J Visas 101

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J Visa Umbrella

• Administered by the Department of State under the Exchange Visitor Program.
• A person coming to the United States with a J visa is called an Exchange Visitor (EV).
• J visa is an umbrella term, the visa type has many "visa categories".
• School of Dentistry commonly uses:
  o Research Scholar
  o Short-Term Scholar
  o Professor
Visa Category Definitions and Maximum Duration of Participation

• **Research Scholar (5 years):** An individual primarily conducting research, observing, or consulting in connection with a research project. The research scholar may also teach or lecture.

• **Short-Term Scholar (6 Months):** A professor, research scholar, specialist, or a person with similar education or accomplishments coming to the U.S. on a short-term visit for the purpose of lecturing, observing, consulting, training, or demonstrating special skills at research institutions, museums, libraries, post-secondary accredited educational institutions, or similar types of institution. Examples include educators, scientists, research fellows, writers, and museum administrators. The short-term scholar may also engage in collaborative research.
Visa Category Definitions and Maximum Duration of Participation
Continued

• Professor (5 years): An individual primarily teaching, lecturing, observing or consulting. A professor may also conduct research.
212 (e) and 24 Month Bar

• **212(e)- Two Year Home Residency Requirements**
  - This is not a ban from the United States. Subjectivity to 212(e) means:
    - Not able to acquire H and PR visa status for two years after their J Program ends.
    - Unable to change visa status in the United States during J program or for two years after J program ends (e.g. moving from J Short-Term Scholar to F-1 Student).
    - Once program completes, a person can still come on other visa types. E.g. tourist, Research Scholar (if not subject to 24 month bar), or student.
Subjectivity is based on country of origin, source of funding, and field of endeavor.

Spirit of the law: To facilitate cultural exchange and spread good will by ensuring visitors return to their home countries to talk about their experiences and what they have learned.

A waiver of 212(e) is possible but impacts current J program. Always tell visitor to have a talk with the International Center before they apply for a waiver. If a waiver is approved by the U.S. Government an extension of the visitor's program is no longer possible.

J2 visa holders also become subject.
24 Month Bar

• Applies to all visitors who enter in Research Scholar or Professor categories; no matter how long they are here for.
• Bans *repeat participation* in either the Professor or Research Scholar category for two years after the exchange visitor's program ends.
• There is no way to waive the 24 month bar.
• Dependents of J1 visa holders also become subject to 24 month bar if they come as a dependent in J2 status.
DS-2019 Request: Common Pitfalls and Questions

What is this
I don't even...?
English Proficiency Requirement

• Stricter climate; Department of State site visit to U of M in May 2011. Another visit anticipated in 2013.

• The J regulations require that a visitor know enough English to successfully navigate his or her J1 program.

• Skype or phone call option the least time and labor intensive.

• Having to pay for ESL training is rare and generally reserved for those who have very rudimentary English language skills.
M.D./DDS and Patient Contact

• Defined as a person who holds a medical degree.
• Michigan licensure check performed by International Center.
• A no patient contact letter or incidental patient care letter must be submitted with a DS-2019 request to the International Center if the EV is an M.D.
No Patient Care Vs. Incidental Patient Care

To reiterate, the *primary purpose* of a person coming as a Short-Term Scholar, Research Scholar, or Professor *must not be to provide or learn through patient care*, but to research, teach, observe, train, and etc.
No Patient Care

- Just what it means... absolutely no patient contact or care will be a part of the EV's program.
- If this is the case, use the template to generate a No Patient Contact Letter and submit it with your initial request to the HRSC. If this is not done it will cause delays in the request submission process.
Incidental Patient Care

- Patient care or contact that is circumstantial to the primary purpose of the program.
- Examples of Incidental Patient Contact/Care:
  - Doing a diagnostic examination in the presence of the PI who repeats the exam or ensures at every step that it is done correctly, with proper diagnostic information obtained.
  - EV is present during treatment with opportunities for hands-on experience in ways that do not compromise the care of the patient.
  - Presence during an oral surgery having limited contact.
Research Fellows
5 Year Limit

• Individuals who already possess either a doctoral degree (i.e. Ph.D.) or a professional doctorate (e.g. M.D., D.D.S) and who are pursuing advanced scientific or scholarly training that does not involve direct patient care.

• Research fellowships should be for one year or less, with possibility of renewal in subsequent years, not to exceed a total of five years of postdoctoral training.

• Research Fellow SPG:
http://spg.umich.edu/policy/201.19
Department of State Letter

What is this?

A letter addressed to the Department of State that serves to formally invite the visitor to U of M and describe their program activities.

- It must also describe how the program meets J-1 eligibility requirements (e.g. educational, cultural exchange, English language proficiency, and mandatory check-in).

- The letter must be sent to the EV so that he or she can take it to the consulate and the U.S. border along with their other visa documents.
Use visa category as position title:

• **Research Scholar:**
  o Primarily conduct research, observe, or consult on a research project; may also teach and lecture
  o For visits 3 weeks to 5 years

• **Professor:**
  o primarily teach, lecture, observe, or consult; may also conduct research
  o for visits 3 weeks to 5 years
Short-term Scholar:
- professors, research scholars, or persons with similar education or accomplishments coming to U.S. on a short-term visit
- can lecture, observe, consult, train or demonstrate special skills
- for visits up to 6 months
Department of State Letter: Program Dates

- Use (Month, Year) format so that date changes to letters are minimized
  - **Example:** “Approximate dates of Dr. Toothache's visit will be September 2012 to February 2013.”
  - **Note:** The Exchange Visitor can enter the U.S. up to 30 days in advance of his/her program start date; program activities can begin as soon he or she crosses the border.
  - **Note:** EV cannot continue to work during the 30 day grace period at the end of their program. If additional time is needed an extension of their status must be processed.
The regulations do not provide us with the Department of State's definition of what cultural exchange means, but they do clarify what a cross-cultural activity is:

"Cross-Cultural Activity: An activity designed to promote exposure and interchange between exchange visitors and Americans so as to increase their understanding of each other's society, culture, and institutions."

22.CFR Part 62.2 Definitions
New Funding Requirements

As of July 1, 2012:

Exchange visitor (no dependents): $2,200 per month ($26,400/year)
Exchange visitor + 1 dependent: $3,100 per month ($37,200/year)
Exchange visitor + 2 dependents: $3,600 per month ($43,200/year)
Exchange visitor + 3 dependents: $3,900 per month ($46,800/year)
Exchange visitor + >3 dependents: for each additional dependent add: $300 per month ($3,600/year)
September 1, 2012 - August 31, 2013:
(per month)

- Student or Scholar: $99
- Student or Scholar + 1 dependent: $366
- Student or Scholar + 2 or more dependents: $633

After mandatory check-in process is complete, Exchange Visitor + dependents enrolled in International Center health insurance until end date on DS2019 form
Q & A