholar category does not count towards the 12-month bar. The 12-month bar applies to both J-1 principle and any J-2 dependents. The 12-month bar does not prevent individuals from returning to the United States in another visa type. Official determination of whether an individual is subject to 12 month bar will be determined by the Responsible Officer/Alternate Responsible Officer (RO/ARO).

**The 24-Month Bar:** Any individual who participates in an Exchange Visitor program in the Researcher Scholar or Professor category on or after 11/18/06 is subject to a 24-month bar on "repeat participation" in those categories. Scholars subject to the 24-month bar may not return to the United States as a J-1 scholar in the Research Scholar or Professor category for the 24-month period. This bar also applies to J-2 dependents. The 24-month bar is not the same as the Two Year Home Residence Requirement. The 24-month bar does not prevent individuals from returning to the United States in another visa type.

When a scholar either concludes or leaves a J-1 program, whichever happens earlier, the scholar's record becomes inactive in SEVIS; thus making it impossible for CUNY to reactivate it. At that point, the 24-month bar time starts to accrue. Therefore, it is extremely important for your International Office to be informed of a scholar's departure from their campus and his/her future plans, so that the scholar's SEVIS record can be properly maintained to facilitate his/her possible return to the United States.

## **EXTENSIONS**

An Exchange Visitor must always maintain a valid DS-2019 during their stay in the US. J-1 regulations require that they finish the program of study (students) or program of activity (scholars) by the end date on their DS-2019. If additional time will be needed beyond that date, an extension of stay must be requested **at least one month BEFORE the expiration date on the current DS-2019**.

Please note that submitting an application for extension of stay does not guarantee that the extension or stay does not guarantee that the extension will be approved. There must be sufficient reason to justify the extension.

## **TRANSFERS**

An exchange visitor is allowed to change schools or employers if the purpose of the transfer is to complete their original program objective; however, there are considerations and procedures that must be followed to ensure that immigration regulations are being maintained. The transfer process involves transferring the SEVIS record from the current program sponsor to the future program sponsor.

To process a transfer INTO John Jay College, the following items must be provided:

- DS-2019 Request Form (and any related documentation)
- Proof of acceptance into the new program of activity (degree program or employment position)
- Current financial documentation

To process a transfer OUT of John Jay College, all documentation that was provided to John Jay's RO upon arrival must also be submitted to the new institution by the Exchange Visitor. Any additional requirements are dependent on the individual educational institution's policies.

An exchange visitor who has completed their program of activity, including any authorized post-completion Academic Training for students, is given an additional 30-day grace period to:

- Depart the U.S.;
- Apply for a change of status to another immigration status via the United States Citizenship and Immigration Services, if not subject to the two-year rule; OR
- Transfer to another educational institution if their J-1 category allows for additional time for their stay.

## **TRAVEL**

There are a variety of considerations regarding travel outside of the U.S., so it is important that the exchange visitor consult with RO prior to any travel outside of the U.S. to ensure they are prepared for re-entry. The following documents are required for re-entry into the U.S.:

- A valid passport (unless exempt from passport requirement)
- A valid visa (unless exempt from the visa requirement or eligible for automatic revalidation)
- A valid DS-2019, **signed for re-entry by the Responsible Officer/Alternate Responsible Officer within the last year**
- A copy of invitation/appointment letter (if applicable)

## **CONTACT INFORMATION**

Responsible Officer (RO) is the contact person for all issues related to the exchange visitor program. Any questions or concerns should first be redirected to John Jay's RO listed below. The Responsible Officer (RO) can be reached at [sdikambi@jjay.cuny.edu](mailto:sdikambi@jjay.cuny.edu) or 212-621-3723. Alternate Responsible Officers (AROs) are Kenneth Yanes ([kyanes@jjay.cuny.edu](mailto:kyanes@jjay.cuny.edu)) and Emily Pasquerello ([epasquerello@jjay.cuny.edu](mailto:epasquerello@jjay.cuny.edu)).