

UNCLASSIFIED (U)**9 FAM 402.5****(U) STUDENTS AND EXCHANGE VISITORS –
F, M, AND J VISAS**

*(CT:VISA-2069; 09-16-2024)
(Office of Origin: CA/VO)*

**9 FAM 402.5-1 (U) STATUTORY AND
REGULATORY AUTHORITY****9 FAM 402.5-1(A) (U) Immigration and Nationality
Act**

(CT:VISA-1; 11-18-2015)

(U) INA 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)); INA 101(a)(15)(J) (8 U.S.C. 1101(a)(15)(J)); INA 101(a)(15)(M) (8 U.S.C. 1101(a)(15)(M)); INA 212(a)(6) (C) (8 U.S.C. 1182(a)(6)(C)); INA 212(e) (8 U.S.C. 1182(e)); INA 212(j) (8 U.S.C. 1182(j)); INA 214(b) (8 U.S.C. 1184(b)); INA 214(l) (8 U.S.C. 1184(l)), INA 214(m) (8 U.S.C. 1184(m)).

9 FAM 402.5-1(B) (U) Code of Federal Regulations

(CT:VISA-1; 11-18-2015)

(U) 22 CFR 41.61; 22 CFR 41.62; 22 CFR 41.63; 22 CFR Part 62.

9 FAM 402.5-2 (U) OVERVIEW

(CT:VISA-1970; 04-22-2024)

(U) Except for incidental, short-term courses permitted under a B visa (see [9 FAM 402.5-5\(I\)\(3\)-\(4\)](#)), a noncitizen must have a student visa to study in the United States. The course of study and type of school they plan to attend determines whether they need an F-1 visa (academic) or an M-1 visa (nonacademic, vocational). Exchange visitor (J-1) visas are for individuals approved to participate in exchange visitor programs in the United States, which can range from student to research scholar to camp counselor to physician, among other programs. Students and exchange visitors must be accepted by their schools or program sponsors before applying for visas.

9 FAM 402.5-3 (U) Categories of F, J, and M Visas

(CT:VISA-1828; 09-12-2023)

(U) 22 CFR 41.12 identifies the following F, J, and M visas classifications for noncitizens engaged in study or participation in exchange programs:

F1	Student in an Academic or Language Training Program
F2	Spouse or Child of F1
F3	Canadian or Mexican National Commuter Student in an Academic or Language Training Program
J1	Exchange Visitor
J2	Spouse or Child of J1
M1	Vocational Student or Other Nonacademic Student
M2	Spouse or Child of M1
M3	Canadian or Mexican National Commuter Student (Vocational Student or Other Nonacademic Student)

9 FAM 402.5-4 (U) STUDENT AND EXCHANGE VISITOR PROGRAM (SEVP)

9 FAM 402.5-4(A) (U) Background on SEVP

(CT:VISA-2054; 08-22-2024)

- a. **(U)** In response to a requirement in the Illegal Immigration Reform and Immigrant Responsibility Act, in 1997, DHS initiated a pilot program to monitor the academic progress, movement, etc. of foreign students and exchange visitors from entry into the United States to departure. This program was formerly known as Coordinated Interagency Partnership Regulating International Students (CIPRIS). As part of post-9/11 reforms, CIPRIS was renamed the Student and Exchange Visitor Information System (SEVIS), and the Student and Exchange Visitor Program (SEVP) was established to manage SEVIS. SEVP is under the auspices of the National Security Investigations Division of DHS's Immigration and Customs Enforcement (ICE).
- b. **(U)** SEVIS that monitors schools and programs, students, exchange visitors, and their dependents throughout the duration of approved participation within the U.S. education system. Consular sections can access the SEVIS record associated with the student through the CCD SEVIS report.
- c. **(U)** Contact the Education and Tourism Division CA/VO/F/ET with policy and procedural questions related to F, M, and J visas.

9 FAM 402.5-4(B) (U) Student and Exchange Visitor Information System (SEVIS) Record is Definitive

Record

(CT:VISA-1970; 04-22-2024)

- a. **(U)** While applicants must still present a paper Form I-20 (F or M visa) or Form DS-2019 (J visa) to qualify for a visa, the SEVIS record is the definitive record of student or exchange visitor status and visa eligibility. You must always check an applicant's SEVIS status before issuing an F, M, or J visa, for two reasons: (1) You must verify that the SEVIS fee has been paid (see following paragraph); and (2) While presentation of a valid Form I-20 or Form DS-2019 generally indicates that an individual is eligible to apply for a visa, the electronic SEVIS record in the CCD, not the paper form, is the definitive record.
- b. **(U)** The electronic SEVIS record will indicate the applicant's current SEVIS status. You should issue F, M, or J visas only to visa applicants whose SEVIS record indicates a SEVIS status of "initial" or "active."
- c. **(U)** On occasion, you may encounter an applicant who presents a hard copy Form I-20 or Form DS-2019 but you are unable to locate the SEVIS record in the CCD. This may occur because records were not "swept" into the CCD from the SEVIS database as usual. If the applicant is otherwise qualified, refuse the visa under INA 221(g) for administrative processing and alert the Visa Office F/M/J portfolio holder(s) listed in the CAWeb "Who's Who" in VO for assistance in verifying the record.

9 FAM 402.5-4(C) (U) The Student and Exchange Visitor Information System (SEVIS) Fee

(CT:VISA-2048; 08-15-2024)

(U) All students and exchange visitors, except those exchange visitors who are sponsored by the U.S. government (programs with a serial number that begins with the prefix G-1, G-2, G-3, or G-7 on the Form DS-2019), must pay the I-901 SEVIS fee at FMJFee.com before the visa interview. You must verify SEVIS fee payment through the SEVIS CCD report. If the applicant's CCD SEVIS record does not show the fee was paid but the applicant states it was, you can easily and accurately verify the SEVIS payment by entering the SEVIS number, the last name of the applicant, and the applicant's date of birth into the FMJfee.com website. Applicants who cannot demonstrate that they have paid the SEVIS fee should be refused under INA 221(g). Questions about SEVIS fee payment should be directed to the Visa Office F/M/J portfolio holder(s) listed in the CAWeb "Who's Who". Additional details and FAQs on the SEVIS fee can be found on the ICE website and on DHS's Study in the States website.

9 FAM 402.5-5 (U) STUDENTS: ACADEMIC AND NONACADEMIC – F AND M VISAS

9 FAM 402.5-5(A) (U) Related Statutory and Regulatory Authorities

9 FAM 402.5-5(A)(1) (U) Immigration and Nationality Act

(CT:VISA-1; 11-18-2015)

INA 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)); INA 101(a)(15)(M) (8 U.S.C. 1101(a)(15)(M)); INA 212(a)(6)(C) (8 U.S.C. 1182(a)(6)(C)); INA 214(b) (8 U.S.C. 1184(b)); INA 214(l) (8 U.S.C. 1184(l)), INA 214(m) (8 U.S.C. 1184(m)).

9 FAM 402.5-5(A)(2) (U) Code of Federal Regulations

(CT:VISA-1; 11-18-2015)

22 CFR 41.61.

9 FAM 402.5-5(B) (U) Overview

(CT:VISA-2048; 08-15-2024)

- a. **(U)** An F or M visa is usually required for individuals to enter the United States to attend university or college, public or private secondary school, private elementary school, seminary, conservatory, other academic institution, including a language training program, or vocational or other recognized nonacademic institution. Also see [9 FAM 402.5-6](#) below regarding the J visa for exchange visitors, some of whose programs include attendance at a U.S. school.
- b. **(U)** Citizens of VWP participating countries who intend to study cannot travel on the VWP or on visitor (B) visas, except to undertake recreational study incidental to their visit.
- c. **(U)** Study leading to a degree or certificate conferred by either a U.S. or foreign educational institution is not permitted on a visitor (B) visa, even if it is for a short duration. For example, distance learning which requires a period on the institution's U.S. campus requires a student visa.
- d. **(U)** B-2 visa appropriate for certain students: See [9 FAM 402.5-5\(R\)\(3\)](#) below for information on appropriate issuance of B-2 visas to prospective students, [9 FAM 402.5-5\(I\)\(3\)](#) on students pursuing a short course of study, and [9 FAM 402.5-5\(J\)\(2\)](#) below, [9 FAM 402.1-3](#) paragraph a, and [9 FAM 402.1-5\(C\)](#) for derivative children applying for B-2 status.

9 FAM 402.5-5(C) (U) Qualifying for a Student Visa (F-1/M-1)

(CT:VISA-1628; 09-13-2022)

- a. **(U)** An applicant applying for a student visa under INA 101(a)(15)(F)(i) or INA 101(a)(15)(M)(i) must meet the following requirements to qualify for a

student visa:

- (1) **(U)** Acceptance at a school as evidenced by a Form I-20 (see [9 FAM 402.5-4\(B\)](#) above and [9 FAM 402.5-5\(D\)](#) below);
 - (2) **(U)** Intent to enter the United States solely to pursue a full course of study at an approved institution;
 - (3) **(U)** Present intent to leave the United States at conclusion of approved activities (see [9 FAM 402.5-5\(E\)](#) below);
 - (4) **(U)** Possession of sufficient funds to meet the individual's financial needs (see [9 FAM 402.5-5\(G\)](#) below); and
 - (5) **(U)** Preparation for course of study (see [9 FAM 402.5-5\(H\)](#) below).
- b. **(U)** If an applicant fails to meet one or more of the above criteria, the appropriate ground of refusal is INA 214(b).

9 FAM 402.5-5(D) (U) Form I-20 Certificate of Eligibility for Nonimmigrant (F-1) Student Status - For Academic and Language Students

9 FAM 402.5-5(D)(1) (U) Form I-20 Required

(CT:VISA-2048; 08-15-2024)

- a. **(U)** A prospective student must have a Form I-20, Certificate of Eligibility for Nonimmigrant Student Status, issued by an SEVP-certified school to be issued an F-1 or M-1 student visa. Only an SEVP-certified school can issue a Form I-20 to students who have been accepted for enrollment. The Form I-20 constitutes proof of acceptance at an SEVP-certified school and allows the holder to apply for a visa or change of status and admission into the United States. The Form I-20 has the student's unique SEVIS identification (ID) number on the upper left-hand side with the visa class printed on the top right-hand side. New forms do not have a bar code. SEVIS ID numbers are an N followed by 9 digits. Old Forms I-20 with a bar code ceased to be issued as of June 26, 2015, and became invalid for visa issuance on July 1, 2016.
- b. **(U)** An F-1 or M-1 visa may be issued only to an applicant who presents a properly completed and valid Form I-20 from the institution the student will attend and who is otherwise eligible for a visa. These forms are issued only in the United States by approved institutions to students who will pursue a full course of study.
- c. **(U)** F and M visa applicants must present a signed Form I-20 and J Visa applicants a Form DS-2019 before visa issuance. If there are minor errors on the form (e.g., a program start date that is off by one day) you can process the case using that form. However, if the form indicates an unrealizable program start date, or has a typographic error in the biographic data, you must verify that the information is correct in SEVIS. The SEVIS record is the definitive record of student status and visa eligibility. In most cases, the

electronic record can be corrected by the institution without requiring issuance of a new hard copy Form I-20 or Form DS 2019. You must verify that the SEVIS status is either "initial" or "active". Make a case note that the electronic record contains corrections, and that the traveler will present the Form I-20 at the POE. CBP accesses the electronic record using the SEVIS number.

- d. **(U)** A Form I-20 must bear the signature of the designated school official (DSO) certifying that:
 - (1) **(U)** The student's application for admission has been fully reviewed and is approved;
 - (2) **(U)** The student is financially able to pursue the proposed course of study;
 - (3) **(U)** Page 1 of the Form I-20 was completed and verified to be accurate before signature; and
 - (4) **(U)** If the student will be attending a public high school on an F-1 visa, the school indicates that the student has paid the unsubsidized cost of the education (see INA 214(m)) and the amount submitted by the student for that purpose.
- e. **(U)** On November 1, 2021, SEVP published policy guidance outlining the new procedure for the use of electronic signatures and transmission of the Form I-20, "Certificate of Eligibility for Nonimmigrant Student Status." This guidance permits designated school officials (DSOs) to electronically sign and transmit the Form I-20 to initial and continuing international students and their dependents, using software programs or applications or by using electronically reproduced copies of a signature. Additionally, school officials may scan and email or electronically transmit the Form I-20 via a secure platform, such as a school portal or other secure site, to F and M students and their dependents. DSOs may also choose to still physically sign and mail the Form I-20 to students.
- f. **(U)** A Form I-20 issued by a school system must indicate the specific school within the system that the student will attend.
- g. **(U)** If the applicant submits a Form I-20 that does not contain all the required information, you must refuse the visa under INA 221(g) and require that the missing information be submitted.

9 FAM 402.5-5(D)(2) (U) Student Must Present Form I-20 at Port of Entry (POE)

(CT:VISA-1970; 04-22-2024)

- a. **(U)** At the time of admission to the United States, a student must present the entire Form I-20, properly filled out and signed by the DSO and the student. Thus, after the visa interview or after an F-1 or M-1 visa has been issued, you must return the completed Form I-20, together with all supporting financial evidence, to the individual for presentation to the U.S. immigration officer at

the POE. Upon the student's arrival, the immigration officer will examine the documentation and return the financial evidence to the individual.

- b. **(U)** The student must always retain the Form I-20 while in the United States.

9 FAM 402.5-5(D)(3) (U) Suspension of Cases Involving Unrealizable Reporting Dates

(CT:VISA-2048; 08-15-2024)

- a. **(U)** Action on the application must be suspended if the program start date specified in the applicant's Form I-20 or Form DS-2019 is already past or you believe that the applicant will be unable to meet that date. The officer must review the SEVIS record in the CCD to determine whether the DSO (for F and M visas) or responsible officer (J visas) has amended the SEVIS record to change the program start date. If this has not already been done, the applicant must ask the official to enter a new program start date in SEVIS - one that the applicant can meet. You may then issue the visa based on the electronic record.
- b. **(U)** You may issue an F or M visa to an applicant who is otherwise qualified, was previously admitted in F or M status, and is seeking to renew the visa to continue participation in a student program, if the status of the individual's SEVIS record is "active."
- c. **(U)** Do not renew F or M visas for individuals whose SEVIS status is in any status other than active, regardless of presentation of a hard copy Form I-20 that may appear to be valid on its face.

9 FAM 402.5-5(D)(4) (U) Fraud Related to Form I-20

(CT:VISA-2048; 08-15-2024)

(U) Fraud, as it relates to F and M cases, often involves the submission of false records to institutions to secure a Form I-20. You may also observe unusual patterns of Form I-20 issuance from a particular institution. If any type of fraud is suspected, refuse the visa under INA 221g and refer the case to the Fraud Prevention Manager through ECAS and to CA/FPP. In addition, notify CA/FPP/ATD student visa portfolio holder and the F/M/J portfolio manager(s) in CA/VO/F/ET. If a fraud investigation confirms fraud or misrepresentation of a material fact on the part of the applicant, you must consider an ineligibility under INA 212(a)(6)(C). Questions concerning an applicant's ineligibility under INA 212(a)(6)(C) must be addressed to L/CA.

9 FAM 402.5-5(D)(5) (U) F-1 Form I-20 Sample

(CT:VISA-432; 08-08-2017)

(U) See Form I-20 Sample.

9 FAM 402.5-5(E) (U) Residence Abroad

9 FAM 402.5-5(E)(1) (U) Residence Abroad Required

(CT:VISA-2048; 08-15-2024)

- a. **(U)** INA 101(a)(15)(F)(i) and INA 101(a)(15)(M)(i) both require that an F-1 or M-1 applicant possess a residence in a foreign country they have no intention of abandoning. You must be satisfied that the applicant intends to depart upon completion of the approved activity; specifically, they must:
 - (1) **(U)** Have a residence abroad;
 - (2) **(U)** Have no immediate intention of abandoning that residence; and
 - (3) **(U)** Intend to depart from the United States upon completion of approved activities.
- b. **(U)** Adjudicating student visa applications differs from those of other short-term visitors in that the residence-abroad requirement should be looked at differently. Typically, students lack the strong economic and social ties of more established visa applicants, and they plan longer stays in the United States. The statute assumes that the natural circumstances of being a student do not disqualify the applicant from qualifying for a student visa. You should consider the applicant's present intent in determining visa eligibility, not what they might do after a lengthy stay in the United States.
- c. **(U)** If a student visa applicant is residing with parents or guardians, they are maintaining a residence abroad if you are satisfied that the applicant has the present intent to depart the United States at the conclusion of their studies. The fact that this intention may change is not sufficient reason to deny a visa. In addition, the present intent to depart does not imply the need to return to the country from which they hold a passport. It means only that they must intend to leave the United States upon completion of their studies. Given that most student visa applicants are young, they are not expected to have a long-range plan and may not be able to fully explain their plans at the conclusion of their studies. You must be satisfied when adjudicating the application that the applicant possesses the present intent to depart at the conclusion of their approved activities.

9 FAM 402.5-5(E)(2) (U) Relationship of Education or Training Sought to Existence of Ties Abroad

(CT:VISA-1970; 04-22-2024)

- a. **(U)** The fact that a student's proposed education or training would not appear to be useful in their homeland is not a basis for refusing an F-1 or M-1 visa. This remains true even if the applicant's proposed course of study seems to be impractical. For example, if a student visa applicant from a developing country wishes to study nuclear engineering simply because they enjoy it, they may no more be denied a visa because there is no market for a nuclear

engineer's skills in their homeland than they may be denied a visa for the study of philosophy or Greek simply because they do not lead to a specific vocation.

- b. **(U)** The fact that education or training like that which the applicant plans to undertake is apparently available in their home country is not in itself a basis for refusing a student visa. An applicant may legitimately seek to study in the United States for various reasons, including a higher standard of education or training. Furthermore, the desired education or training in the applicant's homeland may be only theoretically available; openings in local schools and institutions may be already filled or reserved for others.

9 FAM 402.5-5(E)(3) (U) Returning Students

(CT:VISA-2048; 08-15-2024)

(U) Some students must apply for visa renewals if they go home or travel during their period of study. Where applicable, returning students may be eligible to apply under an interview waiver authority (see [9 FAM 403.5-4\(A\)\(1\)](#)). You should usually issue visas to returning students who are qualified unless circumstances have changed significantly since the previous issuance. Students should be encouraged to travel home during their studies to maintain ties to their country of origin. If students feel they will encounter difficulties in seeking a new student visa or that they will not be issued a visa to continue their studies, they may be less inclined to leave the United States during their studies and hence may distance themselves from their family and homeland. Facilitate the reissuance of student visas so that these students can travel freely back and forth between their homeland and the United States and thereby maintain their ties.

9 FAM 402.5-5(F) (U) Knowledge of English

9 FAM 402.5-5(F)(1) (U) Notation on Form I-20

(CT:VISA-1628; 09-13-2022)

- a. **(U)** If the individual's Form I-20 indicates that proficiency in English is required for pursuing the selected course of study and no arrangements have been made to overcome any English-language deficiency, you must determine whether the visa applicant has the necessary proficiency. To this end, the officer must conduct the visa interview in English and may require the applicant to read aloud from an English-language book, periodical, or newspaper, and to restate in English in the applicant's own words what was read. The applicant may also be asked to read aloud and explain several of the conditions set forth in the Form I-20. A student must demonstrate English language proficiency only if an admitting institution has made English language ability a requirement for the intended course of study.

- b. **(U)** If a school has admitted an applicant based on the applicant's TOEFL, IELTS, or other English language test scores, the officer must not reevaluate the school's admission decision, even if the applicant seems to know less English than the TOEFL or IELTS score indicates, unless the officer suspects the applicant obtained the results through fraud. Many students do well on the TOEFL or IELTS but seem to falter in their English when confronted with a face-to-face interview. Since 2018, hundreds of colleges and universities have started accepting the Duolingo English Test scores as part of their admissions process.
- c. **(U)** If the school is aware of a student's lack of English proficiency and has arranged for the student to study English before enrolling in regular courses, then the lack of English skills is not relevant.

9 FAM 402.5-5(F)(2) (U) Courses for Students Taught in a Language Other than English in which the Student Is Proficient

(CT:VISA-1; 11-18-2015)

(U) Proficiency in English is not required of a student if the enrolling institution conducts the course in a language in which the visa applicant is proficient.

9 FAM 402.5-5(F)(3) (U) English as a Second Language (ESL)

(CT:VISA-2048; 08-15-2024)

(U) The fact that an ESL or other education program is available locally is not in itself grounds for refusing an applicant. Many students find language learning enhanced by living in the country where the language is spoken. Students who intend to study in ESL-only programs must present a valid Form I-20 and be found qualified for an F visa. Postsecondary institutions that require English proficiency for a student to matriculate use a variety of mechanisms, and such arrangements must be evident on the visa applicant's Form I-20. Contact VO's F/M/J portfolio holder(s) listed in the CAWeb "Who's Who" in VO for additional guidance, as required.

9 FAM 402.5-5(G) (U) Adequate Financial Resources

9 FAM 402.5-5(G)(1) (U) Determining Financial Status of F-1 and M-1 Students

(CT:VISA-2048; 08-15-2024)

- a. **(U)** The sponsoring school is required to verify the availability of financial support before issuing the Form I-20. Schools may not be as well-versed in local documentation or cultural practices as you may be; therefore, you must still ensure that the student has sufficient funds to successfully study in the United States without being forced to resort to unauthorized employment.

- b. **(U) F-1 Student:** The phrase "sufficient funds to cover expenses" referred to in 22 CFR 41.61(b)(1)(ii) means the applicant must have sufficient funds to successfully study in the United States without resorting to unauthorized U.S. employment for financial support. An applicant must provide evidence that sufficient funds are, or will be, available to defray all expenses during the entire period of anticipated study. In addition to personal funds, sources of funding may include scholarships, assistantships, fellowships, and approved on-campus employment. This does not mean the applicant must have cash immediately available to cover the entire period of intended study, which may last several years. You must, however, establish, usually through credible documentary evidence, that the applicant has enough readily available funds to meet all expenses for the first year of study. A student could potentially satisfy this requirement by presenting evidence of an existing student loan, but the mere intention to obtain a loan would be insufficient. Likewise, a student's plan to use curricular practical training (CPT) or optional practical training (OPT) to cover first-year expenses would be insufficient. You also must be satisfied that, barring unforeseen circumstances, adequate funds will be available for each additional year of study from the same source or from one or more other specifically identified and reliable financial sources. Funds derived from CPT or OPT may be considered for returning students, who are authorized to participate. Mere eligibility and/or intent to engage in CPT or OPT is speculative, both in terms of the amount of money that might be earned and whether authorization to work will be granted and may not be sufficient to demonstrate the necessary funds. See [9 FAM 402.5-5\(N\)](#) below for more information on employment for F-1 and M-1 students.
- c. **(U) M-1 Student:** All applicants for M-1 visas must establish that they have immediately available to them funds or assurances of support necessary to pay all tuition and living costs for the entire period of intended stay.

9 FAM 402.5-5(G)(2) (U) Adequate Medical Insurance

(CT:VISA-1292; 05-27-2021)

(U) F and M students and their dependents are not required to have U.S. medical or travel insurance to qualify for a visa.

9 FAM 402.5-5(G)(3) (U) Funds from Source(s) Outside the United States

(CT:VISA-2048; 08-15-2024)

(U) When an applicant indicates financial support from a source outside the United States (for example, from parents living in the country of origin), determine whether there are restrictions on the transfer of funds from the country concerned. If so, you must require acceptable evidence that these restrictions will not prevent the funds from being made available during the period of the applicant's projected stay in the United States.

9 FAM 402.5-5(G)(4) (U) Affidavits of Support or Other Assurances by an Interested Party

(CT:VISA-1; 11-18-2015)

(U) Various factors are important in evaluating assurances of financial support by interested parties:

- (1) **(U)** Financial support to a student is not a mere formality to facilitate the applicant's entry into the United States, nor does it pertain only when the individual cannot otherwise provide adequate personal support. Rather, the sponsor must ensure that the applicant will not become a public charge nor be compelled to take unauthorized employment while studying in the United States. This obligation commences when the visa holder enters the United States and continues until the visa holder's completion of their program of study and departure.
- (2) **(U)** You must resolve any doubt that the financial status of the person giving the assurance is sufficient to substantiate the assertion that financial support is available to the applicant.
- (3) **(U)** You must also carefully evaluate the factors that would motivate a sponsor to honor a commitment of financial support. If the sponsor is a close relative of the applicant, there may be a greater probability that the commitment will be honored than if the sponsor is not a relative. Regardless of the relationship, you must be satisfied that the reasons prompting the offer of financial support make it likely the commitment will be fulfilled.

9 FAM 402.5-5(G)(5) (U) Funds from Fellowships and Scholarships for F-1 Student

(CT:VISA-1837; 09-26-2023)

(U) A college or university may arrange for a nonimmigrant student to engage in research projects, give lectures, or perform other academic functions as part of a fellowship, scholarship, or assistantship grant, if the institution certifies that the student will also pursue a full course of study.

9 FAM 402.5-5(G)(6) (U) Post-Doctoral Research Grants for F-1 Student

(CT:VISA-1; 11-18-2015)

(U) A visa applicant may be issued an F-1 visa for post-doctoral research even if the college or university provides compensation to the individual in the form of a grant.

9 FAM 402.5-5(H) (U) Educational Qualifications for F-1 and M-1 Students

9 FAM 402.5-5(H)(1) (U) Consular Role in Determining Educational Qualifications

(CT:VISA-1970; 04-22-2024)

- a. **(U)** The Form I-20 and SEVIS record are evidence that a school has accepted the applicant as a student. You should normally not go behind the Form I-20 or SEVIS record to assess the applicant's qualifications as a student for that institution. If you have reason to believe that the applicant engaged in fraud or misrepresentation to garner acceptance into the school, then that information is an important factor to consider in determining if the applicant has a bona fide intent to engage in study in the United States.
- b. **(U)** You are not expected to assume the role of guidance or admissions counselor to determine whether an applicant for an F-1 or M-1 visa is qualified to pursue the desired course of study. You must, however, be alert to three specific factors when determining whether the applicant qualifies for a student visa:
 - (1) **(U)** The applicant has successfully completed a course of study equivalent to that normally required of a U.S. student seeking enrollment at the same level;
 - (2) **(U)** Cases in which an applicant has submitted forged or altered transcripts of previous or related study or training which the institution has accepted as valid; and
 - (3) **(U)** Cases in which an institution has accepted an applicant's alleged previous course of study or training as the equivalent of its normal requirements when, in fact, such is not the case.
- c. **(U)** Through its school certification process, SEVP evaluates the qualifications of a school to issue Forms I-20. This process includes a determination as to whether the school is a bona fide, established institution of learning which possesses the necessary facilities, personnel, and finances to conduct instruction in recognized courses of study. Evaluation also involves an on-site visit. If you have reason to question the authenticity of a school or exchange program, contact the (CA/VO/F/ET) F/M/J portfolio holder and the Office of Fraud Prevention Programs (CA/FPP) so inquiries to ECA or SEVP are appropriately coordinated through CA.
- d. **(U)** Many U.S. colleges and universities do not require foreign students to submit SAT, ACT, or other standardized admission test scores, and not all schools require specific grade point averages (GPAs) for admission. Therefore, you may not require that applicants provide admission test scores, or that applicants have a certain grade point average. SEVP does not have a role in dictating admissions practices to the schools they approve to issue Form I-20.

9 FAM 402.5-5(H)(2) (U) Choice of Academic Institution

(CT:VISA-1494; 02-28-2022)

(U) Which school a student chooses is not nearly as important as why they choose it. The United States has over 4,700 accredited colleges and universities of all types and sizes. Accreditation is the process that ensures a program or institution meets a certain level of academic standard. Schools may be public or private; non-profit or for-profit; large or small. A plan that includes initial attendance at a community college or English language program, and then a transfer to a four-year college is common, for reasons such as affordability, to fulfill academic prerequisites, and due to the flexibility and wide array of options available in the U.S. higher education system. Some students may seek only to study at community colleges or do short-term programs such as Intensive English Programs (IEP), or pursue studies at specialized institutions, such as medical, business, technology-related, or fine arts schools, which typically award most degrees in a single field. Attendance at a lesser-known college or university is not a ground of ineligibility and applicants cannot be refused a visa for this reason. Faced with growing international competition for international students, promoting U.S. colleges and universities is a priority for the Department to ensure that the United States continues to be the top receiver of international students globally. The Department's EducationUSA network of educational advising centers actively promotes all accredited U.S. colleges and universities, maintaining over 430 advising centers in over 175 countries and territories. EducationUSA advisers assist international students in identifying accredited U.S. colleges and universities where they may be best positioned for success. There is no legal difference between SEVP-certified community colleges, English language schools, and four-year institutions in terms of their authorization to issue Form I-20. Resources to identify which institutions are accredited can be found at Understanding U.S. Accreditation.

9 FAM 402.5-5(I) (U) Full Course of Study

9 FAM 402.5-5(I)(1) (U) F-1 Academic Student

(CT:VISA-2048; 08-15-2024)

- a. **(U)** DHS regulations (8 CFR 214.2(f)(6)(i)) specify that "Successful completion of the full course of study must lead to the attainment of a specific educational or professional objective." Those regulations state that a "full course of study" as required by INA 101(a)(15)(F)(i) means:
- (1) **(U)** Postgraduate study or postdoctoral study at a college or university, or undergraduate or postgraduate study at a conservatory or religious seminary, certified by a designated school official (DSO) as a full course of study;
 - (2) **(U)** Undergraduate study at a college or university, certified by a school official to consist of at least 12 semester or quarter hours of instruction per academic term in those institutions using standard semester,

trimester, or quarter hour systems, where all undergraduate students who are enrolled for a minimum of twelve semester or quarter hours are charged full-time tuition or are considered full time for other administrative purposes, or its equivalent (as determined by the district director in the school approval process), except when the student needs a lesser course load to complete the course of study during the current term;

- (3) **(U)** Study in a postsecondary language, liberal arts, fine arts, or other non-vocational program at a school which confers upon its graduates recognized associate or other degrees or has established that its credits have been and are accepted unconditionally by at least three institutions of higher learning which are either:
 - (a) **(U)** A school (or school system) owned and operated as a public educational institution by the United States or a State or political subdivision thereof; or
 - (b) **(U)** A school accredited by a nationally recognized accrediting body, and which has been certified by a DSO to consist of at least twelve clock hours of instruction a week, or its equivalent as determined by the district director in the school approval process;
 - (4) **(U)** Study in any other language, liberal arts, fine arts, or other non-vocational training program, certified by a DSO to consist of at least eighteen clock hours of attendance a week if the dominant part of the course of study consists of classroom instruction, or to consist of at least twenty-two clock hours a week if the dominant part of the course of study consists of laboratory work; or
 - (5) **(U)** Study in a curriculum at an approved private elementary or middle school or public or private academic high school which is certified by a DSO to consist of class attendance for not less than the minimum number of hours a week prescribed by the school for normal progress towards graduation.
- b. **(U)** Notwithstanding paragraphs 8 CFR 214.2(f)(6)(i)(A) and 8 CFR 214.2 (f)(6)(i)(B), a noncitizen who has been granted employment authorization pursuant to the terms of a document issued by USCIS under paragraphs 8 CFR 214.2(f)(9)(i) or 8 CFR 214.2(f)(9)(ii) and published in the Federal Register shall be deemed to be engaged in a "full course of study" if they remain registered for no less than the number of semester or quarter hours of instruction per academic term specified by the Commissioner in the notice for the validity period of such employment authorization.
- c. **(U) Institution of Higher Learning:** Under DHS regulations (8 CFR 214.2(f)(6)(ii)), "a college or university is an institution of higher learning which awards recognized associate, bachelor's, master's, doctorate, or professional degrees." DHS holds that schools that devote themselves exclusively or primarily to vocational or business schools are not included in the category of colleges or universities but are categorized as M-1 schools.

- d. **(U) Reduced Course Load:** The DSO may advise an F-1 student to engage in less than a full course of study due to initial difficulties with the English language or reading requirements, unfamiliarity with U.S. teaching methods, or improper course level placement. An F-1 student authorized to reduce course load by the DSO in accordance with the provisions of 8 CFR 214.2(f)(6)(iii) is maintaining status. On-campus employment pursuant to the terms of a scholarship, fellowship, or assistantship is deemed to be part of the academic program of a student otherwise taking a full course of study.

9 FAM 402.5-5(I)(2) (U) M-1 Nonacademic Student

(CT:VISA-1090; 06-24-2020)

(U) DHS regulations (8 CFR 214.2(m)(9)) specify that "successful completion of the course of study must lead to the attainment of a specific educational or vocational objective." Those regulations state that a "full course of study" as required by INA 101(a)(15)(M)(i) means:

- (1) **(U)** Study at a community college or junior college, certified by a school official to consist of at least twelve semester or quarter hours of instruction per academic term in those institutions using standard semester, trimester, or quarter-hour systems, where all students enrolled for a minimum of twelve semester or quarter hours are charged full-time tuition or considered full time for other administrative purposes, or its equivalent (as determined by the district director) except when the student needs a lesser course load to complete the course of study during the current term;
- (2) **(U)** Study at a postsecondary vocational or business school, other than in a language training program except as provided in 8 CFR 214.3(a)(2)(iv), which confers upon its graduates recognized associate or other degrees or has established that its credits have been and are accepted unconditionally by at least three institutions of higher learning which are either:
 - (a) **(U)** A school (or school system) owned and operated as a public educational institution by the United States or a State or political subdivision thereof; or
 - (b) **(U)** A school accredited by a nationally recognized accrediting body; and which has been certified by a designated school official (DSO) to consist of at least twelve hours of instruction a week, or its equivalent as determined by the district director;
- (3) **(U)** Study in a vocational or other nonacademic curriculum, other than in a language training program except as provided in 8 CFR 214.3(a)(2)(iv), certified by a DSO to consist of at least eighteen clock hours of attendance a week if the dominant part of the course of study consists of classroom instruction, or at least twenty-two clock hours a week if the dominant part of the course of study consists of shop or laboratory work; or

- (4) **(U)** Study in a vocational or other nonacademic high school curriculum, certified by a DSO to consist of class attendance for not less than the minimum number of hours a week prescribed by the school for normal progress towards graduation.

9 FAM 402.5-5(I)(3) (U) B-2 Visa for Visitor Who Will Engage in a Short Course of Study

(CT:VISA-2048; 08-15-2024)

- a. **(U)** Individuals whose principal purpose of travel (see [9 FAM 402.1-3](#)) is tourism, but who also engage in a "short course of study" while in the United States, are properly classified for B-2 visas. If the student will earn academic credit toward completion of an academic program, then it is not a "short course of study", and B-2 is not the appropriate visa class. This guidance applies regardless of whether it is a U.S. or foreign educational institution that will grant academic credit for completion of the short course of study. You should not advise applicants to obtain an I-20 but should refuse the visa under INA 214(b) as not approvable for the planned activities.
- b. **(U)** An individual whose principal purpose of travel is non-credit-bearing avocational/recreational study, which can itself be touristic in nature, may be properly classified B-2 visas. See [9 FAM 402.2-4\(B\)\(9\)](#).
- c. **(U)** Individuals traveling to the United States to attend seminars or conferences that are required to earn a degree (i.e., the applicant cannot complete the requirements for the degree unless they complete the proposed seminar or conference in the United States) are not eligible for B visa classification. This includes students engaged in an online course of study traveling to the United States for academic consultations or to take examinations. In the case of a noncitizen traveling to the United States to attend seminars and conferences for credit toward a degree, the study is neither incidental to a tourist visit, avocational, nor recreational.
- d. **(U)** Individuals traveling to attend professional education, seminars, or conferences that do not result in academic credit may qualify for a B-1 per [9 FAM 402.2-5\(B\)](#).
- e. **(U)** It is common for U.S. colleges, universities, and private organizations to offer summer programs tailored for high school or college-aged students. Though these programs are for academic enrichment and are marketed as "study" and the participants attend "classes" the activities do not meet the definition of "full" or "part-time" course of study and therefore do not qualify for issuance of an I-20. You may not advise applicants to obtain an I-20 for these programs. In most cases, the activity, which is more like a summer camp with an academic focus, can be undertaken in B-2 status. Consult L/CA for an AO on the appropriate visa classification.

9 FAM 402.5-5(I)(4) (U) F-1 or M-1 Visa for Visitor Who Will Engage in a Short-Term Program

(CT:VISA-2048; 08-15-2024)

- a. **(U)** Only applicants who present a valid Form I-20 should be adjudicated as F or M applicants. Do not advise applicants who do not present a Form I-20 to obtain one and return for further adjudication. Instead, applicants without a Form I-20 should be adjudicated in the most logical category that allows the proposed activities in the United States. In most cases, this will be a B visa. Consult with L/CA if it is unclear whether the activities proposed are permissible on a B visa.
- b. **(U)** An individual may be issued a Form I-20 by a school only if they will engage in a full course of study.
- c. **(U)** If a student is receiving academic credit for the program of study or the program of study is required for their degree, the student must qualify for an F-1 or M-1 visa. 8 CFR 214.2(b)(7) prohibits an individual from enrolling in a course of study on a B-1 or B-2 visa. See [9 FAM 402.5-5\(J\)\(2\)](#) below, [9 FAM 402.1-3](#) paragraph a, and [9 FAM 402.1-5\(C\)](#) for possible limited exceptions.
- d. **(U)** Students may enroll in online degree programs that allow them to reside overseas but that may require them to travel to the United States for short programs required for their degree. Such students should apply for F-1 or M-1 visas and should present a properly executed Form I-20 indicating appropriate program dates for this limited period of school attendance on their U.S. campus.

9 FAM 402.5-5(J) (U) Special Types of Students

9 FAM 402.5-5(J)(1) (U) Students Destined to Schools Which are Avocational or Recreational in Character

(CT:VISA-2048; 08-15-2024)

(U) DHS cannot approve schools which are avocational or recreational in character for issuance of Form I-20, Certificate of Eligibility for Nonimmigrant Student Status. Students coming to study in such schools may be eligible for B-2 visas if the purpose of attendance is recreational or avocational. When the nature of a school's program makes determining its character difficult, consult with L/CA on the appropriate visa classification.

9 FAM 402.5-5(J)(2) (U) Elementary School Students

(CT:VISA-2048; 08-15-2024)

- a. **(U)** Only children qualified for a derivative nonimmigrant classification through a principal parent may attend a publicly funded elementary school. No public elementary schools or school systems are approved by SEVP to issue Form I-20 for attendance in F-1 nonimmigrant status by children in

kindergarten through grade eight. However, any school age student (kindergarten through grade 12) who is otherwise qualified may receive an F-1 visa under INA 101(a)(15)(F)(i) to attend a private school.

- b. **(U)** Occasionally, you may encounter situations in which an American citizen/LPR friend or relative, or an institution in the United States, may offer to accept guardianship of a child to provide an indeterminate period of free schooling at a public school. You may determine that a parent appears to be seeking a B visa for a child or children to facilitate this arrangement. Keep in mind that study is usually not allowed on a B visa and that even legal guardianship does not constitute a qualifying family relationship for residence in the United States. See [9 FAM 402.5-5\(K\)\(4\)](#) below. Separately, see [9 FAM 402.1-3](#) paragraph a and [9 FAM 402.1-5\(C\)](#) for situations in which a child applies for a B-2 visa to accompany a parent who is the principal applicant.

9 FAM 402.5-5(J)(3) (U) Candidates for Religious Orders

(CT:VISA-1; 11-18-2015)

(U) Individuals desiring to enter a convent or other institution for religious training of a temporary nature are classifiable as F-1 students under INA 101(a)(15)(F) if the institution has been approved as a place of study and the applicant will return abroad after concluding the course of study or training.

9 FAM 402.5-5(J)(4) (U) Student Destined to U.S. Military Training Facility

(CT:VISA-1970; 04-22-2024)

- a. **(U)** Military cadets accepted by any of the U.S. military service academies must be classified as A-2 if attendance is on behalf of a non-NATO foreign government or as NATO-2 if the attendance is on behalf of a NATO country. Military cadets whose attendance is not on behalf of a foreign government are classifiable as F-1 students are required to present Form I-20 and pay the SEVIS fee.
- b. **(U)** Military personnel coming to the United States for education or training at any armed forces training facility are to be classified as foreign government officials and issued A-2 visas for non-NATO member military personnel, or NATO-2 for NATO member military personnel.

9 FAM 402.5-5(J)(5) (U) Graduate of Foreign Medical School

(CT:VISA-1628; 09-13-2022)

- a. **(U)** Foreign medical graduates seeking to enter temporarily in connection with their profession are not eligible for F-1 visas. Such applicants must apply and qualify for IVs or for exchange visitor (J) or temporary worker (H) visas. See [9 FAM 402.5-6\(B\)](#) below and [9 FAM 402.10-4\(B\)](#).

- b. **(U)** At least one school has been approved to issue Forms I-20 to foreign medical graduates for a review-type continuing education course of study in preparation for taking tests in the field of medicine. Foreign medical graduates seeking to enter the United States to take such a review-type course of study who present a Form I-20 from an approved school are classifiable as F-1 students.

9 FAM 402.5-5(J)(6) (U) Entering the United States for Nursing Training

(CT:VISA-1628; 09-13-2022)

(U) DHS has approved several hospital-affiliated nurses' training schools for nonimmigrant students. In cases where a school has been approved, the application may be considered under INA 101(a)(15)(F).

9 FAM 402.5-5(J)(7) (U) Aviation Training

(CT:VISA-1970; 04-22-2024)

- a. **(U)** All flight training for initial training or subsequent training that will result in a certificate or rating must be undertaken on an F or M visa. This includes FAA, EASA, and other equivalent certificates.
- b. **(U)** Recurrent or refresher training (training related to an aircraft for which the applicant has already received certification) may be undertaken on a B-1. Recurrent training is the training required for crewmembers to remain adequately trained and currently proficient for each aircraft crewmember position, and type of operation in which the crewmember serves. It often consists of flight simulator training but may also entail classroom training to update pilots on such things as recent safety issues, trends in aviation, and modifications to aircraft configuration or operating procedures. This assumes that the applicant's employer is covering the recurrent training costs, incidental costs, and that the applicant does not receive a salary or perform labor in the United States.

9 FAM 402.5-5(K) (U) Applying INA 214(m)

9 FAM 402.5-5(K)(1) (U) Public Primary School or a Publicly Funded Adult Education Program

(CT:VISA-1628; 09-13-2022)

(U) Congress imposed limitations on noncitizen attendance in publicly funded institutions in the 1996 immigration legislation. As of November 30, 1996, F-1 visas cannot be issued to persons seeking to enter the United States to attend a public primary school or a publicly funded adult education program. See INA 214(m). This does not, however, bar a dependent of a nonimmigrant in any classification, including F-1, from attendance at a public primary school, an adult

education program, or another public educational institution, as appropriate. Under INA 214(m), primary school means kindergarten through 8th grade.

9 FAM 402.5-5(K)(2) (U) Secondary School

(CT:VISA-1970; 04-22-2024)

- a. **(U)** INA 214(m) restricts, but does not prohibit, the issuance of F-1 visas to students seeking to attend public high schools. Secondary school is deemed to be grades 9-12. As of November 30, 1996, two new additional criteria were imposed on intending F-1 students at public high schools:
 - (1) **(U)** They cannot attend such school for more than 12 months; and
 - (2) **(U)** They must repay the school system for the full, unsubsidized, per capita cost of providing the education to them.
- b. **(U)** You may not issue an F-1 visa for attendance at a public high school if the length of study indicated on the Form I-20 exceeds the 12-month cumulative period permitted under INA 214(m). F-1 visas issued to attend public secondary schools must be limited to 12 months and payment of the full, unsubsidized, per capita cost must be demonstrated before visa issuance.
- c. **(U)** It is important to remember that public secondary school attendance in a status other than F-1 (including unlawful status) does not count against the 12-month limit, nor does attendance in F-1 status before November 30, 1996.

9 FAM 402.5-5(K)(3) (U) Reimbursement

(CT:VISA-2048; 08-15-2024)

- a. **(U)** A public school system issuing a Form I-20 for attendance at a secondary school must indicate on the Form I-20 that such payment has been made and the amount of such payment. School districts may not waive or otherwise ignore this requirement. If the Form I-20 does not include the requisite information, the student must have a notarized statement stating the payment has been made and the amount from the designated school official (DSO) who signed the Form I-20. If not, the visa must be refused, under INA 221(g), until the applicant provides the necessary documentation.
- b. **(U)** Although the per capita costs vary from one school district to another (and sometimes from one school to another within the same district), the averages across the country have ranged from about \$8,000 to more than \$20,000. They run somewhat less than that in Puerto Rico and U.S. territories. These figures are guidelines only and must not be taken as absolutes. If, however, a Form I-20 indicates a repaid cost radically different (for example, something less than \$7,000), contact the F/M/J portfolio holder(s) in CA/VO/F/ET to coordinate an inquiry through SEVP.

9 FAM 402.5-5(K)(4) (U) Noncitizens Under Legal Guardianship of American Citizen Relatives

(CT:VISA-1292; 05-27-2021)

(U) Schools sometimes advise relatives to declare themselves as the noncitizen's legal guardian. The school then admits the foreign student as a resident, wrongfully assuming this would exempt the student from the INA 214(m) requirements. The student's status as a resident of the school district is irrelevant. Likewise, the fact that the student's U.S. sponsor has paid local property/school taxes does not fulfill the reimbursement requirement of INA 214(m).

9 FAM 402.5-5(K)(5) (U) Student Visa Abusers

(CT:VISA-1628; 09-13-2022)

(U) INA 212(a)(6)(G) provides sanctions against foreign students who fail to comply with the INA 214(m) requirements. A noncitizen in F-1 status who violates INA 214(m) is excludable until they have been outside the United States for a continuous period of five years after the date of the violation (see [9 FAM 302.9-9](#)). Noncitizens who are not subject to INA 214(m) are not subject to INA 212(a)(6)(G).

9 FAM 402.5-5(L) (U) Period of Stay

9 FAM 402.5-5(L)(1) (U) For F-1 Applicants

(CT:VISA-2048; 08-15-2024)

- a. **(U)** An individual entering as an F-1 student or granted a change to that status is usually admitted or given an extension of stay for the duration of status. Duration of status means the time during which the student is pursuing a full course of study and any additional periods of authorized practical training, plus 60 days following completion of the course or practical training within which to depart. Since November 30, 1996, however, the duration of status of an F-1 student in a publicly funded secondary school cannot exceed an aggregate of 12 months schooling (see [9 FAM 402.5-5\(K\)\(2\)](#) above).
- b. **(U)** An academic student is in status during the summer between terms, if eligible and intending to register for the next term. The student is expected to resume a full course of study at the commencement of the next term. A student compelled by illness or other medical condition to interrupt or reduce studies is in status until their recovery. The student is expected to resume a full course of study upon recovery.
- c. **(U)** DHS amended its regulations to permit the DHS Secretary to waive the usual limitations, including hours of coursework, on employment for students faced by unexpected severe economic circumstances. Such circumstances

could include substantial fluctuations in exchange rates, loss of on-campus employment, loss of other financial assistance through no fault of the student, etc. Students granted such waivers are deemed to be in status until the economic emergency is over and the necessity for such reduced studies has passed.

9 FAM 402.5-5(L)(2) (U) For M-1 Applicants

(CT:VISA-2048; 08-15-2024)

- a. **(U)** The period of stay for an M-1 student, whether from admission or through a change of nonimmigrant classification, is the time necessary to complete the course of study indicated on Form I-20 plus 30 days within which to depart, not to exceed one year.
- b. **(U)** An M-1 student may be granted an extension of stay if it is established that the student:
 - (1) **(U)** Is a bona fide nonimmigrant currently maintaining student status;
 - (2) **(U)** Is able to, and in good faith intends to, continue to maintain that status for the period for which the extension is granted; and
 - (3) **(U)** Has compelling educational or medical reasons which resulted in a delay to the course of study. Delays caused by academic probation or suspension are not acceptable reasons for program extension. Cumulative extensions are limited to three years.

9 FAM 402.5-5(M) (U) Spouse and Child of F-1 or M-1 Student

9 FAM 402.5-5(M)(1) (U) Refusals of Spouse and Child of F-1 or M-1 Student

(CT:VISA-1970; 04-22-2024)

- a. **(U)** Before issuing an F-2 or M-2 visa to a spouse or child of a principal F-1 or M-1 student, you must be satisfied that the relationship between the principal applicant and the spouse or child exists, and that the spouse or child can be expected to depart from the United States upon completion of approved activities by the F-1 or M-1 principal applicant. See [9 FAM 402.5-5\(E\)](#) above. Keep in mind that coming to a different conclusion about family members entitled to a derivative nonimmigrant classification and the principal should be rare. See [9 FAM 402.1-4\(A\)](#). If the derivative F-2 or M-2 is seeking to join an F-1 or M-1 principal applicant already in the United States, you must confirm that the derivative F-2 or M-2 applicants have the requisite nonimmigrant intent and that the family's circumstances have not changed in a way to alter the intent of the principal applicant, to conclude the applicants overcome INA 214(b). See [9 FAM 402.1-4\(C\)](#).

- b. **(U)** If you doubt an F-1 or M-1 student's intent to return abroad, the student cannot satisfy your doubts by offering to leave a child, spouse, or other dependent abroad. See [9 FAM 402.2-2\(B\)](#) paragraph b.

9 FAM 402.5-5(M)(2) (U) Separate Form I-20 and SEVIS Registration Required for Accompanying Spouse and/or Minor, Unmarried Child of F-1 or M-1 Student

(CT:VISA-2048; 08-15-2024)

(U) Each F-2 or M-2 dependent is required to have their own properly executed Form I-20 and their own unique SEVIS ID number. It is not possible to issue dependent F-2 or M-2 visas based on the principal's Form I-20. The F-2 or M-2 must present this evidence to both you and the immigration officer at the POE. F-2 or M-2 dependents are not required to pay a separate SEVIS fee. Additional details on the SEVIS fee can be found on the SEVP page at the ICE website.

9 FAM 402.5-5(M)(3) (U) Classification of Spouse or Child Who Will Attend School in the United States

(CT:VISA-1970; 04-22-2024)

- a. **(U)** A spouse qualified for an F-2, M-2, or any other derivative nonimmigrant classification may only study if those studies are incidental to the primary purpose of travel: to accompany their spouse to the United States. A spouse in F-2 status, therefore, may only participate in avocational or recreational programs. A spouse of an F-1 visa holder may only enroll in a full-time course of study if they independently qualify under INA 101(a)(15)(F)(i) as a nonimmigrant student.
- b. **(U)** A child qualified for an F-2, M-2, or any other derivative nonimmigrant classification is not required to qualify under INA 101(a)(15)(F)(i) as a nonimmigrant student even though the child will attend school while accompanying the principal (see [9 FAM 402.1-5\(C\)](#)). Moreover, a child in F-1 status could not qualify to attend a public primary school and would be limited to 12 months of attendance at a public high school. See [9 FAM 302.9-9\(B\)\(1\)](#).

9 FAM 402.5-5(N) (U) Employment of F-1 and M-1 Student, Spouse, and Children

9 FAM 402.5-5(N)(1) (U) On-Campus Employment for F-1 Student

(CT:VISA-1292; 05-27-2021)

(U) An F-1 student may accept on-campus employment with the approval of the designated school official (DSO) in an enterprise operated by or on behalf of the

school. The work must take place either at the school or at an educationally affiliated (associated with the school's established curriculum or part of a contractually funded research project at the postgraduate level) off-campus location. Work that takes place at the school location could be for an on-campus commercial business, such as a bookstore or cafeteria, if the work directly provides services for students. Employment located on-campus that does not directly involve services to students (such as construction work) does not qualify as on-campus employment. Work with an employer that is educationally affiliated with the school is on-campus employment even if the work site is not located on the campus (such as a research lab affiliated with the school). Such on-campus employment must not displace an American citizen or LPR. The employment may not exceed 20 hours a week while school is in session but may be full time when school is not in session. The student must be maintaining status. An F-1 student who finishes a program, such as a bachelor's degree, and starts another program of study at the same campus may continue on-campus employment if the student plans to enroll in the new program of study for the next term.

9 FAM 402.5-5(N)(2) (U) Off-Campus Employment for F-1 Student

(CT:VISA-1970; 04-22-2024)

- a. **(U)** An F-1 student may not accept off-campus employment without first applying to U.S. Citizenship and Immigration Services (USCIS) for employment authorization. An F-1 student may be eligible to apply for off-campus employment authorization after completing one full academic year in F-1 status. A student who receives authorization from USCIS for off-campus employment may not work more than 20 hours a week when school is in session. Such employment authorization is automatically terminated if the student fails to maintain status. A designated school official (DSO) must request off-campus employment for an F-1 student in SEVIS in support of the Form I-765 which must be filed with USCIS, and the request will appear in the electronic SEVIS record. To recommend off-campus employment, the DSO must certify that:
 - (1) **(U)** The student has been in F-1 status for one full academic year;
 - (2) **(U)** The student is in good standing and carrying a full course of study;
 - (3) **(U)** The student has established that acceptance of employment will not interfere with the full course of study; and
 - (4) **(U)** The prospective employer has submitted a labor and wage attestation, or the student has established a severe economic necessity for employment due to unforeseen circumstances beyond the student's control.
- b. **(U)** A student who has received approval from USCIS for off-campus employment will have an employment authorization document (EAD) showing the duration of the employment authorization, which may be up to one year

at a time. The student's electronic SEVIS record will also show approval for off-campus employment.

- c. **(U)** If a student who has been granted off-campus employment authorization temporarily leaves the country during the period when employment is authorized, such employment can be resumed upon return. The student must, however, be returning to the same school.

9 FAM 402.5-5(N)(3) (U) Employment as Part of Curricular or Alternate Work/Study Practical Training for F-1 Student

(CT:VISA-1757; 04-17-2023)

(U) A student enrolled in a college or other academic institution having alternate work/study courses as part of the curriculum within the student's program of study may participate in and be compensated for such practical training when authorized for curricular practical training (CPT) by the designated school official (DSO). Students may not begin such training before endorsement of their electronic SEVIS record by the DSO with such authorization. Periods of actual off-campus employment in a work/study program are considered practical training. Students who have engaged in a full year of full-time CPT will not receive authorization to engage in optional practical training (OPT) after completion of the course of study.

9 FAM 402.5-5(N)(4) (U) Practical Training

(CT:VISA-1757; 04-17-2023)

- a. **(U)** Students are eligible for practical training only after they have completed a full academic year in an approved college-level institution, except for graduate students whose program requires them to participate immediately in curricular practical training (CPT). Students in English language training programs are ineligible for practical training. Optional practical training (OPT) is training that is directly related to an F-1 student's major area of study. It is intended to provide a student with practical experience in their field of study during or upon completion of a degree program and is authorized through the recommendation of the designated school official (DSO) and the filing of Form I-765 with USCIS and subsequent issuance of an Employment Authorization Document (EAD) by USCIS. CPT is employment that is an integral part of a student's specified curriculum. In most cases, CPT involves internships and similar work experience specifically required by the student's program of study. The DSO must authorize CPT before the student begins work. See the SEVP website for more information on practical training.
- b. **(U)** Any authorization for employment for purposes of practical training is suspended in the event of a certified strike or other labor dispute involving a work stoppage at the place of employment.

9 FAM 402.5-5(N)(5) (U) Optional Practical Training

(CT:VISA-2048; 08-15-2024)

- a. **(U)** An F-1 student may apply for OPT in a job related to their major area of study. OPT may be authorized pre- and post-completion and on a full-time or part-time basis. During school vacations, either part-time or full-time OPT is permissible. When school is in session, OPT may not exceed 20 hours per week. An F-1 student may request post-completion OPT after completion of all course requirements not including thesis or equivalent, or after completion of all requirements for graduation. Post-completion OPT must be full time. Such training must be completed within 12 months, although certain F-1 students may be eligible for an extension of post-completion OPT based on their major field of study or a pending change of status to H-1B. In addition to a DSO's request for OPT which will appear in the student's electronic SEVIS record, the student must apply to USCIS using Form I-765 for an Employment Authorization Document (EAD). If the student makes a brief trip abroad during a period of post-completion OPT, a valid F-1 visa, the unexpired EAD, the endorsed Form I-20, and the electronic SEVIS record will be required for reentry to complete the training. A letter of employment may also be required. F-1 students may also travel abroad during the period following the completion of their academic programs while they have a pending request for OPT, which will appear in their electronic SEVIS record, but such travel should be undertaken with caution. USCIS may send a request for evidence to the U.S. address on the OPT application while the applicant is away. Additionally, if USCIS approves the application, the applicant will be expected to have the EAD in hand to reenter the United States. Like a request for evidence, USCIS can only send the EAD to a U.S. address.
- b. **(U)** OPT is different from curricular practical training (CPT), which is part of a student's degree curriculum and can only be authorized during a student's course of study. OPT, by contrast, can be authorized during the student's degree program, as well as after graduation.

9 FAM 402.5-5(N)(6) (U) Extension of OPT for Science, Technology, Engineering, or Mathematics (STEM) Students, and H-1B Beneficiaries ("Cap Gap")

(CT:VISA-2048; 08-15-2024)

- a. **(U)** Effective May 10, 2008, until May 9, 2016, USCIS could grant an OPT extension of 17 months, for a maximum of 29 months, to an eligible F-1 student on post-completion OPT with a degree in a DHS-approved science, technology, engineering, or mathematics (STEM) field.
- b. **(U)** Effective May 10, 2016, an F-1 student with a bachelor's or higher degree in a DHS-approved STEM field who is already in a period of approved post-completion OPT may apply to USCIS to extend that period by 24 months, for a maximum of 36 months. Eligibility for this extension is based upon the

Classification of Instructional Programs (CIP) code for the student's degree program as indicated on the Form I-20, on an official transcript, or as shown in SEVIS (including for eligibility based on a previously obtained degree) and whether the CIP code for the degree program is included on the DHS-approved list of qualifying degree program categories for the extension, which can be found on the SEVP website. Students are also required to complete Form I-983, Training Plan for STEM OPT Students, with their employer and submit it to the DSO. See the SEVP website for more information on Form I-983. The DSO must verify the student's eligibility, including ensuring that Form I-983 has been properly completed and executed, recommend the extension through SEVIS, and provide the student with a Form I-20 annotated with the recommendation. Once the DSO recommends the extension, the student must submit a Form I-765, Application for Employment Authorization, and all appropriate fees to USCIS. Additional information can be found on the USCIS website.

- c. **(U)** F-1 students on post-completion OPT must report all employment and periods of unemployment to their DSOs, who then report the information in SEVIS on the student's record. F-1 students participating in post-completion OPT are initially allowed an aggregate period of unemployment of 90 days. Students on a 24-month STEM OPT extension are allowed an additional 60 days of unemployment, for a total of 150 days. This measure allows time for job searches or a break when switching employers. See the SEVP OPT policy guidance on the SEVP website for more information on how unemployment is counted.
- d. **(U)** If the F-1 student has filed a Form I-765 for a 24-month extension in a timely manner before their end of regular post-completion OPT, then the student's OPT employment authorization is automatically extended for 180 days. This extension ends once USCIS adjudicates the STEM OPT application. If USCIS approves the STEM OPT extension the student is provided with a new EAD reflecting the extension dates. If the petition is denied, the student's period of OPT ends.
- e. **(U)** As the STEM OPT extension is automatic for the first 180 days following regular post-completion OPT (when the student has properly filed Form I-765), the student may not necessarily have a renewed EAD. Therefore, any students having automatically authorized employment through filing for the STEM OPT extension may not be able to present a valid EAD when they apply to renew their visa. However, F-1 students in this situation can request an updated Form I-20 from the DSO, annotated for the STEM OPT extension, as well as proof that the I-765 petition was filed in a timely manner. You must confirm that the student's electronic SEVIS record contains the same information as the updated hard copy Form I-20 before issuing a visa.
- f. **(U)** The STEM Designated Degree Program List provides degree program categories approved for the 24-month STEM OPT extension and significant additional information.

- g. **(U)** If an F-1 student is the intended beneficiary of a timely filed Form I-129 petition for a cap-subject H-1B visa to start on October 1, the F-1 status and any OPT authorization held on the eligibility date is automatically extended to dates determined by USCIS that allow for receipt or approval of the petition, up to September 30. The Cap Gap OPT Extension is automatic, and USCIS will not provide the student with a renewed EAD. However, F-1 students in this situation can request an updated Form I-20 from the DSO, annotated for the Cap Gap OPT Extension, as well as proof that the Form I-129 petition was timely filed. Verify that the electronic SEVIS record has also been updated before issuing a visa.

9 FAM 402.5-5(N)(7) (U) Practical Training for M-1 Student

(CT:VISA-2048; 08-15-2024)

(U) Except for temporary employment for practical training as set forth herein, an M-1 student may not accept employment. Practical training may only be authorized at the completion of an M-1 course of study. An M-1 student who desires temporary employment for practical training must apply to USCIS by filing Form I-765. If approval is granted, DHS will endorse the student's Form I-20 with the dates the authorization for practical training begins and ends. Because M-1 students are admitted until a certain date, an M-1 student may need to also file Form I-539, Application to Extend/Change Nonimmigrant Status, to apply for an extension of M-1 status in conjunction with the application for employment authorization. Verify that the electronic SEVIS record has been updated before issuing a new visa.

9 FAM 402.5-5(N)(8) (U) Temporary Absence of F-1 or M-1 Student with Pending or Granted Practical Training

(CT:VISA-1757; 04-17-2023)

- a. **(U)** An F-1 or M-1 student authorized to accept employment for practical training who leaves the country temporarily may be readmitted for the remainder of the authorized period. The student must be returning solely to perform the authorized training. Additionally, a student may travel abroad and be readmitted while the request for practical training is pending with USCIS, but such travel should be undertaken with caution. USCIS may send a request for evidence to the U.S. address on the application while the applicant is away. Additionally, if USCIS approves the practical training application, the applicant will be expected to have the Employment Authorization Document (EAD) in hand to reenter the United States. Like a request for evidence, USCIS can only send the EAD to a U.S. address.
- b. **(U)** A valid F-1 or M-1 visa, the Form I-20, EAD (if issued), and an accurate electronic SEVIS record are required to reenter the United States for practical training purposes. A letter of employment may also be required. For individuals attempting to travel abroad and be readmitted while an

application for the STEM OPT extension is pending, the Form I-20 should be endorsed for reentry by the DSO within the last six months.

9 FAM 402.5-5(N)(9) (U) Employment of F-2 and M-2 Spouse and Children

(CT:VISA-1; 11-18-2015)

(U) The F-2 spouse and children of an F-1 student may not accept employment. The M-2 spouse and children of an M-1 student may not accept employment.

9 FAM 402.5-5(O) (U) F-3 and M-3 Nonimmigrant Visa Classifications

(CT:VISA-1757; 04-17-2023)

- a. **(U)** The Border Commuter Student Act of 2002 (Public Law 107-274), which was signed into law on November 2, 2002, amended INA 101(a)(15)(F) and (J) to create the F-3 and M-3 NIV categories for Canadian and Mexican citizens and residents who commute to the United States for study at a DHS-approved school located within 75 miles of the U.S. border. These students are permitted to study on either a full-time or part-time basis. Until further notice, applicants applying to study in the *United States* who present a valid Form I-20, have an electronic SEVIS record in INITIAL or ACTIVE status, and will commute to school; i.e., not reside in the United States while attending classes, are to be processed as F-1/M-1 students, and the annotation "border commuter" placed on the visa foil.
- b. **(U)** The family members of border commuter students are not entitled to derivative F-2 or M-2 status, given that these students do not reside in the United States.

9 FAM 402.5-5(P) (U) Temporary Absence

9 FAM 402.5-5(P)(1) (U) Applicants Who Apply While Abroad for an F-1 or M-1 Visa

(CT:VISA-1628; 09-13-2022)

(U) Except as provided below, a student making a short trip abroad during an authorized period of study, who needs to obtain a new visa during such absence, must present their Form I-20, properly executed and endorsed. You must verify that the SEVIS record of the applicant is in ACTIVE status. If otherwise qualified, the applicant may be issued the appropriate visa.

9 FAM 402.5-5(P)(2) (U) Temporary Absence of Applicants Applying Abroad for Attendance at School Other than Listed on the Visa

(CT:VISA-2048; 08-15-2024)

(U) A student temporarily abroad who intends to return to study at a United States institution other than the one for which the original visa was issued may seek admission with the original visa, if still valid, and the Form I-20 from the new school. If the student wishes to apply for a new visa, however, they must present proof that the transfer has been completed and the student is in “initial” or “active” status at the new school. Verify that the applicant has a valid SEVIS record showing the applicant is in INITIAL or ACTIVE status at the new institution and that the SEVIS fee has been paid on the new record before issuing a new student visa.

9 FAM 402.5-5(P)(3) (U) Renewing F or M Visas for Returning Students

(CT:VISA-2048; 08-15-2024)

(U) Where applicable, returning students may be eligible to apply under interview waiver authority (see [9 FAM 403.5-4\(A\)\(1\)](#)). You usually should renew F or M visas to returning students who have remained in status and have not had any significant changes in either their academic program or their personal circumstances. When a foreign student engaged in study takes a short trip abroad and requires a visa to return to the United States, you are encouraged to issue visas, if the student is otherwise qualified, to allow the student to complete their study. Verify that the student's SEVIS record is in ACTIVE status before issuing a new visa.

9 FAM 402.5-5(Q) (U) Processing F and M Visas

9 FAM 402.5-5(Q)(1) (U) Issue Full Validity Student Visas

(CT:VISA-1837; 09-26-2023)

Unavailable

9 FAM 402.5-5(Q)(2) (U) Maintenance of Status and Departure Bond

(CT:VISA-432; 08-08-2017)

(U) See [9 FAM 403.9-8](#).

9 FAM 402.5-5(Q)(3) (U) Automatic Extension of Validity of Visa

(CT:VISA-432; 08-08-2017)

(U) See [9 FAM 403.9-4\(E\)](#).

9 FAM 402.5-5(R) (U) Visa Annotations

9 FAM 402.5-5(R)(1) (U) Name of School and SEVIS ID

(CT:VISA-2048; 08-15-2024)

(U) An initial F-1 or M-1 visa must be annotated with the SEVIS ID and the name of the institution the student will initially attend. Ensure that the SEVIS ID is correctly annotated on the visa foil. Inform an applicant who has been accepted by more than one institution that the visa application will be considered only based on the Form I-20 issued by the school which the applicant will attend. Also advise the applicant that the immigration inspector at the POE can refuse admission for a student seeking an initial entry with a Form I-20 from a school other than the one named on the visa or if the student indicates an intention to attend a different institution.

9 FAM 402.5-5(R)(2) (U) Entry of Student Before Enrollment

(CT:VISA-2048; 08-15-2024)

a. Unavailable

- b. **(U)** A student who wants to travel to the United States more than 30 days in advance of their program start date must obtain a visa in a different classification and seek admission under that other visa.
- c. **(U)** If a B-2 visa is issued, advise the applicant that, if admitted to the United States as a B-2 visitor, they are required to obtain a change of nonimmigrant status from USCIS to that of an F, M, or J student, as applicable, before their program start date.

9 FAM 402.5-5(R)(3) (U) Entry When School Not Selected

(CT:VISA-1090; 06-24-2020)

(U) A prospective student applicant who has neither been issued a Form I-20 nor made a final selection of a school may wish to travel to the United States for the primary purpose of selecting a school. If the applicant qualifies for a visitor visa, and would appear to qualify for a student visa, a B-2 visa may be issued for this purpose of travel.

9 FAM 402.5-5(R)(4) (U) Admitted Student Traveling Without Form I-20

(CT:VISA-2048; 08-15-2024)

- a. **(U)** A signed hard copy Form I-20 must be presented at the POE for a student to be admitted in F or M status.
- b. **(U)** When a student has documentary evidence that admission to a school has been granted, and when circumstances warrant visa issuance before the hard copy Form I-20 has been received, you may issue an F-1 visa based on the electronic SEVIS record. The electronic SEVIS record must show that the visa applicant is in INITIAL or ACTIVE student status and that the SEVIS I-901 fee has been paid. Enter a case note stating that you have reviewed the electronic SEVIS record and advised the student to carry the hard copy Form I-20 when travelling.

9 FAM 402.5-6 (U) EXCHANGE VISITORS – J VISAS

9 FAM 402.5-6(A) (U) Statutory and Regulatory Authorities

9 FAM 402.5-6(A)(1) (U) Immigration and Nationality Act

(CT:VISA-1; 11-18-2015)

(U) INA 101(a)(15)(J) (8 U.S.C. 1101(a)(15)(J)); INA 212(e) (8 U.S.C. 1182(e)); INA 212(j) (8 U.S.C. 1182(j)); INA 214(b) (8 U.S.C. 1184(b)); INA 214(l) (8 U.S.C. 1184(l)).

9 FAM 402.5-6(A)(2) Code of Federal Regulations

(CT:VISA-1; 11-18-2015)

(U) 22 CFR 41.62; 22 CFR 41.63; 22 CFR Part 62.

9 FAM 402.5-6(B) (U) The Exchange Visitor Program

9 FAM 402.5-6(B)(1) (U) Overview

(CT:VISA-2048; 08-15-2024)

- a. **(U)** The purpose of the Exchange Visitor Program (J visa program) is to further the foreign policy interests of the United States by increasing the mutual understanding between the people of the United States and the people of other countries by means of mutual educational and cultural exchanges. The goal is to meet this purpose while protecting the health,

safety, and welfare of the foreign nationals participating in the Program as exchange visitors. Only organizations that have been designated by ECA, may participate.

- b. **(U)** The Exchange Visitor Program is administered under the oversight of the Deputy Assistant Secretary for Private Sector Exchange. The Office of Private Sector Exchange Designation, the Office of Exchange Coordination and Compliance, and the Office of Private Sector Exchange Administration are located at:

Bureau of Educational and Cultural Affairs
Department of State
State Annex SA-4E
2430 E Street, NW
Washington, DC 20522

- c. **(U)** Detailed guidance can be found on the Exchange Visitor Program at j1visa.state.gov.

9 FAM 402.5-6(B)(2) (U) Mandatory Exchange Visitor Classification in Certain Cases

(CT:VISA-2048; 08-15-2024)

- a. **(U)** Participants in exchange visitor programs sponsored by USAID (program serial numbers G-1 and G-2, respectively) are supported by U.S. government funding. These participants must be documented as exchange visitors (J visa) rather than in another visa category (such as F-1 student), even if they qualify for that visa category. Participants in exchange visitor programs sponsored by other U.S. government agencies (program serial number G-3) or participants in a federally funded national research and development center program (program serial number G-7), must also be documented as exchange visitors if participation is directly financed in whole or in part by the sponsoring agency. The only exception to these rules requiring J classification is for an applicant who would otherwise qualify for an A-1 or A-2 visa. Such applicants must always be issued A visas, rather than J visas, regardless of the funding of their travel. See [9 FAM 402.3-4\(A\)](#) regarding the rule that there is no alternative to A or G visa classification. Contact CA/VO/F/ET for additional guidance, if required.
- b. **(U)** You may receive visa applications from individuals seeking to participate in exchange programs or conferences that will be funded by a U.S. government agency, but the applicant does not present a Form DS-2019 as the program does not have ECA designation. As such, these applications cannot qualify for J-1 classification. You must determine whether the applicant qualifies for another visa classification appropriate for the purpose of travel, usually a B visa. See [9 FAM 402.2-5\(B\)](#). Do not instruct applicants that they must apply for a J-1 visa, even if the planned travel is funded by the U.S. government, if the program does not have an ECA designation. Contact L/CA with classification-specific questions.

9 FAM 402.5-6(C) (U) Qualifying for an Exchange Visitor Visa (J-1)

(CT:VISA-2048; 08-15-2024)

(U) An applicant applying for a visa under INA 101(a)(15)(J) must meet the following requirements to qualify for an exchange visitor visa:

- (1) **(U)** Acceptance to a designated exchange visitor program, as evidenced by presentation of Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status (see [9 FAM 402.5-6\(D\)](#) below);
- (2) **(U)** Sufficient funds, or adequate arrangements made by a host organization, to cover expenses;
- (3) **(U)** Sufficient proficiency in the English language to participate in their program and compliance with the requirements of INA 212(j) (see [9 FAM 402.5-6\(G\)](#) below);
- (4) **(U)** Present intent to leave the United States at conclusion of program (see [9 FAM 402.5-6\(F\)](#) below);
- (5) **(U)** Possession of qualifications for the program offered (see [9 FAM 402.5-6\(E\)](#) below); and
- (6) **(U)** Compliance with INA 212(e) if applicable (see [9 FAM 302.13-2](#) and 22 CFR 41.63). Annotate the Form DS-2019 (see [9 FAM 402.5-6\(D\)\(2\)](#) paragraph b below and annotate the visa (see [9 FAM 402.5-6\(I\)\(6\)](#) below) accordingly.

9 FAM 402.5-6(D) (U) Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-Nonimmigrant) Status

9 FAM 402.5-6(D)(1) (U) The Basic Form

(CT:VISA-2048; 08-15-2024)

- a. **(U)** Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-Nonimmigrant) Status, is the document required to support an application for an exchange visitor visa (J-1). It is a two-page document which can only be produced through SEVIS. SEVIS is the DHS database developed to collect information on F, M, and J visa holders (see [9 FAM 402.5-4](#) above and [9 FAM 402.5-6\(J\)](#) below). The prospective exchange visitor's signature on page one of the Form DS-2019 is required. Page two of Form DS-2019 consists of instructions and certification language relating to participation. Form DS-2019 is generated with a unique identifier known as a "SEVIS ID number" in the top right-hand corner, which consists of an "alpha" character (N) and 10 numerical characters (e.g., N0002123457).
- b. **(U)** ECA/EC/D designates U.S. organizations to conduct exchange visitor programs. These organizations are known as program sponsors. Designated

sponsors have access to SEVIS and the capability of generating Forms DS-2019 from SEVIS. Effective April 27, 2023, designated sponsors are permitted to use digital signatures and electronically transmit Form DS-2019 directly to exchange visitors. As of this date, consular sections should accept printed versions of the digitally signed copy of Form DS-2019 for all J applicants. Sponsors also may print, physically sign paper forms in any color ink, and continue to mail the forms or scan the signed forms (e.g., into portable document format (PDF) files) and transmit them electronically. Sponsors may also digitally sign and electronically transmit Forms DS-2019 to eligible J-2 spouses or children of an exchange visitor.

- c. **(U)** J visa applicants must continue to present a signed paper Form DS-2019 at their visa interview and at the POE when they travel to the United States. If there are minor errors on the form (e.g., a program begin date that is off by one day), you can process the case using that form. You must verify the applicant's SEVIS record in the SEVIS report in CCD. If corrections are needed, they may be made electronically; there is no need to request a new hard copy of the Form DS-2019. Make a case note to alert CBP that the electronic record has been updated. Once the visa is issued, however, the SEVIS record cannot be updated until the participant's program is validated ("Active" in SEVIS). See 22 CFR 62.13(a). The sponsor is required to update the SEVIS record upon the exchange visitor's entry and no corrections to the record can be made until that time. In addition, in the event a visa is needed for a spouse or a minor child and the primary's J-1 visa has already been issued, the system will not permit new Forms DS-2019 to be created until after the sponsor validates the primary applicant's SEVIS record.

9 FAM 402.5-6(D)(2) (U) Processing of Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status

(CT:VISA-1741; 03-30-2023)

- a. **(U)** The Form DS-2019, also known as Certificate of Eligibility for Exchange Visitor (J-1) Status, indicates the visa applicant understands all conditions of the stay in the United States in J status and understands also that a consular or immigration officer will make a preliminary determination as to whether the applicant is subject to the two-year home country physical presence requirement. Before the visa is issued, the applicant must sign the bottom of page one of the Form DS-2019 certifying they agree to comply with that requirement if it is determined to be applicable.
- b. **(U)** A consular or immigration officer makes the preliminary determination regarding the applicability to the two-year home country physical presence requirement under INA 212(e) after a personal interview with the individual unless personal appearance has been waived under [9 FAM 403.5-4\(A\)](#). The consular or immigration officer signs page one of Form DS-2019 indicating the determination made by the officer. The Department's Waiver Review Division (CA/VO/DO/W) reserves the authority to make the final

determination whether to issue a favorable recommendation to DHS to waive the two-year requirement under INA 212(e).

9 FAM 402.5-6(D)(3) (U) Serial Numbers of Designated Exchange Visitor Programs

(CT:VISA-2048; 08-15-2024)

(U) When ECA/EC/D designates an organization or agency as a sponsor, it is enrolled in SEVIS and assigned a unique program serial number (referred to as the program number) that is used to identify the specific program. The sponsor number is assigned based upon the following series:

- (1) **(U)** G-1—Department of State;
- (2) **(U)** G-2—U.S. Agency for International Development (USAID);
- (3) **(U)** G-3—Other U.S. Federal agencies;
- (4) **(U)** G-4—International agencies or organizations in which the U.S. government participates;
- (5) **(U)** G-5—Other national, State, or local government agencies;
- (6) **(U)** G-7—Federally funded national research and development center or a U.S. Federal laboratory;
- (7) **(U)** P-1—Educational institutions, e.g., schools, colleges, universities, seminaries, libraries, museums, and institutions devoted to scientific and technological research;
- (8) **(U)** P-2—Hospitals and related institutions;
- (9) **(U)** P-3—Nonprofit organizations, associations, foundations, and institutions (academic institutions conducting training programs can be classified as a P-3 if they are nonprofit); and
- (10) **(U)** P-4—For-profit organizations (business and industrial concerns).

9 FAM 402.5-6(D)(4) (U) Requirement for Form DS-2019 in Case of Spouse and/or Minor, Unmarried Children

(CT:VISA-2048; 08-15-2024)

- a. **(U)** Each accompanying J-2 spouse or child of a principal J-1 is required to have a separate Form DS-2019 issued by the program sponsor and will have their own unique SEVIS ID number. You may not issue dependent J-2 visas based on the principal's (J-1's) Form DS-2019.
- b. **(U)** A minor, unmarried child qualified for J-2 status is not required to qualify under INA 101(a)(15)(F)(i) as a nonimmigrant student even though the child will attend school while accompanying the principal J-1. See [9 FAM 402.1-5\(C\)](#).

- c. **(U)** The J-2 applicant must present their Form DS-2019 to you during the visa interview, and to the U.S. Customs and Border Protection (CBP) officer at the POE.
- d. **(U)** Participants in the Summer Work Travel, camp counselor, au pair, and high school exchange programs are not expected to be accompanied by dependents. If you receive a Form DS-2019 supporting a J-2 visa application from an individual claiming such status, contact CA/VO/F/ET for guidance.

9 FAM 402.5-6(D)(5) (U) Processing of Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, at Port of Entry (POE)

(CT:VISA-2048; 08-15-2024)

- a. **(U)** After a J-1 visa has been issued, return the completed Form DS-2019 to the exchange visitor. Inform the exchange visitor that they must carry Form DS-2019 on their person for presentation to the CBP officer at the U.S. POE. At each admission to the United States, an exchange visitor must present the Form DS-2019 along with the visa to the CBP officer. Upon the exchange visitor's arrival in the United States, the CBP officer will examine the visa, the Form DS-2019, and any supporting documentation and return the documents to the exchange visitor.
- b. **(U)** If the exchange visitor is admitted, DHS will return the Form DS-2019 to the individual. The exchange visitor must always safeguard the form. If the exchange visitor loses the Form DS-2019, they must obtain a replacement from the designated sponsor.

9 FAM 402.5-6(D)(6) (U) Sample Form DS-2019

(CT:VISA-1090; 06-24-2020)

- a. **(U) J-1 Principal Applicant Sample:** For a sample of a properly completed DS-2019 for a J-1 Principal, click here, Sample DS-2019 for J-1.
- b. **(U) J-2 Dependent Sample:** For a sample of a properly completed DS-2019 for a J-2 dependent click here, Sample DS-2019 for J-2.

9 FAM 402.5-6(D)(7) (U) Form DS-7002, Training/Internship Placement Plan

(CT:VISA-1837; 09-26-2023)

- a. **(U)** The Form DS-7002, Training/Internship Placement Plan (T/IPP), is designed to standardize applications in the Trainee, Intern, and College and University Student Intern categories and to increase transparency and accountability and curb potential abuse by having all three concerned parties— the exchange visitor, the U.S. sponsor, and the entity providing the training or internship sign the Form DS-7002 acknowledging the program plan and their regulatory responsibilities.

- b. **(U)** You may wish to use the Form DS-7002 to help in formulating interview questions, but you are not required to verify the contents of the form.
- c. **(U)** Electronic signatures (including faxed signatures) are permissible on Form DS-7002, and you should accept these as they adjudicate applications.
- d. **(U)** The form requires each participant to have U.S. contact information. As some prospective exchange program participants may not have this information at the visa interview, you may accept the contact details for the participant's host organization in the United States instead.

9 FAM 402.5-6(D)(8) (U) Sample Form DS-7002

(CT:VISA-1741; 03-30-2023)

(U) To see the Form DS-7002 see myData.

9 FAM 402.5-6(E) (U) Categories of Exchange Visitors

(CT:VISA-2048; 08-15-2024)

- a. **(U)** At present, the Department has 15 exchange categories in which foreign nationals may participate. Participants may only engage in activities authorized for their program.
- b. **(U)** The following sections list these categories in alphabetical order with a brief description of key points.
- c. **(U)** The presentation of a valid Form DS-2019 by the visa applicant constitutes evidence that the individual was determined by the designated U.S. program sponsor to be qualified to participate in the specific exchange program. Verify the Form DS-2019 in the electronic SEVIS report in the CCD and determine that the applicant's record is in either INITIAL or ACTIVE status and that the SEVIS I-901 fee has been paid. Also note the program end date as it appears in the electronic record and ensure that the J visa is issued with a validity that corresponds to the program end or to the reciprocity schedule for the country of the applicant's nationality, whichever is shorter. See [9 FAM 402.5-6\(I\)\(6\)](#).

9 FAM 402.5-6(E)(1) (U) Noncitizen Physician

(CT:VISA-1628; 09-13-2022)

- a. **(U) Noncitizen Physician:** This category is for foreign national medical graduates pursuing American medical board certification through graduate education and training at accredited U.S. schools of medicine or other U.S. institutions through a clinical exchange program.
- b. **(U)** The Educational Commission for Foreign Medical Graduates (ECFMG) is the only program sponsor authorized to use this category. Foreign medical graduates under this category must successfully complete examinations

administered by ECFMG that measure their command of English and the medical sciences.

- c. **(U)** All foreign medical graduates sponsored in the category of Alien Physician are subject to the 2-year home-country physical presence requirement. See [9 FAM 402.5-6\(L\)](#) below.
- d. **(U) Exception to ECFMG sponsorship:** A foreign physician may be sponsored by a designated sponsor other than ECFMG (e.g., a U.S. university, academic medical center, school of public health, or other public health institution) as a “research scholar” only if the dean of the accredited U.S. medical school or their designee certifies the following 5 points, and such certification is appended to the Form DS-2019 issued to the prospective exchange visitor Alien Physician:
 - (1) **(U)** The program is predominantly involved with observation, consultation, teaching, or research;
 - (2) **(U)** Any incidental patient contact will be under the direct supervision of a U.S. citizen or LPR physician who is licensed to practice medicine in the State in which the activity is taking place;
 - (3) **(U)** The foreign national physician will not be given final responsibility for the diagnosis and treatment of patients;
 - (4) **(U)** Any activities will conform fully with the State licensing requirements and regulations for medical and health care professionals in the State in which the program is being pursued; and
 - (5) **(U)** Any experience gained will not be credited towards any clinical requirements for medical specialty board certification. In such cases, the program sponsor’s letter of designation will explicitly authorize the sponsor to issue Form DS-2019 using the Research Scholar category. The duration of participation as a Research Scholar is limited to 5 years unless the Department approves a program extension for a G-7-sponsored exchange visitor.
- e. **(U) Duration:** The duration of participation is limited to seven years, unless specifically authorized by the Department (ECA/EC). Such authorization will be indicated by an active SEVIS status with the same SEVIS number and an extended program end date.
- f. **(U) Exchange Visitor Program Regulation:** See 22 CFR 62.27.

9 FAM 402.5-6(E)(2) (U) Au Pair

(CT:VISA-1837; 09-26-2023)

- a. **(U) Au Pair:** This category is for a foreign national age 18-26 entering the United States for a period of one year to reside with an American host family, or the family of an LPR, while participating in their home life and providing limited childcare services. Au Pair applicants who are 26 years of age at the time of the program start date are eligible to participate in the Au Pair

program. The Au Pair is also required to enroll and attend classes offered by an accredited U.S. postsecondary institution for not less than 6 semester hours of academic credit, or the equivalent. As a condition of participation, host-families must agree to facilitate the enrollment and attendance of the Au Pair and to pay the cost of such academic course work in an amount not to exceed \$500. Au Pairs may enroll in appropriate course work after they arrive on the program and are not required to have a plan in place at the time of visa interview for the course work they intend to enroll in. Failure to adhere to the education component is grounds for termination of the Au Pair from the program by the sponsor.

- b. **(U) EduCare:** The regulations governing the Au Pair category were amended to create a subcategory called EduCare. This component is specifically designed for families with school-aged children requiring limited childcare assistance. Au Pairs participating in the EduCare component may not be placed with families having pre-school-aged children unless alternative arrangements are in place for these children. EduCare participants may not work more than 10 hours a day/30 hours a week. They must complete a minimum of 12 semester hours of academic credit, or its equivalent, during their program. Host families provide the first \$1,000 to the Au Pair toward the cost of the educational component. EduCare Au Pairs may enroll in appropriate course work after they arrive on the program and are not required to have a plan in place at the time of visa interview for the course work, they intend to enroll in.
- c. **(U) No Family Placement:** Au Pairs are not to be placed in the homes of family/relatives, irrespective of the distance in relations (e.g., third cousin, great aunt and/or uncle, etc.).
- d. **(U) Duration:** The duration of participation is limited to one year/one sponsor only, unless specifically authorized by the Department (ECA/EC). Such authorization will be indicated by an active SEVIS status with the same SEVIS number as the applicant's initial Au Pair program, and an extended program end date.
- e. **(U) Extension of program:** Designated Au Pair sponsors may request that an Au Pair be granted an extension of program participation beyond the original twelve months. Au Pair sponsors may request an Au Pair be granted an additional 6-, 9-, or 12-month extension of program participation. The applicant's age is not a barrier to program extension if they were 18-26 years of age at the time of the initial program start date.
- f. **(U) Repeat Participation:** A foreign national who successfully completed an Au Pair program is eligible to participate again as an Au Pair, including a participant who was granted an extension of an initial program, if they had resided outside the United States for at least two years following completion (program end date) of their initial Au Pair program. The repeat participant must qualify as an Au Pair under the same rules as an initial participant.
- g. **(U) Exchange Visitor Program Regulation:** See 22 CFR 62.31.

9 FAM 402.5-6(E)(3) (U) Camp Counselor

(CT:VISA-1628; 09-13-2022)

a. (U) Camp Counselor:

- (1) **(U)** This category is for a foreign national selected to be a counselor in an accredited U.S. summer camp (during the U.S. summer months) who imparts skills to American campers and information about their country or culture.
- (2) **(U)** Foreign nationals who apply for this program must be bona fide youth workers, students, teachers, or individuals with specialized skills.
- (3) **(U)** While the minimum age of the foreign national is 18 years, there is no maximum age for this category.
- (4) **(U)** While it is recognized that some non-counseling chores are an essential part of camp life for all counselors, this program is not intended to assist American camps in bringing in foreign nationals to serve as administrative personnel, cooks, nurses, physicians, or menial laborers, such as dishwashers or janitors.

b. **(U) Duration:** The duration of participation must not exceed 4 months.

c. **(U) Exchange Visitor Program Regulation:** See 22 CFR 62.30.

9 FAM 402.5-6(E)(4) (U) Government Visitor

(CT:VISA-1; 11-18-2015)

- a. **(U) Government Visitor:** This category is for a foreign national who is recognized as an influential or distinguished person in their own country, and who is selected by a Federal, State, or local government agency to participate in observation tours, discussions, consultations, professional meetings, conferences, workshops, and travel.
- b. **(U)** This category is for the “exclusive use” of United States Federal, State, and local government agencies.
- c. **(U) Duration:** The duration of participation must not exceed 18 months.
- d. **(U) Exchange Visitor Program Regulation:** See 22 CFR 62.29.

9 FAM 402.5-6(E)(5) (U) Intern

(CT:VISA-2058; 08-29-2024)

a. (U) Intern:

- (1) **(U) The Intern category aims:** to strengthen U.S. public diplomacy by expanding opportunities for substantive programming for foreign students and professionals; to enhance the skills and expertise of exchange visitors in their academic or occupational fields; to improve participants’ knowledge of American techniques, methodologies, and technologies; and to increase participants’ understanding of American

society and culture. The requirements in the Intern program regulations are designed to distinguish between a period of work-based learning in the intern's academic field, which is permitted, and casual and unskilled labor, which is not.

- (2) **(U)** This category is for a foreign national who is either currently enrolled in and pursuing studies at a degree- or certificate-granting postsecondary academic institution outside the United States or who graduated from such an institution no more than 12 months before their exchange visitor program start date, and who enters the United States to participate in a structured and guided work-based internship in their specific academic field.
- c. **(U) Duration:** The duration of participation must not exceed twelve months.
- d. **(U) Program exclusions:** Sponsors must not:
- (1) **(U)** Place Interns in unskilled or casual labor positions; in positions that require or involve childcare or elder care; or in clinical or any other kind of work that involves patient care or contact, including any work that would require them to provide therapy, medication, or other clinical or medical care (e.g., sports or physical therapy, psychological counseling, nursing, dentistry, veterinary medicine, social work, speech therapy, or early childhood education;
 - (2) **(U)** Place Interns in the field of aviation;
 - (3) **(U)** Place Interns in positions, occupations, or businesses that could bring the Exchange Visitor Program or the Department into notoriety or disrepute;
 - (4) **(U)** Engage or otherwise cooperate or contract with a domestic staffing/employment agency in the United States to recruit, screen, orient, place, evaluate, or train Trainees or Interns, or in any other way involve such agencies in an Exchange Visitor Program training or internship program.
- e. **(U) Program requirements:** Sponsors must:
- (1) **(U)** Ensure that the duties of Trainees or Interns as outlined in a Trainee/Internship Placement Plans (T/IPP Form DS-7002) will not involve more than 20 percent clerical work, and that all tasks assigned to Trainees or Interns are necessary for the completion of training and internship program assignments; and
 - (2) **(U)** Ensure that all "hospitality and tourism" training and internship programs of 6 months or longer contain at least 3 departmental or functional rotations.
- f. **(U) Program Fees:** Program regulations do not address the fee amount that a program sponsor may charge an exchange visitor to participate in Intern programs, and each program sponsor may set its fees based on its business model.

- g. **(U) Training/Internship Placement Plan (T/IPP):** Sponsors must complete and obtain requisite signatures for a Form DS-7002, Training/Internship Placement Plan, for each intern before issuing a Form DS-2019. Upon request, visa applicants must present their fully executed Form DS-7002 to the adjudicator during the visa interview. See [9 FAM 402.5-6\(D\)\(7\)](#) above for information on the T/IPP.
- h. **(U) Repeat Participation:**
- (1) **(U)** A foreign national can participate in additional internship programs to develop more advanced skills or in a different field of expertise if they maintain student status or begin a new internship program within 12 months of graduation from an academic institution outside the United States.
 - (2) **(U)** Participants who have successfully completed an internship program and no longer meet the selection criteria for internship programs may participate in a training program after a two-year period of residency outside the United States following their internship program. This two-year period should not be confused with the two-year home-country physical presence requirement under INA 212(e) ([9 FAM 402.5-6\(L\)](#) below).
- i. **(U) Exchange Visitor Program Regulation:** See 22 CFR 62.22.
- j. **(U) Twelve Month Intern Work and Travel (IWT) Program:**
- (1) **(U)** The IWT program began on October 31, 2008, following signing of a Memorandum of Understanding (MOU) by the governments of the United States and Ireland. IWT was a pilot program initially. In December 2016, pilot status was lifted. In January 2023, the MOU was amended to extend the program until January 30, 2028.
 - (2) **(U)** Citizens of Ireland, who have completed Level VI of the Irish Higher Education System, may participate in the IWT Program, which is governed by existing Intern category regulations in 22 CFR 62.22 and applicable program rules, except for participant placement. A participant must be a bona fide postsecondary student (i.e., an Irish citizen who will commence their program in the United States within 12 months of the conferring date indicated on their scroll) and provide evidence from the appropriate postsecondary institution to this effect.
 - (3) **(U)** IWT Program participants are not required to have site of activity placement before entering the United States, and as such, applicants without placement will not have a Form DS-7002, Training/Internship Placement Plan, at the time of visa interview. Program sponsors must ensure that participants have placement within 90 days of arrival. Sponsors must enter "IWT Program" in the Subject Field Remarks box (box #4) of Form DS-2019.
 - (4) **(U)** Vocational students pursuing studies at a tertiary level accredited academic institution are not eligible for participation unless such vocational study is part of a structured program leading to a degree or

other credential recognized as equivalent to Level VI of the Irish Higher Education System and unless at least 50 percent of their coursework is academic.

- (5) **(U)** The maximum program length is 12 months. No program extensions are permitted.
- (6) **(U)** IWT Program participants are not permitted to be accompanied by a spouse or dependent children.

k. **(U) Twelve Month Intern Trainee Program - Austria**

- (1) **(U)** The Professional Development and Cultural Exchange Program with the Republic of Austria began on January 31, 2024, following signing of a Memorandum of Understanding (MOU) by the governments of the United States and the Republic of Austria;
- (2) **(U)** Austrian exchange visitors will be placed as Interns or Trainees for periods of between six (6) and twelve (12) months at up to two U.S. private companies or non-profit institutions;
- (3) **(U)** Austrian exchange visitors must have at least two rotations in their program, evenly divided over the length of their program. The second rotation must build upon the exchange visitor's field of study, a closely related field, or previous rotation and must give the exchange visitor more responsibility than in the first rotation. The second rotation may be at the same placement institution as the first rotation;
- (4) **(U)** Program participants must be citizens of the Republic of Austria, be 18 to 30 years of age, and have a working knowledge of English. Austrian exchange visitors are permitted to be currently enrolled in or have recently completed (within 12 months of graduation) studies in an Austrian-accredited post-secondary or dual/vocational education program outside the United States;
- (5) **(U)** Austrian exchange visitors are required to have a placement before entering the United States. Upon request, applicants must provide a fully executed copy of Form DS-7002, Training/Internship Placement Plan, at the time of visa interview;
- (6) **(U)** The maximum length of program is 12 months. No program extensions are permitted, nor may participants take part in an additional J-Visa training program unless in accordance with 22 CFR 62.22(n); and
- (7) **(U)** Austrian participants are not permitted to be accompanied by a spouse or dependent children unless the dependents also are J-1 visa exchange visitors.

9 FAM 402.5-6(E)(6) (U) International Visitor

(CT:VISA-1628; 09-13-2022)

- a. **(U) International Visitor:** This category is for the exclusive use of the U.S. Department of State. It is for an individual who is a recognized or potential

leader in their own country and is selected by the Department to participate in observation tours, discussions, consultation, professional meetings, conferences, workshops, and travel.

- b. **(U) Duration:** The duration of participation must not exceed one year.
- c. **(U) Exchange Visitor Program Regulation:** See 22 CFR 62.28.

9 FAM 402.5-6(E)(7) (U) Professor

(CT:VISA-1741; 03-30-2023)

- a. **(U) Professor:** This category is for an individual who is engaged primarily in teaching, lecturing, observing, or consulting at accredited post-secondary academic institutions, museums, libraries, or similar institutions. The professor may also conduct research and participate in occasional lectures if authorized by the program sponsor.
- b. **(U)** The professor's appointment to a position must be temporary, even if the position itself is permanent. The individual must not be a candidate for a tenure-tracked position.
- c. **(U) Duration:** The duration of participation must not exceed five years unless the participant is directly sponsored by a federally funded national research and development center or a U.S. federal laboratory (program serial number G-7).
- d. **(U) Repeat Participation:** Exchange visitors who have participated in Professor or Research Scholar exchange programs and who have completed their programs are not eligible to participate in another Professor or Research Scholar programs for a period of two years following the program end date, as governed by regulation set forth in 22 CFR 62.20(i)(2). This regulation differs from the two-year home-country physical presence requirement to which certain former exchange visitors are subject under INA 212(e). See [9 FAM 402.5-6\(L\)](#) below.
- e. **(U) Exchange Visitor Program Regulation:** See 22 CFR 62.20.

9 FAM 402.5-6(E)(8) (U) Research Scholar

(CT:VISA-1837; 09-26-2023)

- a. **(U) Research Scholar:** This category is for an individual whose primary purpose of travel is to conduct research, observe, or consult in connection with a research project at research institutions, corporate research facilities, museums, libraries, post-secondary accredited academic institutions, or similar institutions. The Research Scholar may also teach or lecture, unless disallowed by the sponsor. The Research Scholar's appointment to a position must be temporary, even if the position itself is permanent. The individual must not be a candidate for a tenure-tracked position.
- b. **(U)** Minimum qualifications for this category are a bachelor's degree with appropriate experience in the field in which research is to be conducted.

- c. **(U) Duration:** The duration of participation must not exceed 5 years unless the participant is directly sponsored by a federally funded national research and development center or a U.S. federal laboratory (program serial number G-7).
- d. **(U) Repeat Participation:** Exchange visitors who have participated in Professor or Research Scholar programs and who have completed their programs are not eligible to participate in another Professor or Research Scholar program for a period of two years following the program end date, as governed by regulation set forth in 22 CFR 62.20(i)(2). This regulation differs from the two-year home-country physical presence requirement to which certain former exchange visitors are subject under INA 212(e). See [9 FAM 402.5-6\(L\)](#).
- e. **(U) Exchange Visitor Program Regulation:** See 22 CFR 62.20.

9 FAM 402.5-6(E)(9) (U) Short-Term Scholar

(CT:VISA-1837; 09-26-2023)

- a. **(U) Short-Term Scholar:** This category is for a foreign national who is a professor, research scholar, or person with similar education or accomplishments coming to the United States on a short-term visit to lecture, observe, consult, train, or demonstrate special skills at research institutions, museums, libraries, post-secondary accredited academic institutions, or similar institution.
- b. **(U)** Exchange visitors who have recently participated in an exchange program as a Professor or Research Scholar in the United States are not expected to attempt to reenter the United States as a Short-Term Scholar to rejoin their original sponsor as this would be a continuation of their original program objective.
- c. **(U) Duration:** The duration of participation must not exceed 6 months. No program extensions are permitted.
- d. **(U) Exchange Visitor Program Regulation:** See 22 CFR 62.21.

9 FAM 402.5-6(E)(10) (U) Specialist

(CT:VISA-2069; 09-16-2024)

- a. **(U) Specialist:** This category is for a foreign national who is an expert in a field of specialized knowledge or skill coming to the United States to observe, consult, or demonstrate their special skills except as:
 - (1) **(U)** Research Scholars and Professors, who are governed by regulations set forth in 22 CFR 62.20;
 - (2) **(U)** Short-Term Scholars, who are governed by regulations set forth in 22 CFR 62.21; and
 - (3) **(U)** Alien Physicians in graduate medical education or training, who are governed by regulations set forth in 22 CFR 62.27.

- b. **(U) Duration:** Participation must not exceed one year. Within the Specialist category there are nine program numbers with approved exceptions to this one-year duration.
- (1) **(U)** The first eight excepted program numbers are for: Israeli Specialists under the Jewish Agency-American Section Inc. (P-3-37641) and the World Zionist Organization (P-3-04530); Japanese language Specialists under the Laurasian Institute (P-3-05588) and the Institute of International Education (P-3-14039); Specialists under the East-West Center (P-3-10434); Specialists under the Middle East Broadcasting Network (P-3-13019); Specialists under the U.S. Agency for Global Media (G-3-00366) and Specialists under the U.S. Department of Energy (G-3-00348). For these eight excepted program numbers, the duration of participation is three years, and the visa should usually be issued for the full three years. *Note: the program dates listed on the Form DS-2019 in Box 3 will be one year in length. However,* both the Form DS-2019 and the SEVIS record will *include a* notation that the program has a three-year duration. The visa should be set to expire two years after the program end date *listed* in Box 3 on the Form DS-2019.
- (2) **(U)** The ninth excepted program is the German American Partnership Program (GAPP) (P-3-43541). Participation in the GAPP must not exceed three years and the visa should usually be issued for three years as stated in Box 3 on the Form DS-2019.
- (3) **(U)** Specialists under the GAPP (*P-3-43541*), *Middle East Broadcasting Network (P-3-13019)*, and *U.S. Agency for Global Media (G-3-00366)* are permitted one three-year repeat of program.
- c. **(U) Exchange Visitor Program Regulation:** See 22 CFR 62.26.

9 FAM 402.5-6(E)(11) (U) Students

(CT:VISA-2048; 08-15-2024)

a. **(U) Secondary School Student:**

- (1) **(U)** This category affords foreign secondary school students an opportunity to study for an academic semester or an academic year in a U.S. accredited public or private secondary school while living with an American host family or residing at an accredited U.S. boarding school. Participants in this category must meet the following requirements:
- (a) **(U)** Be a secondary school student in their home country who has not completed more than 11 years of primary and secondary study excluding kindergarten; or
- (b) **(U)** Be at least the age of 15 but not more than 18-1/2 years of age as of the program start date; and
- (c) **(U)** Has not previously participated in an academic year or semester Secondary School Student exchange program in the United States or attended school in the United States in either F-1 or J-1 visa status.

Screening by the program sponsor of factors such as English language proficiency, maturity, character, and scholastic aptitude are critical.

- (2) **(U)** Sponsors are required to secure host family placement before the student's departure from their home country. This does not need to happen before visa issuance because it may occur after the student's visa interview. As a result, the student's Form DS-2019 may list the sponsor's contact information instead of the host family's contact information.
- (3) **(U) Duration:** Participation is a minimum of one academic semester or a maximum of one academic year. Sponsors are permitted to issue a Form DS-2019 for an academic semester or academic year. When a student is from a country whose school calendar is opposite that of the United States, a sponsor can issue a Form DS-2019 for a calendar year cycle.

b. (U) College and University/Students:

- (1) To participate, a foreign individual must intend to:
 - (a) **(U)** Pursue a full course of study leading to or culminating in the award of a U.S. degree from a post-secondary accredited academic institution; or engage full-time in a prescribed course of study in a non-degree program of up to 24 months duration conducted by a post-secondary accredited academic institution; or
 - (b) **(U)** Engage in English language training at a post-secondary accredited academic institution, or an institute approved by or acceptable to the post-secondary accredited academic institution where the college or university student is to be enrolled upon completion of the language training. A Form DS-2019 for language training can only be issued if the student is fully funded by the student's home government.
- (2) **(U)** Exchange visitors participating in the College and University Student category must be supported substantially by funding from any source other than personal or family funds.
- (3) **(U) Duration:** Duration of participation is determined by whether the exchange visitor is a degree or non-degree student. An explanation of each is provided in paragraphs c and d below.

c. (U) Degree Students: College and University Students who are in degree programs ("Student Associate," "Student Bachelors," "Student Masters," or "Student Doctorate," as stated on the Form DS-2019 and in SEVIS) may be authorized to participate in the Exchange Visitor Program for an unlimited length of time, if they are either:

- (1) **(U)** Studying at the post-secondary accredited academic institution listed on their Form DS-2019 and are:

- (a) **(U)** Pursuing a full course of study as set forth in 22 CFR 62.23(e); and
- (b) **(U)** Maintaining satisfactory advancement towards the completion of their academic program; or
- (2) **(U)** Participating in an authorized academic training program as permitted in 22 CFR 62.23(f).
- d. **(U) Nondegree Students:** College and University Students who are nondegree students may be authorized to participate in the Exchange Visitor Program for up to 24 months, if they are either:
 - (1) **(U)** Studying at the post-secondary accredited academic institution listed on their Form DS-2019 and are:
 - (a) **(U)** Participating full time in a prescribed course of study; and
 - (b) **(U)** Maintaining satisfactory advancement towards the completion of their academic program; or
 - (2) **(U)** Participating in an authorized academic training program as permitted in 22 CFR 62.23(f).
- e. **(U) Student Intern Subcategory:**
 - (1) **(U)** Department-designated U.S. colleges and universities can administer internship programs substantially like those detailed herein under their J-1 College/University Student designation.
 - (2) **(U)** The Student Intern must be in good academic standing with the postsecondary academic institution outside the United States where they are enrolled and pursuing a degree.
 - (3) **(U)** The Student Intern will return to her/his academic program and fulfill and obtain a degree from such academic institution after completion of the student internship program.
 - (4) **(U)** The program sponsor must fully complete and obtain requisite signatures for a Form DS-7002 for each Student Intern before issuing a Form DS-2019. The sponsor must provide to each signatory an executed copy of the Form DS-7002. Upon request, a Student Intern must present her/his fully executed Form DS-7002 to the you during the visa interview.
 - (5) **(U)** Several colleges and universities currently hold J-1 training designations and can be expected to issue Form DS-2019 and Form DS-7002 to applicants as Trainees per the current rulemaking and the program guidelines described herein.
 - (6) **(U)** The category of Trainee will be reflected on the Form DS-2019 if the sponsor is authorized for this category.
- f. **(U) Exchange Visitor Program Regulation:** See 22 CFR 62.25 and 22 CFR 62.23.

9 FAM 402.5-6(E)(12) (U) Summer Work Travel (SWT)

(CT:VISA-2048; 08-15-2024)

- a. **(U) Qualifying for SWT:** A participant is defined as a bona fide post-secondary student in the applicant's own or another foreign country if the applicant is currently enrolled and participating full time at an accredited post-secondary classroom-based academic institution at the time of the application, or as that status is defined by the educational system of the country. Final year students are eligible to take part in this program during the school's major academic break immediately following their graduation if they apply to participate in the program before graduation.
- (1) **(U)** An applicant must have completed at least one semester, or the quarter or trimester equivalent, of postsecondary education to be eligible to participate in this program.
 - (2) **(U)** Participants must demonstrate sufficient proficiency in English to enable them to not only carry out their job duties but also to interact effectively with law enforcement authorities and medical personnel, read rental agreements, carry on non-work-related conversations, etc. It is appropriate to conduct SWT visa interviews in English to assess the applicant's proficiency. U.S. sponsors may use video teleconferencing to conduct interviews with potential participants but assertions by the sponsor that an applicant meets the English language requirement are not alone sufficient to meet the burden of proof for this program requirement.
 - (3) **(U)** Unless they are final year students, participants must demonstrate that they are bona fide students who are maintaining student status and are actively pursuing their degree per their local educational system.
 - (4) **(U)** Unless the participant is a final year student, they must demonstrate that they will resume activities as a student after participation in the SWT program.
 - (5) **(U)** It is not necessary for the student to be enrolled in the same institution both before and after participating in SWT. Students may participate if they are transferring from one school to another, if they have finished an academic program at one school and are going on to another full-time program, or if they are continuing to graduate school. Documentation, satisfactory to you, that applicants have been accepted for and will commence studies upon their return may be accepted to establish status as a continuing student.
 - (6) **(U)** Students attending vocational schools are usually not eligible for participation in the SWT program unless they can demonstrate that study in the vocational school will ultimately lead to a degree from a full-time post-secondary academic institution.
 - (7) **(U)** Students may participate in the program every year that they meet the definition of bona fide student but participation each year is limited to

the shorter of four months or the length of the long break between academic years at the school they attend.

- (8) **(U)** In no case should there be more than one SWT period per year identified in any country without the concurrence of both the Visa Office and ECA's Office of Private Programs.

b. (U) SWT Sponsor Obligations:

- (1) **(U)** Designated U.S. sponsors of SWT exchange programs must not place program participants in jobs as described in 22 CFR 62.32(h).
- (2) **(U)** U. S. sponsors must ensure that 100 percent of their non-Visa Waiver Program country participants have a confirmed, vetted job placement. Job placements may be secured directly by the U.S. sponsor or through self-placement by the participant. See Program Date Chart.
- (3) **(U)** For SWT participants from Visa Waiver Program (VWP) countries for whom employment has not been pre-arranged, sponsors must:
 - (a) **(U)** Ensure that participants have sufficient financial resources to support themselves during their search for employment;
 - (b) **(U)** Provide participants with pre-departure information that explains how to seek employment and secure lodging in the United States;
 - (c) **(U)** Maintain and provide a roster of bona fide jobs that includes at least as many job listings as the number of participants entering the United States with pre-arranged and confirmed employment;
 - (d) **(U)** Undertake reasonable efforts to secure suitable employment for participants unable to find jobs on their own after 2 weeks of commencing the job search; and
 - (e) **(U)** Vet the job placement selected by the participant **before** the commencement of employment.
- (4) **(U)** All SWT participants should be cautioned to comply with their responsibility to inform their U.S. sponsor of their arrival and commencement at work and keep the sponsor informed of their whereabouts, should they change locations. SWT participants who wish to change jobs or to accept an additional job must inform their U.S. sponsor of the desired job placement and wait for the sponsor to perform the same vetting and approval process as for the initial employment **before** beginning work.

c. (U) Duration of SWT Program:

- (1) **(U)** The duration of participation in the SWT program must not exceed four months. These four months must coincide with the exchange visitor's official academic school break between school years. While the program may not be longer than four months, you are permitted to issue visas valid before the program start date.
- (2) **(U)** SWT programs are only permitted once a year during the long break between academic years.

d. (U) SWT Outreach and Fraud Prevention Measures:

- (1) **(U)** Designated U.S. sponsors are responsible for conducting the SWT program under the regulations at 22 CFR 62.32. The U.S. sponsors play a vital outreach role by explaining to host country audiences the SWT program's purpose, how it is structured, its economic imperatives, and the checks in place to safeguard the welfare of foreign youth while in the United States. You should seek to develop a good working relationship with U.S. sponsors, which will allow you to better reach local audiences and deal with any problems that come up later, after program participants have entered the United States; but ECA is responsible for managing the administrative relationship with the U.S. sponsors and will officially notify U.S. sponsors of their compliance responsibilities.
- (2) **(U)** The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 ("Wilberforce Act") requires you to ensure that applicants applying for J visas are made aware of their legal rights under U.S. Federal immigration, labor, and employment laws. This includes information on the illegality of slavery, peonage, trafficking in persons, sexual assault, extortion, blackmail, and worker exploitation in the United States. This information is available in the form of a physical "Know Your Rights" information pamphlet or a Quick Response (QR) code, which permits applicants to access an online version of the information pamphlet by scanning the code with their smartphone camera. During the NIV interview, you must ask applicants if they prefer the QR code, the physical pamphlet, or both, and confirm that the information prepared by the Department has been received, read, and understood by the applicant. Enter a case note in the NIV system stating the QR code and/or pamphlet was provided, and the applicant has acknowledged receipt and understanding of the pamphlet. See [9 FAM 402.3-9\(C\)\(1\)](#) for more information about Wilberforce Act enforcement.
- (3) **(U)** It is important to ensure your fraud prevention measures stay within the parameters established by regulations. You must allow any applicant with a valid Form DS-2019 to apply for a visa. Each local SWT third-party contractor (foreign agent, recruiter, or partner) operating overseas must have executed a written agreement with the designated U.S. sponsor that explains the relationship between the sponsor and the contractor and identifies their respective obligations. These agreements must include annually updated price lists for the services provided to the U.S. sponsors and confirm that they will not outsource any core programmatic functions or pay or provide other incentives to U.S. host employers. ECA has created a "Foreign Entity Report" SharePoint site listing, by country, the designated U.S. sponsors and their affiliated local SWT third-party contractors. Sponsors are required to maintain a current listing of all third-party contractors on the Foreign Entity Report. The Report must contain the names, addresses, and contact information (i.e., telephone numbers and email addresses) of all third-party contractors that assist the sponsors in fulfilling the provision of core program

services. Share information about misconduct by local third-party contractors with the relevant portfolio holders in CA/FPP and CA/VO/F (see the Who's Who pages on the CAWeb). In turn, they will work with ECA's Office of Coordination and Compliance so that ECA can review and take appropriate action.

- (4) **(U)** When you receive applications from previous SWT participants who failed to return in time for the start of their university classes, this fact may call into question their eligibility (whether they are in fact "bona fide students") for future J-1 visas. That is the case even when the applicant departed the United States within 30 days of the completion of their exchange program and did not incur a U.S. immigration violation. Each of these cases must be evaluated on its own merits.

e. (U) Sample Handout for SWT Participants:

Congratulations on your acceptance as an Exchange Visitor Program participant in a Summer Work Travel program. This program is a cultural exchange, and your eligibility for program participation is based on your status as a foreign college/university student. It is therefore very important that the program does not interfere with your studies and that you return to school in time for the first day of your classes. Please take a moment to read the following information to ensure that you are familiar with certain requirements of the program.

What do the program BEGIN and END dates on my Form DS-2019 mean?

The program begin and end dates indicate when you may begin work and when you must stop working. You may begin working at any point on or after the program start date, but you must end your work by the end date of the program. Working beyond the program end date will impact your ability to participate in the program in future years.

How long before the program begin date may I enter the United States?

You may enter the United States up to 30 days in advance of your program begin date but may not begin working until the program begin date is reached. Please remember that participation in the program cannot prevent you from attending any scheduled classes or taking exams at your university. If you miss any classes due to participation in the program, you will greatly jeopardize your chances of participating in the program.

How long after the program end date may I stay in the United States?

You have 30 days following the end date of your program to travel and/or to arrange for your return home. You are not permitted to work during these 30 days, and if you leave the United States during this grace period, you will not be permitted to re-enter the United States on your J-1 visa because you will no longer be in J status. Please keep in mind that it is your responsibility to return home in time for the start of your scheduled classes, no matter what your program end date is.

Can I switch jobs once I am in the United States?

Please check with your U.S. sponsor before making any changes in your employment. If you change employment without the permission of your U.S. sponsor your status in the program may be terminated.

If your program is terminated, you must leave the United States immediately.

Can I work more than one job in the United States?

The Exchange Visitor Program regulations do not prohibit a participant from accepting a second job. However, you must check with your U.S. sponsor before accepting a second job. Your U.S. sponsor agency must approve and vet all jobs.

What if I have a complaint about the U.S. sponsor or my employer in the United States?

You may register complaints with the Department of State at jvisas@state.gov. However, your U.S. sponsor has primary responsibility for your program. If you have a complaint about your employer, you should first contact your U.S. sponsor for assistance. Contact information for your U.S. sponsor can be found in Box #7 of your Form DS-2019.

What if I have a difficult time finding a job placement once I arrive in the United States, or have concerns about the work conditions?

If you have questions or are experiencing difficulty in finding employment, or have concerns about the work conditions, you should first contact your U.S. sponsor for assistance. You also may contact the Department of State (jvisas@state.gov). You may also wish to contact your country's nearest Embassy or Consulate.

If you have other questions not answered here, please consult the following Web page:

J1visa.state.gov or write to the Department of State at jvisas@state.gov.

f. (U) SWT Pilot Programs for Citizens of Australia and New Zealand:

- (1) **(U)** In September 2007, the U.S. government signed memorandums of understanding (MOUs) with Australia and New Zealand launching 12-month SWT pilot programs. The MOU with New Zealand became effective on September 10, 2007; the MOU with Australia became effective on October 31, 2007. The MOUs allow certain Australian, New Zealand, or U.S. citizens who are bona fide postsecondary students or recent graduates (within 12 months of graduation) from postsecondary schools to work and travel in Australia, New Zealand, or in the United States, respectively, for up to 12 months.
- (2) **(U)** The guidance for the Australia and New Zealand pilot programs differs from other J-1 SWT guidance (see paragraph a above) in the following respects: Participants are not required to return home in time for the school year to begin, and qualified postsecondary students can enter the United States at any time.
- (3) **(U) Duration:** The duration of participation in this category must not exceed 12 months. No extensions of program are permitted.

9 FAM 402.5-6(E)(13) (U) Teacher

(CT:VISA-2020; 07-03-2024)

- a. **(U) Teacher:** This category is for an individual teaching full time in a primary or secondary accredited academic institution. A foreign national must satisfy all the following:

- (1) **(U)**

- (a) **(U)** Meet the qualifications for teaching at the primary (including pre-kindergarten) or secondary levels in schools in their home country; is working as a teacher in their home country at the time of initial application to the sponsor; and has at least two years of full-time teaching experience; or
- (b) **(U)** If not working as a teacher in their home country at the time of application, but otherwise meets the qualifications for teaching at the primary (including pre-kindergarten) or secondary levels in schools in the home country has had at least two years of full-time teaching experience within the past eight years; and, within 12 months of their application submission date for the program, has or will have completed an advanced degree (beyond a degree equivalent to a U.S. bachelor's degree) in education or in an academic subject matter that they intend to teach or that is directly related to their teaching subject field;
- (2) **(U)** Possess, at a minimum, a degree equivalent to a U.S. bachelor's degree in either education or the academic subject field in which they intend to teach;
- (3) **(U)** Satisfy the teaching eligibility standards of the U.S. state in which they will teach (e.g., meets minimum educational requirements, has passed teacher training coursework at a sufficiently proficient level, has provided an evaluation of foreign teaching preparation coursework, has demonstrated the requisite prior teaching experience), to include any required criminal background or other checks;
- (4) **(U)** Be of good reputation and character; and
- (5) **(U)** Agree to come to the United States temporarily as a full-time teacher of record in an accredited primary or secondary school. Exchange visitor Teachers may teach a variety of subjects and levels at their host school or schools, if qualified, but at the pre-kindergarten level, may teach only in language immersion programs.
- b. **(U) Extension of program:** Designated Teacher program sponsors may request that an exchange Teacher be granted an extension of program participation beyond the original 3 years. Teacher program sponsors may request an exchange Teacher be granted up to a 2-year extension. Extensions will not exceed June 30th of any given year to coincide with the U.S. teaching cycle and December 31st for the year-round cycle discussed above. A Teacher from Germany may be extended an additional 3 years per an agreement between the Department and the government of Germany.
- c. **(U) Exchange Visitor Program Regulation:** See 22 CFR 62.24.

9 FAM 402.5-6(E)(14) (U) Trainee

(CT:VISA-1628; 09-13-2022)

- a. **(U) The Trainee category aims:** to strengthen U.S. public diplomacy by expanding opportunities for substantive programming for foreign students and professionals; to enhance the skills and expertise of exchange visitors in their academic or occupational fields; to improve participants' knowledge of U.S. techniques, methodologies, and technologies; and to increase participants' understanding of U.S. society and culture. The requirements in the Trainee regulations are designed to distinguish between bona fide training, which is permitted, and merely gaining additional work experience, which is not permitted.
- b. **(U)** This category is for a foreign national who has either a degree or professional certificate from a postsecondary academic institution outside the United States and at least one year of prior related work experience in their occupational field acquired outside the United States; or five years of work experience outside the United States in their occupational field.
- c. **(U) Program fees:** Program regulations do not address the fee amount that program sponsors may charge exchange visitors to participate in Trainee programs, and each program sponsor may set its fees based on its business model.
- d. **(U) Program exclusions:** Sponsors must not:
 - (1) **(U)** Place Trainees in unskilled or casual labor positions, in positions that require or involve childcare or elder care, or in clinical or any other kind of work that involves patient care or contact, including any work that would require them to provide therapy, medication, or other clinical or medical care (e.g., sports or physical therapy, psychological counseling, nursing, dentistry, veterinary medicine, social work, speech therapy, or early childhood education;
 - (2) **(U)** Place Trainees in positions, occupations, or businesses that could bring the Exchange Visitor Program or the Department into notoriety or disrepute;
 - (3) **(U)** Engage or otherwise cooperate or contract with a domestic staffing/employment agency in the United States to recruit, screen, orient, place, evaluate, or train Trainees, or in any other way involve such agencies in an Exchange Visitor Program training program; nor
 - (4) **(U)** Place trainees in the field of aviation.
 - (5) **(U)** Designated sponsors must ensure that the duties of Trainee as outlined in the T/IPP will not involve more than 20 percent clerical work, and that all tasks assigned to Trainees are necessary for the completion of training program assignments.
 - (6) **(U)** Sponsor must also ensure that all "Hospitality and Tourism" training programs of six months or longer contain at least three departmental or functional rotations.

- e. **(U) Form DS-7002, Training/Internship Placement Plan (T/IPP):**
Sponsors must complete and obtain requisite signatures on this form for each trainee before issuing Form DS-2019. Upon request, a J-1 Trainee visa applicant must present a fully executed Form DS-7002 to the adjudicator during the visa interview (see [9 FAM 402.5-6\(D\)\(7\)](#) for more information on the T/IPP).
- f. **(U) Repeat Participation:** Trainees can participate in additional training programs that address the development of more advanced skills or a different field of expertise after a 2-year period of residency outside the United States following their training program. This two-year period should not be confused with the two-year home-country physical presence requirement under INA 212(e) (see [9 FAM 402.5-6\(L\)](#) below).
- g. **(U) Exchange Visitor Program Regulation:** See 22 CFR 62.22.

9 FAM 402.5-6(E)(15) (U) Intern and Trainee Programs with a Management or Supervisory Focus

(CT:VISA-1292; 05-27-2021)

- a. **(U)** The occupational category of Management, Business, Commerce, and Finance is up to 18 months for any type of management training, which may include hotel or restaurant management, turf management, office management, etc. The duration of a trainee's or intern's participation in a training or internship program must be established before a sponsor issues a Form DS-2019. Except as noted below, the maximum duration of a training program is 18 months, and the maximum duration of an internship program is 12 months.
- b. **(U)** For training programs in the "Hospitality and Tourism" occupational category, the maximum duration is 12 months and must not have less than three departmental or functional rotations for "Hospitality and Tourism" training and internship programs of six months or longer. Training programs in the field of agriculture are permitted to last a total of 18 months, if in the development of the training plan, as documented in the T/IPP, the additional six months of the program consist of classroom participation and studies. Program extensions are permitted only within maximum durations if the need for an extended training and internship program is documented by the full completion and execution of a new Form DS-7002.
- c. **(U)** Typical rotational programs offered in hotels or restaurants in a variety of related functions leading to a final rotation in a single supervisory position, such as front desk supervisor or manager, floor supervisor, lead chief or room service manager, would fall under the "Hospitality and Tourism" occupational category and be limited to 12 months.
- d. **(U)** Non-management placements on farms or other production facilities fall under 'Agriculture' and are limited to 12 months, or 18 months providing that six months of the program consists of classroom participation and studies.

9 FAM 402.5-6(F) (U) Residence Abroad

(CT:VISA-2048; 08-15-2024)

- a. **(U)** The INA requires that a J visa applicant possess a residence in a foreign country they have no intention of abandoning. You must be satisfied that the applicant has present intent to depart the United States upon completion of their exchange visitor program. Consequently, you must be satisfied when adjudicating the visa that the applicant:
- (1) **(U)** Has a residence abroad;
 - (2) **(U)** Has no immediate intention of abandoning that residence; and
 - (3) **(U)** Intends to depart from the United States upon completion of the program.
- b. **(U)** The context of the residence abroad requirement for exchange visitor visas inherently differs from the context for B visitor visas or other short-term visas. The statute clearly presupposes that the natural circumstances and conditions of being an exchange visitor do not disqualify the applicant from obtaining a J visa. It is natural that the exchange visitor proposes an extended absence from their home country (see [9 FAM 401.1-3\(E\)\(2\)](#) paragraph a). Nonetheless, you must be satisfied when adjudicating the visa application that an applicant possesses the present intent to depart the U.S. at the conclusion of their program. That this intention is subject to change is not a sufficient reason to refuse a visa. Although exchange visitors may apply to change or adjust status in the United States in the future, this is not a basis to refuse a visa application if the exchange visitor's present intent is to depart at the conclusion of their program.

9 FAM 402.5-6(G) (U) Knowledge of English

(CT:VISA-1628; 09-13-2022)

(U) A prospective exchange visitor must have sufficient proficiency in the English language to undertake the anticipated program successfully. Successful participation in exchange programs requires that participants interact with Americans both at the participants' sites of activity and in the broader context of daily life, to achieve the cultural goals of these programs. Some exchange visitor programs provide for an interpreter, and this may be noted on the Form DS-2019. Participants may not avoid the English language requirement by claiming that their site of activity offers a work environment in their native language. If the applicant lacks the English skills described above, but the Form DS-2019 is not annotated to reflect the use of an interpreter, and you are unable to determine whether the program permits use of an interpreter, contact the CA/VO/F F/M/J portfolio holder. Exchange visitors who are deaf or hard of hearing, and who rely on signing, must be proficient in American Sign Language (ASL) or another signing language widely used in the United States.

9 FAM 402.5-6(H) (U) Employment

9 FAM 402.5-6(H)(1) (U) Employment - In General

(CT:VISA-2048; 08-15-2024)

- a. **(U)** An exchange visitor may receive compensation for employment when such activities are part of the exchange visitor's program.
- b. **(U)** DHS is responsible for authorizing the employment of the spouse and any minor unmarried children (J-2 visa holders) of the exchange visitor (J-1 visa holder). The dependent must file Form I-765, Application for Employment Authorization, requesting permission to work from USCIS.

9 FAM 402.5-6(H)(2) (U) College/University Student Employment

(CT:VISA-1292; 05-27-2021)

- a. **(U) There are two types of employment authorizations available for College/University Students with J status:**
 - (1) **(U)** Student employment (see 22 CFR 62.23(g) for more information on student employment); or
 - (2) **(U)** Academic training (see 22 CFR 62.23(f) for more information on academic training).
- b. **(U)** In both situations, the responsible officer (RO) must approve the exchange visitor's participation in the activity.
- c. **(U)** College/University Students (degree and non-degree) granted permission for student employment (22 CFR 62.23(g)) are limited to twenty (20) hours per week, except during school breaks and annual vacation, unless authorized for economic necessity.
- d. **(U) Some examples of student employment and academic training are:**
 - (1) **(U) Scholarship, fellowship, or assistantship:** If the employment is required because of a scholarship, fellowship, or an assistantship, such activity usually occurs on campus with the school as the employer. In certain circumstances, however, the work can be done elsewhere for a different employer. For example, an exchange visitor may work in a government or private research laboratory if the exchange visitor's major professor has a joint appointment at one of those locations and the employment is supervised and counts towards the exchange visitor's degree;
 - (2) **(U) On campus:** The Exchange Visitor Program regulations allow for jobs on-campus, whether the job is related to the course of study.
 - (3) **(U) Off campus:** Exchange visitors may be authorized off-campus employment by the program's responsible officer (RO) when "necessary

due to serious, urgent and unforeseen economic circumstances” that have arisen since the exchange visitor’s sponsorship on the J visa.

9 FAM 402.5-6(H)(3) (U) Summer Employment for College/University Students Transferring to Another Program Sponsor

(CT:VISA-1292; 05-27-2021)

(U) If a College/University Student intends to transfer sponsors during the summer months but wants to remain at the current program to work during the summer, the current sponsor must delay the transfer procedure until after the period of employment. To permit the student to stay in the current program, the period of employment must be included in the exchange visitor’s program noted on the Form DS-2019.

9 FAM 402.5-6(I) (U) Visa Application Procedures and Conditions

9 FAM 402.5-6(I)(1) (U) Applicant Qualifications

(CT:VISA-2048; 08-15-2024)

- a. **(U)** Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, is the basic document required to support an application for an exchange visitor visa and for maintaining valid exchange visitor program participant status. The electronic SEVIS record in the CCD will indicate the applicant's current SEVIS status. Verify that the applicant's SEVIS record is in either INITIAL or ACTIVE status.
- b. **(U)** On occasion, you will see applicants who claim they have followed the established procedure, but you cannot locate their SEVIS records in the CCD. When this occurs, contact the F/M/J portfolio holder(s) in CA/VO/F/ET for assistance. It is important that CA/VO/F/ET and CA/VO/I be made aware of any failure of the records to replicate so that efforts to correct the problem are appropriately coordinated with DHS/ICE/SEVP.
- c. **(U)** Ensure the applicant’s information is correct in the electronic SEVIS record (see [9 FAM 402.5-6\(J\)](#)), and that the SEVIS fee has been paid. You can also verify SEVIS fee payment at FMJfee.com.
- d. **(U)** If you are uncertain as to whether the applicant’s qualifications or planned activities fit within the Exchange Visitor Program or have concerns that the sponsor is not in compliance with sponsor regulations, you should refuse the visa application under INA 221(g) and notify the F/M/J portfolio holder(s) in CA/VO/F/ET who will coordinate with ECA to provide guidance.
- e. **(U)** When an applicant applies for a J-2 visa to follow-to-join a principal J-1 applicant already in the United States, or when a J-2 applicant applies to renew their visa when the principal J-1 applicant is already in the United

States, you must be satisfied that the principal applicant is maintaining J-1 status before issuing the visa. The J-1 principal applicant's SEVIS record is the official record of whether the J-1 principal applicant is maintaining their status. In some cases, the J-1 applicant's visa may have expired but if the J-1 applicant was approved for an extension of their program, and the dates in SEVIS reflect this program extension, the J-1 applicant has maintained status for the sake of the J-2 visa applicant's eligibility for a visa.

9 FAM 402.5-6(I)(2) (U) Cases Involving Unrealizable Reporting Dates

(CT:VISA-1837; 09-26-2023)

(U) If the program start date specified in the applicant's Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, is already past or there is reason to believe the applicant will be unable to meet that date, you may assume the applicant may encounter difficulty at POE. You should determine whether the sponsor has amended the electronic SEVIS record to change the program start date, and make a case note to that effect to alert CBP. If this has not been done, you should direct the visa applicant to alert the designated U.S. program sponsor. You should not intervene directly with program sponsors on behalf of visa applicants.

9 FAM 402.5-6(I)(3) (U) Entry of Exchange Visitor Program Participants Before Program Start Date

(CT:VISA-2048; 08-15-2024)

- a. **(U)** You may issue an exchange visitor visa to an applicant at any time before the program start date if the SEVIS record is in INITIAL or ACTIVE status. However, the exchange visitor may not enter the United States earlier than 30 days before the program start date. Applicants continuing an Exchange Visitor Program are not subject to this travel restriction.
- b. **(U)** An exchange visitor who desires an earlier entry must obtain a B-2 visitor visa. If the applicant enters on a B visa, however, they must first obtain a change of status from USCIS, from B status to J status to participate in the exchange program. The applicant is not allowed to begin the exchange visitor program until USCIS has approved the change of status. The process to change status may be lengthy and may impact the ability of the applicant to participate in the program.

9 FAM 402.5-6(I)(4) (U) Consecutive Exchange Programs

(CT:VISA-2048; 08-15-2024)

(U) An exchange visitor may participate in consecutive exchange programs unless otherwise limited or prohibited by the Exchange Visitor Regulations. Do not issue an individual two separate J-1 visas for two different programs that will run back-to-back (e.g., Au Pair then Trainee; or Summer Work Travel then

College University Student). Following completion of the first program, the exchange visitor is usually expected to return home and may apply for another J-1 visa for the subsequent program. The exception to this is an exchange visitor who receives approval for a change of exchange visitor category (22 CFR 62.41) while in the United States, allowing him or her to begin the second program without returning to the home country. Exchange visitors with questions about a change of category should be directed to their program sponsors.

9 FAM 402.5-6(I)(5) (U) 30-Day Post-Completion Period

(CT:VISA-1628; 09-13-2022)

- a. **(U)** Exchange visitors are no longer issued a paper Form I-94, Arrival and Departure Record, marked "D/S" (Duration of Status) upon entry into the United States. CBP now gathers travelers' arrival/departure information automatically from their electronic travel records. However, CBP will still issue a paper Form I-94 at land border ports of entry. Visa holders may download a copy of their electronic I-94 at www.cbp.gov/I94.
- b. **(U)** The initial period of admission of the exchange visitor will not exceed the period specified on the Form DS-2019 (the start and end dates), plus a period of 30 days "for the purpose of travel" (see 8 CFR 214.2(j)). DHS established this 30-day period at the successful completion of the program to use for domestic travel and/or to prepare for and depart from the United States, and for no other purpose. A program extension and/or transfer cannot be done if an exchange visitor's record in SEVIS is not in active status during this period.
- c. **(U)** Any validation study of return rates for J travelers must take this authorized grace period into account.

9 FAM 402.5-6(I)(6) (U) Annotation and Visa Validity

(CT:VISA-2048; 08-15-2024)

- a. **(U)** A J-1 or J-2 visa must be annotated to show the program number, program dates, and sponsor name of the applicant's exchange program, as well as the SEVIS number of the individual. The J visa must also state whether the applicant is subject to INA 212(e). Keep in mind that you are making a preliminary determination of the applicability of INA 212(e). An exchange visitor cannot use a J visa for a program other than that specified on the annotation, unless the exchange visitor transfers to another sponsor while on program in the United States. In this case, the visa remains valid under the same SEVIS ID and the exchange visitor may exit and re-enter the United States on an unexpired J-visa with the current Form DS-2019. The new Form DS-2019 will include a new program number and a travel validation signature, which may be electronic.
- b. **(U)** A new visa is required following the transfer of program when:

- (1) **(U)** the exchange visitor travels internationally; and
- (2) **(U)** the J-visa has already expired or will expire before the date of U.S. re-entry.

(U) Exchange visitors approved for a change of category must obtain a new J-1 visa if/when they exit and want to re-enter the U.S. to continue their exchange program in the new program category.

c. **Unavailable**

d. **Unavailable**

- e. **(U)** J-1 visas must be issued for the program dates listed on the Form DS-2019, except as described in para d below or in [9 FAM 402.5-6\(E\)\(10\)](#) above or where visa reciprocity only allows for a shorter validity period. J-2 derivatives are subject to the same visa validity as the J-1 principal applicant unless visa reciprocity only allows for a shorter validity period.

f. **Unavailable**

- g. **(U)** For those exceptions noted in [9 FAM 402.5-6\(E\)\(10\)](#), you are authorized to issue with a visa validity extending for three years. The visa should be set to expire two years after the listed program end date found in Box 3 on the Form DS-2019.

9 FAM 402.5-6(I)(7) (U) Renewing J Visas for Returning Exchange Visitors

(CT:VISA-2048; 08-15-2024)

(U) Where applicable, returning J applicants may be eligible for an interview waiver (see [9 FAM 403.5-4\(A\)\(1\)](#)). You usually should renew J visas to returning exchange visitors who have remained in valid program status and have not had any significant changes in either their program or their personal circumstances. When an exchange visitor engaged in a program takes a short trip abroad and requires a visa to return to the United States, you are encouraged to issue the visa, if the exchange visitor is otherwise qualified, to allow the individual to complete their program if the status of the electronic record in SEVIS is ACTIVE.

9 FAM 402.5-6(J) (U) The Student and Exchange Visitor Information System (SEVIS)

9 FAM 402.5-6(J)(1) (U) Student and Exchange Visitor Information System (SEVIS) - In General

(CT:VISA-2048; 08-15-2024)

- a. **(U)** For an overview of the Student and Exchange Visitor Program and SEVIS see [9 FAM 402.5-4](#) above.

- b. **(U)** SEVIS is an internet-based database that tracks students and exchange visitors in F, M, and J visa status while in the United States. Using SEVIS, designated Exchange Visitor Program sponsors enter information into the individual SEVIS record for a prospective exchange visitor, and that information can then be printed on the Form DS-2019.
- c. **(U)** ECA) authorizes designated U.S. sponsor officials - referred to as responsible officers (ROs) and alternate responsible officers (AROs) - access to SEVIS so that they may create and update official records on exchange visitors and their dependents. SEVIS enables exchange program sponsors to transmit electronic information and event notifications, via the Internet, to the Department and to DHS throughout an exchange visitor's stay in the United States. The information in SEVIS is updated, as needed, and supersedes information on the printed Form DS-2019. The SEVIS record is the definitive record of exchange visitor eligibility and you must check it for each applicant.
- d. **(U)** Exchange Visitor Program sponsors designated by ECA must use SEVIS. Only a Form DS-2019 that has been issued through SEVIS, and contains a unique SEVIS identification number, may be accepted in support of a J visa application. The Form DS-2019 must be signed in any color ink by the RO (or ARO). Digital signatures are also acceptable. However, the definitive record is the electronic SEVIS record in the CCD (or directly in SEVIS, usually accessible by your FPU). CBP can also access the electronic record at POE.

9 FAM 402.5-6(J)(2) (U) Responsible and/or Alternate Responsible Officers

(CT:VISA-1090; 06-24-2020)

- a. **(U)** Exchange Visitor Program sponsors designate individuals to perform the duties attendant to designation. The responsible officer (RO) is the primary person appointed as being responsible and thoroughly familiar with the Exchange Visitor Program regulations, policies, and SEVIS requirements. An alternate responsible officer (ARO) is an individual appointed to assist the RO in administering the program.
- b. **(U)** The RO (or ARO) is required to ensure that the exchange visitor obtains sufficient advice and assistance to facilitate the successful completion of their exchange program. ROs and AROs are also responsible for the security of SEVIS. Only ROs and AROs are authorized access to SEVIS to issue Form DS-2019.

9 FAM 402.5-6(K) (U) J Visa Fees

9 FAM 402.5-6(K)(1) (U) SEVIS I-901, Fee Remittance for Certain J Nonimmigrants, Fee

(CT:VISA-2048; 08-15-2024)

- a. **(U)** The SEVIS I-901 fee is a one-time fee for persons applying for J-1 visas. The fee covers the costs of administering SEVIS and related enforcement efforts. Only principal J-1s must pay the SEVIS I-901 fee. Even though J-2 derivative applicants have a unique SEVIS ID number, they are not subject to this fee.
- b. **(U)** Applicants must pay the SEVIS fee before their visa interviews. Applicants may schedule interview appointments before paying the fee. While consular sections must verify that the SEVIS fee has been paid, they are not responsible for collecting it. Applicants should be referred to FMJFee.com to pay the SEVIS I-901 fee.
- c. **(U)** You can verify SEVIS I-901 fee payment through the CCD SEVIS report. You can also verify SEVIS I-901 fee payment at FMJFee.com if the fee payment information has not yet replicated to the CCD.
- d. **(U)** Most exchange visitors will pay the full fee; however, the fee is reduced for some, including those in Summer Work Travel, Camp Counselor, and Au Pair categories.
- e. **(U)** Exchange visitors and their spouses and/or dependents sponsored by a government program (program serial numbers G-1, G-2, G-3, and G-7) are not required to pay the SEVIS fee. Publicize and explain on post's website how an exchange visitor participating in one of these government-sponsored programs can reach the consular section to schedule a visa interview appointment without paying either the nonrefundable MRV fee or the SEVIS fee (see [9 FAM 402.5-6\(K\)\(2\)](#) below).

9 FAM 402.5-6(K)(2) (U) Fee Waivers for Certain Exchange Visitors

(CT:VISA-2048; 08-15-2024)

- a. **(U)** J-1 visa applicants are exempted from the machine readable visa (MRV) fee if they are participating in a USAID, or other federally funded educational and cultural exchange program. Exchange programs eligible for the MRV exemption have a program serial number that begins with the prefix G-1, G-2, G-3, or G-7 on the Form DS-2019. J-2 derivatives of these J-1 applicants are also exempted from the MRV fee. All other applicants with U.S. Government funding must pay the MRV processing fee. You must ensure that post's website provides clear guidance to these visa applicants on how to obtain a visa interview appointment without paying the MRV fee, because the fee, once paid, is usually not refundable (see [7 FAH-1 H-728](#)).

- b. **(U)** Applicants participating in a U.S. government-sponsored exchange visitor program who are exempt from the MRV fee as described above in paragraph a, are also exempt from any applicable visa reciprocity fee.

9 FAM 402.5-6(L) (U) INA 212(e)

(CT:VISA-1628; 09-13-2022)

(U) INA 212(e) prohibits certain exchange visitors from applying for an IV or for adjustment of status to that of an LPR or from changing status or receiving a visa as a temporary worker (H), fiancé (K), or intracompany transferee (L) until the applicant has established that they have resided and been physically present in the country of nationality or last legal permanent residence for an aggregate of at least two years following departure from the United States.

9 FAM 402.5-6(L)(1) (U) Subject to INA 212(e)

(CT:VISA-1783; 06-08-2023)

- a. **(U)** An individual admitted as an exchange visitor under INA 101(a)(15)(J) or who acquires such status after admission is subject to the two-year home-country physical presence requirement under INA 212(e) if:
- (1) **(U)** The program in which the individual is participating was financed in whole or in part, directly or indirectly, by a U.S. Government Agency;
 - (2) **(U)** The program in which the individual is participating was financed in whole or in part, directly or indirectly, by the government of the country of the noncitizen's nationality or last legal permanent residence;
 - (3) **(U)** The noncitizen at the time of acquiring such status was a national or legal permanent resident of a country designated as requiring the services of persons engaged in the field of specialized knowledge or skill as shown in the 2009 Exchange Visitor Skills List, 1997 Exchange Visitor Skills List, 1984 Exchange Visitor Skills List, or 1972 Exchange Visitor Skills List; or
 - (4) **(U)** The individual entered the United States to receive graduate medical education or training.
- b. **(U)** Individuals participating in the Au Pair and Summer Work Travel exchange visitor program categories are not subject to INA 212(e).

9 FAM 402.5-6(L)(2) (U) Waiver of INA 212(e) Requirement

(CT:VISA-2048; 08-15-2024)

- a. **(U)** A noncitizen may seek a waiver of the two-year home-country physical presence requirement if:
- (1) **(U)** The noncitizen establishes exceptional hardship or probable persecution on account of race, religion, or political opinion (see also [9 FAM 302.13-2\(D\)\(3\)](#));

- (2) **(U)** The noncitizen establishes active and substantial involvement in a program sponsored by or of interest to a U.S. government agency; (see [9 FAM 302.13-2\(D\)\(4\)](#));
 - (3) **(U)** The noncitizen has received a statement of "no objection" from their country of nationality or last legal permanent residence (see [9 FAM 302.13-2\(D\)\(1\)](#)); or
 - (4) **(U)** The noncitizen is a graduate of a medical school for whom a request for a waiver has been granted to a U.S. State's department of public health (see [9 FAM 302.13-2\(D\)\(5\)](#)).
- b. **(U)** You should refer former exchange visitors who wish to learn more about applying for a waiver of INA 212(e) to Waiver of the Exchange Visitor Two-Year Home-Country Physical Presence Requirement.

9 FAM 402.5-6(L)(3) (U) Department's Policy on Extension of Program Participation While a Waiver of the Two 2-Year Home-Country Physical Presence Requirement Is Pending

(CT:VISA-1628; 09-13-2022)

(U) Once a waiver has been recommended and forwarded to DHS, an exchange visitor is no longer eligible for an extension of program beyond the end date shown on the current Form DS-2019 even though they may not have completed the maximum duration of participation permitted for the category. If a waiver request was denied, however, and the exchange visitor is still within the maximum duration of participation established by the regulations, an extension may be issued by the sponsor up to the maximum duration of time permitted for that category.

9 FAM 402.5-6(M) (U) Exchange Visitor Skills Lists

9 FAM 402.5-6(M)(1) (U) Exchange Visitor Skill List, 2009

(CT:VISA-1292; 05-27-2021)

(U) See: 2009 Exchange Visitor Skills List.

9 FAM 402.5-6(M)(2) (U) Exchange Visitor Skill List, 1997

(CT:VISA-1292; 05-27-2021)

(U) See: 1997 Exchange Visitor Skills List.

9 FAM 402.5-6(M)(3) (U) Exchange Visitor Skill List, 1984

(CT:VISA-1292; 05-27-2021)

(U) See: 1984 Exchange Visitor Skills List.

9 FAM 402.5-6(M)(4) (U) Exchange Visitor Skills List, 1972

(CT:VISA-1292; 05-27-2021)

(U) See: 1972 Exchange Visitor Skills List.

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