

Why would I EVER want to bring a J-1 scholar/intern to my campus?

Taylor Williams, taylor.williams10@okstate.edu

J Visa Specialist, ISS (RO/DSO)

309 Wes Watkins Center

Oklahoma State University

What is the J-1 exchange program?

- The BridgeUSA J-1 Exchange visitor program originated in 1961 with the Fulbright-Hays Act (Mutual Educational and Cultural Exchange Act of 1961). It falls under the U.S. Department of State's Bureau of Educational and Cultural Affairs (ECA)
- The Preamble of the Act states the mission as:
 - “to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries by means of educational and cultural exchange; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations, and the contributions being made toward a peaceful and more fruitful life for people throughout the world; to promote international cooperation for educational and cultural advancement; and thus to assist in the development of friendly, sympathetic, and peaceful relations between the United States and the other countries of the world.”

Why does this J-1 exchange program exist?

- This is to foster exchanges between other countries and the United States in order to further education and cultural understanding.
- It is a requirement for all J-1 sponsors that they are involved in both the educational but ALSO cultural aspects of being in the United States.
- See the [BridgeUSA](#) website for a deep description of the program
- The program is overseen by the Bureau of Educational and Cultural Exchange under the Department of State.

Yes, yes, but WHY???

- Help with scientific research projects
- Help with classes
- Give experience while getting workers
- Positions can be paid or unpaid
- International connections
- Post-doc positions (researchers or professors)
- Diversity on campus
- Recruitment into graduate student degree programs, feeder or pipeline as well as trial period for hiring professors

What are the categories of J-1 participants?

- There are 15 categories for J-1 visa exchange program.
- OSU uses 6 of these:
 - Student degree-seeking (sponsored, come in through Admissions)
 - Student non-degree (study abroad exchange students)
 - Student Intern (undergraduates with home universities that require and internship and they are enrolled at home)
 - Short-term scholar
 - Research Scholar
 - Professor
- OSU departments have commonly used the intern and scholar categories

Which category can I use?



Student Intern—This is for students who are enrolled back in their home institution but are coming for a required internship in their institution. The maximum is for 12 months. This can be a paid or un-paid position.



Short-term Scholar—This is someone who already has a bachelor's or is a professional in their field, usually working on an advanced degree. They can work on research or teaching, and it is a maximum of 6 months.



Research Scholar—The same requirements as a Short-term Scholar but is allowed up to 5 years. The primary focus is research.

Professor—This has the same requirements as a research scholar, but the primary focus of the program is teaching.



Student—when a student is sponsored by Fulbright/LASPAU/IIE, etc. Goes through admissions.

Non-degree student—usually for exchange students, but could be for short-term programs, enrolled in OSU classes

How Do I Decide on the Appropriate Category?

- The educational level and length of time will determine which can be chosen.
- If undergrad, see if intern option (enrolled at home, not at host) or non-degree student works (enrolled at host).
- If grad degree and less than 6 months with no anticipated extensions beyond that time, the sponsor should use the Short-term scholar option as there are less restrictions to re-enter later.
- However, if anticipated needing to extend beyond six months, then the Research Scholar or Professor category is what you would choose.

Sponsor (Hosting OSU Dept) Responsibilities

- There must be a supervisor overseeing the work and guiding the scholar/intern.
- The hosting OSU department must approve in advance with an offer letter that specifically states what costs will be covered by this department and what will not be covered. (Samples are on the application link.)
- J-1 visa holders are required to have health insurance with certain minimums as directed by the Department of State [guidelines](#). If the scholar purchases their own, they can use private insurance companies or United through OSU. This must be presented to the J-1 specialist in the ISS office. This is a requirement to be “in status” on this visa. Due to ACA requirements, if the scholar is working over 30 hours (>.75 FTE) and is here more than 90 days, OSU may be required to sign them up on insurance and the Benefits office will help with that.
- The OSU hosting department must fill out the DS-2019 application with materials supplied by the participant. The participant does NOT fill out this themselves.

J1 Visa Holder Benefits

Full-time Benefit Eligibility

- **Employee Requirements**

- 0.75 FTE or greater
- 6 months or longer
- Benefits-eligible position

- **BenefitFocus**

- Must decline BCBS coverage
- Health insurance through United Healthcare by list enrollment each semester
- Dependent enrollment requests processed by OSU Benefits
 - Dependent verification documents required
 - Dependent semester premiums paid by employee directly to UHC at time of enrollment



ACA Benefit Eligibility

- **Employee Requirements**

- 0.75 FTE or greater and 90 days or longer for full-time ACA eligibility
- Equal to or greater than 1560 hours over a 12-month period for variable ACA eligibility
- Temporary position

- **United Healthcare**

- www.uhcsr.com/okstate
- Manual enrollment by OSU Benefits
- Dependent enrollment requests processed by OSU Benefits
 - Dependent verification documents required
 - Dependent semester premiums paid by employee directly to UHC at time of enrollment

Crystal Burton

OSU Benefits

O | 405.744.5449

E | osu-benefits@okstate.edu

601 N. Willis, PMB 8075

[Benefits.okstate.edu](https://benefits.okstate.edu)

IMPORTANT!!

J scholars and interns are here as a part of an EXCHANGE PROGRAM. It is meant for cultural and educational exchange and has a limited duration.

English proficiency IS a requirement by the Department of State. Currently, we allow departments to conduct interviews and evaluate but these need to be objective. We are looking at an option with ELIC for the future.

Although these positions will be working in your department and can be paid for their time, they are NOT here on work or immigrant visas. OSU benefits are not automatically included.

All J visa exchange visitors must have health insurance coverage at the levels required by the Department of State. This can be paid personally or through the department. If using OSU health plans, use United Healthcare international student insurance, not the staff BCBS due to the benefit coverage.

J scholars can come on their own funds or through other sources, but still must have enough financial support to cover the full time of the program. This also can be in conjunction with partial university support.

Visiting scholars/interns will be given work permits through the ISS office (if they are to be paid by the department) as they are allowed to work within their fields on the J visa.

Scholars and interns must be working within the designated field and not as office staff or doing work that does not advance their knowledge.

English Language Evaluation

- Native speaker
- Gone to an English-speaking school
- TOEFL, IELTS, or another proficiency exam
- English Language Institute Assessment
 - Contact osu-eli@okstate.edu

Scholars must be able to communicate in English. They are here on a cultural/educational exchange visa. If they arrive and cannot communicate in English, the RO is REQUIRED to send them home.

212e Restriction (2 Year Rule)—So Scary!!!

- The 212e restriction is a 2-year residency requirement that requires the scholar to return to their home country for 2 years after the program is completed. The 2 years is accumulative, so it does not have to be done all at one time. It is not restrictive to entering on another J or F visa in the meantime but will still apply after the subsequent visa program.
- It is meant to prevent foreign nationals who are on a non-immigrant visa (such as the J) to switch to a work visa, such as an H, L, or permanent residency.
- The 212e restriction can be placed on a visa when the scholar applies at the embassy. This can be due to:
 - Governmental funding of the program
 - Scholar's field being on the skills list which indicates that it is in a highly needed occupation back in the home country.

NOT SO BAD!

Repeat Participation Bars (12 and 24 month)

- **24-month bar**
 - Research Scholar or Professor categories are subject to avoid “repeat participation” in those categories.
 - This does not apply to Short-term scholars, although immediate repeat participation in the same project is not allowed.
 - This bar also applies to J-2 dependents.
- **12- month bar**
 - Any exchange visitors in any J visa category who have been in the U.S. for *more than six months* in the previous year are not eligible to enter the U.S. as a J-1 Research Scholar or Professor for a 12-month period.
 - They may return as Short-term Scholars or Students or other categories.

What is the process?

Once a supervisor has identified a potential scholar/intern and has departmental approval, then the application for a DS-2019 needs to be submitted from the department to the ISS office. Collect all of the documents listed on the first page of the link before beginning.



To bring a SCHOLAR click [here](#). (Use **Microsoft Edge** as your browser, **NOT Chrome**.)

To bring an INTERN use this [link](#). (Use **Microsoft Edge** as your browser, **NOT Chrome**.)

This will be submitted directly to the ISS office for processing. Please allow up to five business days for processing. It will then be sent out directly from ISS digitally to the scholar.

What is the process? Continued...

Once the scholar receives the DS-2019, they print it out and make an appointment at the U.S. Embassy by filling out the DS-160 form and pay the visa fee(\$185) for their embassy and go in for an interview. They will also have to pay a SEVIS fee (currently \$220) before making the interview.



After receiving the J visa, they will be able to enter the U.S. (with approval from the Customs and Border Patrol and barring any travel restrictions).



The program allows a scholar to enter the U.S. up to 30 days before and up to 30 days after the start date of the program as listed on the DS-2019. However, they are not able to actually START the program at the university until the program start date.

How long does the whole process take?

Good Question!!

- This can depend upon the embassy and country.
- It is suggested to allow at least 2 months minimum for the whole process. This includes:
 - 5 business days of processing the DS-2019
 - Appointment scheduling at the embassy, this time varies from country to country and beware of holidays or embassy closings
 - After approval, time to submit the passport and receive the visa
 - Time to make travel plans

How long should I request for the program?

- Use the maximum time that you have funding. The EV will be issued a visa for no longer than the time you request. The DS-2019 can be extended, but the visa (which is for entrance only) will not be. They will need to apply for another if they travel outside of the U.S.
- Funding must be available for the whole time requested which can be through the department or personal funds or a mixture of both.
 - For OSU, current financial minimums are \$1700/month for the scholar/intern
 - \$850 more for a spouse
 - \$425 more for each child
- Programs can be extended up to the maximum allowed time, but due to uncertain government proclamations, it is best to put the most you can. Programs can easily be shortened.

What does this cost for the department?

- DS-2019 application costs:
 - \$200 for a scholar application
 - \$350 for an intern application
- No fee for a change of the program date before the scholar arrives
- Extension fee: \$100
- Whatever stipend you wish to give the visiting scholar/intern (any OSU funding must be reported as taxes may apply)
- If the offer letter includes insurance, the cost of the OSU United Healthcare international student insurance will apply.

Suggestions



Be very clear in the offer letter as to what the department is paying versus the scholar.



Allow enough time for everything



Look at the first page of the application link and gather all the information you need from the scholar and the department **BEFORE** you start. Do not use old paper forms.



Ask. Contact the J-1 scholar specialist along the way for advice and clarification if you are not sure.

Best Practices

Before

- Make sure you want to have this particular person in your department
- Collect all of the paperwork (1st page of the link)
- English level? If no TOEFL or other language exam, contact OSU ELI
- Make sure all is clear in the offer letter from the department—what you are covering, what you are not. Approval within your department.
- All documents must align with the same dates and category requested

Check-in

- Escort to ISS office.
- University Health Services
- Work permit
- Department HR enrollment
- OSU ID

During

- Involve the EV in cultural activities, encourage experiences, not just within the lab.
- Try not to use only the home language
- Let ISS know if there are any issues or if the EV leaves early. ISS is REQUIRED by the government to keep track of all Exchange Visitors.
- Either extend at least 2 weeks before or fill out the completion forms if leaving.

Suggestions from other faculty

Stay in touch and have meetings (Skype/Zoom) before and during the visit. They look for assurance and more details about the lab, group, campus, and life in the US.

Upon arrival, provide support and value their contribution. Invest time in coaching them in research proposals, lab management, student mentoring, and teaching as most of the scholars want to become faculty. It is rewarding to see transformation and how new leaders emerge!

Publications are important and conference attendance, as well as job applications, but above all is support on a human level.

Transfers and repeat visitors

- TRANSFERS! Transfers seem easy, but sometimes scholars will try to do things they shouldn't.
 - Number 1... contact ISS to ask before promising anything
 - I will need to see the DS-2019 and visa before I can answer anything
 - CIP codes or at least the general field should be the same. Seen as a continuation of the same program at a new site. (Microbiology to Math).
 - Extension possibilities
 - Has a 212e waiver been filed?
 - Is there time left to extend? Some think they can transfer and start with another 5 years.
- Dependents (trying to bring adult children as dependents)
- Repeat Short-term Scholars (need to be different projects)
- Research Scholars must have 2 years between Research Scholar visas

Discussion / Questions

- Why do departments have to collect the information and then submit it?
 - Responsibility, sponsor
- What is the current visa situation? OSU/World
- Areas of problems?
 - China -PP 10043, Suspension of entry connected the PRC Military Civil Fusion Strategy, funding by CSC
 - Iran—administrative processing
- Fulbright, IIE, USAID... scholars?
 - We don't handle the immigration documents, but still need to be involved in order to assist, get them IDs, invite them to activities, and report if there is a problem.



Discussion / Questions

- Change from J-1 to H-1b? What is better?
 - Usually will need a waiver, not a direct change
 - It depends...J-1 is non-immigrant, not meant for residency, but 5 years and inexpensive
 - H-1b is more expensive, max of 6 years, but can be path to residency
- How many hours can a J scholar/intern work?
 - Depends on the OSU HR appointment. The immigration status allows them to work full-time.
- What can be done when a visa goes into administrative processing?
 - Not much. The scholar is required to submit extra documents. Anything the department can give that gives more specific information about the project can be helpful, but ISS doesn't have any ability to sway an embassy's opinion or to hurry the process.
- Can spouses (J-2's) work? Yes, BUT.... Application for EAD card.



Discussion / Questions

- What must be done if the scholar/intern cannot make it when scheduled?
 - Send an updated invitation/offer letter with the new dates to ISS and we will update the dates in SEVIS. Updates should be done before the start date.
- What if we want to keep them longer?
 - Fill out the Extension request online, must have funding for the extended time.
- What if they leave early?
 - Notify us. We need to adjust the program dates and payroll, if being paid.
- What if something happens?
 - Document and bring in the ISS representative. If serious, we are required to report this to the Department of State.



Presidential Proclamation 10043 (China)

Section 1 of the proclamation suspends "entry into the United States as a nonimmigrant of any national of the PRC seeking to enter the United States pursuant to an F or J visa to study or conduct research in the United States, except for a student seeking to pursue undergraduate study," **and** who either:

- Currently** "receives funding from or who currently is employed by, studies at, or conducts research at or on behalf of... an entity in the PRC that implements or supports the PRC's 'military-civil fusion strategy'," **or**

- In the past** "has been employed by, studied at, or conducted research at or on behalf of... an entity in the PRC that implements or supports the PRC's 'military-civil fusion strategy'"

Under the proclamation, "the term "military-civil fusion strategy" means actions by or at the behest of the PRC to acquire and divert foreign technologies, specifically critical and emerging technologies, to incorporate into and advance the PRC's military capabilities."

Section 1 **wholly exempts F and J undergraduate students** from the proclamation. Likewise, graduate students and researchers are also exempt from the proclamation if they do not have any of the specific current or past funding, employment, study, or research nexuses with "an entity in the PRC that implements or supports the PRC's 'military-civil fusion strategy'."

Fulbright, IIE, USAID, etc funded scholars

Scholars contact departments directly to ask for hosting

An invitation letter from the department must be submitted by the scholar along with their application

We have guidelines for those letters

Sometimes the agencies loop us in, but sometimes they don't

They handle the immigration paperwork

We are the designated DHS and DOS representatives on campus. We are required to keep track of all international students and scholars on campus.

We provide extra services such as the Affiliate ID's when not being paid by the department.

We do cultural activities for the J scholars and want all of them to be invited.

We have to report to the VP Research all scholars in labs.

We can see the big picture. (Egyptians from USAID in 3 departments but the departments only knew of theirs, not all of them.)

So, notify us when you hear that they are coming.

Phi Beta Delta

Honor Society for International Scholars

Join and come to activities.
Scholarships for presentations.

Contact Info

- Tayler Williams, ISS (RO), J-1 visa specialist:
tayler.williams10@okstate.edu
- ISS office: iss@okstate.edu
- Website for ISS: <https://lcl.okstate.edu/iss/>
- Links for all forms:
<https://lcl.okstate.edu/iss/forms.html>
- Website for the BridgeUSA J-visa exchange program: <https://j1visa.state.gov/>

International Student and Scholars Office

309 Wes Watkins Center
Oklahoma State University
405-744-3396