

J-1 Sponsoring Unit Responsibilities and Liabilities

Rutgers' ability to comply with federal regulatory requirements related to the University's J-1 Exchange Visitor Program depends solely on an effective working partnership between the office of International Student and Scholar Services (ISSS) and the University departments and research units that sponsor and host J-1 visitors. Rutgers' continued authorization from the U.S. Departments of State and Homeland Security to sponsor J-1 visitors rests upon the strength of this partnership of shared responsibilities.

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

1. J-1 sponsoring units must notify the office of ISSS of any and all of the following occurrences:

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

Timely arrivals – **Action required:** *Sponsoring units are required to remind the visitor that they must check-in online at <https://sunapsis.rutgers.edu/istart/controllers/start/start.cfm> where they will choose a date to attend the “New Faculty/Scholar” Welcome Session.* This Welcome Session must be attended by all new J-1 faculty, researchers and visiting research students. The Welcome Session is offered bi-monthly year-round (two Thursdays per month from 2:45–4:30p.m.) and fulfills the U.S. Department of State's regulatory requirement that the University provide all new J-1 visitors with an orientation program that covers some specific topics.

Cancellations of planned visits for which the office of ISSS has issued a DS-2019 form — **Action required:** Regulations require we secure the return of the unused DS-2019 form and destroy it. Sponsoring units must ask the visitor to return all unused DS-2019 forms, including those issued for J-2 dependents, if any.

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

Anticipated program changes for visitors — **Action required:** The nature and purpose of a visitor's J-1 program as described and documented in the initial DS-2019 request packet should be well thought-out, as it places a fairly fixed set of program parameters for the visit. Regulations explicitly disallow a “change in program objectives” and the office of ISSS (as administrator of Rutgers' J-1 program) is required to accurately represent the visitor's program in SEVIS and to ensure the program does not change in any substantive way. We are required to monitor everything from “site of activity” to the arrival and final departure of J-2 dependents, and to amend SEVIS data when these and many other events occur. It is therefore essential that sponsoring units consult with the office of ISSS *prior to*

implementing any substantive changes in a specific visitor's program to first verify if the desired changes are even permitted. If the changes are in keeping with regulatory parameters, our office will then amend the SEVIS record accordingly.

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

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

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

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

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

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

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

Provide the exchange visitor with:

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

3. Miscellaneous Unit Responsibilities and Restrictions

All sponsoring units must designate ONE staff person from their unit to serve as primary liaison with ISSS. It is both inefficient and risky for our office to have to work with four or five different members of a department on a single case. Cases in which “too many cooks” are involved invariably result in unusual delays and problems, not to mention significant frustration for all parties involved (including the visitor). *By designating a primary liaison, a sponsoring unit agrees that the individual will:*

- ▶ Serve as the information and document coordinator for all J-1 program-related matters involving the sponsoring unit, including: providing ISSS with the information it requires and the visitor with any information he or she may request; preparing and submitting all DS-2019 Requests and documentation;
- ▶ Answer their visitors’ J-1 program-related questions, and advise their visitors *not* to contact ISSS directly with J-1 program-related questions unless an ISSS staff member has specifically recommended that course of action;
- ▶ Become familiar with the ISSS website section under “for Rutgers Departments;”
- ▶ Attend training programs offered by ISSS when relevant to their units’ needs;
- ▶ Provide ISSS with new staff’s email address and carefully read all updates from our office;
- ▶ Consult with ISSS when they are unsure about issues and/or procedures related to a given case; and
- ▶ Provide constructive feedback to our office when appropriate.

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

4. Matters to be Aware of...

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

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

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

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

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

- ▶ change to another nonimmigrant status within the U.S.
- ▶ leave the U.S. and return in either H-1B status or legal permanent resident ("green card") status

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

Please call ISSS at 848-932-7800 if you have any questions