

New Jersey Institute of Technology's ability to comply with federal regulatory requirements related to the University's J-1 Exchange Visitor Program depends solely on an effective working partnership between the Office of Global Initiatives (OGI) and the University departments and research units that sponsor and host J-1 visitors. OGI's continued authorization from the U.S. Departments of State and Homeland Security to sponsor J-1 visitors rests upon the strength of this partnership of shared responsibilities.

Every item on the following list of sponsoring unit responsibilities has a federal regulatory basis and applies to all J-1 cases regardless of whether the visitor will be employed by OGI or not.

## 1. J-1 sponsoring units must notify Office of Global Initiative of any and all of the following occurrences:

**Anticipated late arrivals** — **Action required:** Sponsoring units should notify our office as soon as it becomes known that a visitor will be arriving *more than 20 days after the DS-2019 start date*. Office of Global Initiative *may* need to issue a revised DS-2019 that the sponsoring unit will need to express mail to the visitor.

**Timely arrivals** — **Action required:** *Sponsoring units are required to remind the visitor that they must* contact Office of Global Initiatives when they arrive at NJIT to check-in and attend a J-1 Welcome Orientation. This Welcome Session must be attended by all new J-1 faculty and researchers. This orientation fulfills the U.S. Department of State's regulatory requirement that the University provide all new J-1 visitors with an orientation program that covers some specific topics.

**Cancellations of planned visits for which the Office of Global Initiatives has issued a DS-2019 form** — **Action required:** Regulations require the DS-2019 is to be destroyed if unused. The sponsoring unit must inform OGI if the J-1 visitor is no longer attending NJIT.

**Early departures of visitors** — **Action required:** While OGI is required to close the SEVIS record of all visitors who complete their programs, it is especially critical that sponsoring units notify us of early departures (defined as departures more than 30 days prior to the end of the visitor's most recently-issued DS-2019 form) to ensure that we know to close the SEVIS record accordingly. In cases where the visitor completes his or her program more than 30 days before the DS-2019 end date, our office is required to handle the SEVIS record closure in a timely and special manner.

**Anticipated program changes for visitors** — **Action required:** The nature and purpose of a visitor's J-1 program as described and documented in the initial DS-2019 request packet should be well thought-out, as it places a fairly fixed set of program parameters for the visit. Regulations explicitly disallow a "change in program objectives" and OGI is required to accurately represent the visitor's program in SEVIS and to ensure the program does not change in any substantive way. We are required to monitor everything from "site of activity" to the arrival and final departure of J-2 dependents, and to amend SEVIS data when these and many other events occur. It is therefore essential that sponsoring units consult OGI *prior to implementing any substantive changes in a specific visitor's program to first verify if the desired changes are even permitted. If the changes are in keeping with regulatory parameters, our office will then amend the SEVIS record accordingly.*

**Serious problems or controversy involving a J-1 visitor** — **Action required:** Federal regulations require J-1 program sponsors to "inform the Department of State promptly of any serious problem or controversy which could be expected to bring the Department of State or the sponsor's exchange visitor program into notoriety or disrepute." Should such a problem or controversy arise with an exchange visitor in a J-1 sponsoring unit at NJIT, the unit must notify OGI immediately so that we can contact the Department of State in a timely manner, as required.

2. As the main point of contact with both prospective and current J-1 visitors, sponsoring units must take responsibility for meeting the following regulatory requirements on behalf of NJIT:

Using objective measurement, verify and ensure that the exchange visitor has sufficient English language skills to successfully conduct his/her program of teaching, research or study at NJIT. In cases where supplemental English language training may be needed, sponsoring units are required to assist visitors in making arrangements for such training.

Restrict the visitor's terms of employment and/or program activities to:

- Those allowed by federal regulations – J-1 sponsorship may not be used for tenure-track positions nor for regular staff positions. Only temporary academic/scholarly research visitors may be sponsored by NJIT units.
- Those—and only those—you have specified in the DS-2019 packet – if the sponsoring unit is considering any changes in the terms of employment and/or program activities of the visitor, sponsoring units must consult with OGI before implementing the changes to ensure that the desired changes are in keeping with regulatory parameters.
- Those in keeping with the specific J-1 category you have selected for the visitor, with rare exception as authorized by OGI.
- The dates noted on the DS-2019 form. (An extension DS-2019 form must be requested by the sponsoring unit and issued by OGI prior to the expiration date of the current form in order for the program to continue without interruption.)

Provide the exchange visitor with:

- Information and assistance regarding housing, local community resources, American culture and any other adjustment matters with which the visitor needs assistance; and
- Adequate office or laboratory facilities, including desk space, access to telephone services and access to department and university facilities.

Ensure that the visitor notifies OGI of all of the following occurrences, as required by regulations:

- All changes of U.S. address – OGI must be notified within 10 days of the change.
- Occasional paid lectures or consultations the visitor will undertake – OGI must be informed at least 1 week in advance of the activity in order to issue a required letter of authorization.
- Arrival of J-2 dependents – dependents must “check in” with OGI, via email, within 10 days of their arrival.
- Temporary departures of more than 30 days during the period covered by the DS-2019.
- Final departure – the visitor must notify OGI 14 days prior to departure.

### 3. Miscellaneous Unit Responsibilities and Restrictions

**An exchange visitor is not permitted by the State Department to change J-1 visa category**, e.g., from research scholar to student, without State Department approval of an application from the exchange visitor. The visitor must pay an application fee and document "unusual or exceptional circumstances," and the State Department must review the application and approve or deny it. Only upon receiving government approval can the exchange visitor *then* change categories. Sponsoring units should consult with OGI if a category change is being considered.

### 4. Matters to be Aware of...

**Exchange Visitors being paid by NJIT must either have, or after arrival in the U.S. and checking in a U.S. Social Security Number.** Eligibility and instructions for applying for an SSN are provided at the "New Faculty/Scholar Welcome Orientation"

Eligibility to begin a new J-1 program in either the J-1 "professor" or "research scholar" category is not available to an individual who fits either of the following descriptions:

- Has held J-1 or J-2 status in any J category within the past 12 months, unless the previous J visit was for six months or less AND was in a category other than "professor" or "research scholar." This is known as the 12-month bar and it affects those wishing to start a new J-1 program in the "professor" or "research scholar" categories ONLY
- Has at any time in the past 24 months held J-1 status in the "professor" or "research scholar" category (or has held J-2 status as the dependent of a "professor" or "research scholar"). This is known as the 24-month bar on repeat participation in a J-1 "professor" or "research scholar" program.

**(Note:** an extension of existing J-1 status or transfer from one J-1 sponsor to another does *not* constitute the start of a new program and thus is *not* subject to any of the bars. J-1s holding the "professor" or "research scholar" category are restricted to a maximum of 5 years per program, however. Please contact OGI if you are not certain whether your intended J-1 visitor is eligible or not to begin a new program in either the "professor" or "research scholar" category.)

**If the exchange visitor will be government funded (U.S. or home government) and/or if the exchange visitor's academic field is on the "skills list" for his or her country, he/she will be subject to the two-year home residency requirement.** The "skills list" is a country-by-country list of disciplines in which skills are needed by each country; the U.S. Department of State draws the list up in cooperation with the countries that appear on the list. (Not all countries are on the list--and not all country lists include all disciplines, although some country lists do include all.) *Visitors who are subject to the two-year home residency requirement are not eligible to do either of the following* until and unless they have first returned home for two years or obtained a waiver of the requirement:

- Change to another non-immigrant status within the U.S.
- Leave the U.S. and return in either H-1B status or legal permanent resident ("green card") status

***U.S. State Department regulations require that the exchange visitor carry both basic and major medical coverage for him/herself and all dependents*** throughout the entire visit, either through University benefits or through a policy with coverage that meets or exceeds the minimum coverage level required by Department of State.