



Immigration Obligations

Maintaining Legal Status while in the United States

Sandarshi Gunawardena
Program Officer, VEF

Credits: NAFSA: Association of International Educators



Your DS-2019

Program participation period: Start & end dates

Exchange Visitor Category:
Program Level

Major: Field of study/research



U.S. Department of State CERTIFICATE OF ELIGIBILITY FOR EXCHANGE VISITOR(J-1) STATUS

OMB APPROVAL NO.1405-0119
EXPIRES: 02-28-2005
ESTIMATED BURDEN TIME: 45 min
*See Page 2

1. Family Name: Wang		First Name: David		Middle Name:		Gender: MALE		N0001234567	
Date of Birth (mm-dd-yyyy): 04/01/1970		City of Birth: Taipei		Country of Birth: TAIWAN		Citizenship Country Code: TW		Citizenship Country: TAIWAN	
Legal Permanent Residence Country Code: TW		Legal Permanent Residence Country: TAIWAN		Position Code: 213		Position: UNIVERSITY TEACHING STAFF INCLUDING			
U.S. Address: College of Engineering 1111 Washington BLVD. New York, NY 12345									
2. Program Sponsor: Happy University						Exchange Visitor Program Number: P-1-12345			
Participating Program Official Description: PROFESSOR; RESEARCH SCHOLAR; SHORT-TERM SCHOLAR; SPECTALIST; STUDENT ASSOCIATE; STUDENT BACHELORS; STUDENT DOCTORATE; STUDENT MASTERS; STUDENT NON-DEGREE									
Purpose of this form: Begin new program; accompanied by number (0) of immediate family members.									
3. Form Covers Period:					4. Exchange Visitor Category:				
From (mm-dd-yyyy): 07-01-2004					RESEARCH SCHOLAR				
To (mm-dd-yyyy): 07-30-2005					Subject/Field Code: 9999				
					Subject/Field Code Description: Education, Other				
5. During the period covered by this form, the total estimated financial support (in U.S. \$) is to be provided to the exchange visitor by: The Exchange Visitor's Government : \$9,600.00 Personal funds : \$38,523.00 Total : \$48,123.00									
6. U.S. DEPARTMENT OF STATE / INS USE OR CERTIFICATION BY RESPONSIBLE OFFICER THAT A NOTIFICATION COPY OF THIS FORM HAS BEEN PROVIDED TO THE U.S. DEPARTMENT OF STATE (INCLUDE DATE).						7. George Washington Name of Official Preparing Form 1111 Washington BLVD. New York, NY 12345 Address of Responsible Officer or Alternate Responsible Officer		Alternate Responsible Officer Title 123-45-7890 Telephone Number 06-08-2004 Date (mm-dd-yyyy)	
Signature of Responsible Officer or Alternate Responsible Officer						Date (mm-dd-yyyy) of Signature			
8. Statement of Responsible Officer for Releasing Sponsor (FOR TRANSFER OF PROGRAM) Effective date (mm-dd-yyyy): _____ Transfer of this exchange visitor from program number _____ sponsored by _____ to the program specified in item 2 is necessary or highly desirable and is in conformity with the objectives of the Mutual Educational and Cultural Exchange Act of 1961, as amended.									
PRELIMINARY ENDORSEMENT OF CONSULAR OR IMMIGRATION OFFICER REGARDING SECTION 212(e) OF THE IMMIGRATION AND NATIONALITY ACT AND PL 94-484, AS AMENDED (see item 1(a) of page 2).						TRAVEL VALIDATION BY RESPONSIBLE OFFICER (Maximum validation period is one year*)			
The Exchange Visitor in the above program: 1. <input type="checkbox"/> Not subject to the two-year residence requirement. 2. <input checked="" type="checkbox"/> Subject to two-year residence requirement based on: A. <input checked="" type="checkbox"/> Government financing and/or B. <input type="checkbox"/> The Exchange Visitor Skills List and/or C. <input type="checkbox"/> PL 94-484 as amended						*EXCEPT: Maximum validation period is up to six months for Short-term Scholars and four months for Camp Counselors and Summer Travel/Work. (1) Exchange Visitor is in good standing at the present time _____ Date (mm-dd-yyyy) Signature of Responsible Officer or Alternate Responsible Officer (2) Exchange Visitor is in good standing at the present time _____ Date (mm-dd-yyyy) Signature of Responsible Officer or Alternate Responsible Officer			
Name _____ Title _____ Signature of Consular or Immigration Officer _____ Date (mm-dd-yyyy) _____						THE U. S. DEPARTMENT OF STATE RESERVES THE RIGHT TO MAKE FINAL DETERMINATION REGARDING 212 (e).			
EXCHANGE VISITOR CERTIFICATION: I have read and agree with the statement on item 2 on page 2 of this document.									
Signature of Applicant _____						Place _____		Date (mm-dd-yyyy) _____	



Your Processed DS-2019

Immigration stamp

- Entry Date
- J-1
- D/S

Consular annotation

U.S. Department of State
CERTIFICATE OF ELIGIBILITY FOR EXCHANGE VISITOR(J-1) STATUS

OMB APPROVAL NO. 1435-0045
EXPIRES 02-28-2012
ESTIMATED AVERAGE TIME 45 MIN
See Page 2

1. Full Name: Michelle Hahn		Gender: FEMALE		H0000835743	
Date of Birth (mm-dd-yyyy): 05-21-1979		City of Birth: Munich, GERMANY		Country of Birth: GERMANY	
Legal Permanent Residence Country Code: GM		Legal Permanent Residence Country: GERMANY		Passport Code: 214	
U.S. Address: 4400 University Drive Fairfax, VA 22030		Institution: UNIVERSITY GRADUATE STUDENTS			
2. Program Sponsor: George Mason University		Exchange Visitor Program Number: P-1-04835			
Participating Program Official Description: PROFESSOR; RESEARCH SCHOLAR; SHORT-TERM SCHOLAR; STUDENT ASSOCIATE; STUDENT BACHELORS; STUDENT DOCTORATE; STUDENT MASTERS; STUDENT NON-DEGREE					
Purpose of the form: Amend previous form; Update financial information					
3. Form Control Number: Form No. (yyyy): DS-2019 To: Control No.: 08-31-2009		4. Exchange Visitor Category: STUDENT DOCTORATE Subject Field Code: 42.9999 Subject Field Code Description: Psychology, Other			
5. During the period covered by this form, the total estimated financial support U.S. funds to be provided to the exchange visitor by: Current Program Sponsor: \$70,440.00 Personal Funds: \$4,750.00 Total: \$75,190.00					
6. U.S. DEPARTMENT OF STATE USE OR CERTIFICATION BY RESPONSIBLE OFFICER THAT A NOTIFICATION COPY OF THIS FORM HAS BEEN PROVIDED TO THE U.S. DEPARTMENT OF STATE (SEE PART 2)		7. Embassy Counsel: National Medical Training Post Office of International Programs and So 4400 University Drive Fairfax, VA 22030		Alternate Responsible Officer: 703 591-2959 703-72-2304 Ext. 144-0100	
8. Signature of Responsible Officer for Submitting Sponsor FOR TRANSFER OF PROGRAM: Signature of Responsible Officer for Alternate Responsible Officer:		Signature of Responsible Officer for Alternate Responsible Officer:			
PRELIMINARY ENDORSEMENT OF CONSULOR OR IMMIGRATION OFFICER REGARDING SECTION 216(a) OF THE IMMIGRATION AND NATIONALITY ACT AND 21.34-2(a), AS AMENDED (see sec. 100 of part 2): 1. Exchange status is for the purpose: a. <input checked="" type="checkbox"/> To support the exchange visitor's academic activities. b. <input type="checkbox"/> To support the exchange visitor's professional business: 4. <input type="checkbox"/> Government faculty or staff 5. <input type="checkbox"/> The exchange visitor will be a U.S. citizen 6. <input type="checkbox"/> Other (specify):		8. Signature of Responsible Officer for Alternate Responsible Officer:		TRAVEL VALIDATION BY RESPONSIBLE OFFICER (Exchange visitor's responsibility) *NOTE: Maximum validation period is 60 days for the program. Signature and date must be given in United States and U.S. only. 1) Exchange Visitor's good standing in the program: Signature of Responsible Officer for Alternate Responsible Officer: 2) Exchange Visitor's good standing in the program:	
Richard C. Herffmann 130L 14 2106 130L 14 2106		Signature of Responsible Officer for Alternate Responsible Officer: 05/12/09			
THE U.S. DEPARTMENT OF STATE RESERVES THE RIGHT TO MAKE FINAL DETERMINATION REGARDING 216(a) EXCHANGE VISITOR CERTIFICATION. Please read and agree with the statement on page 2 of this instrument.					



Your I-94 Arrival/Departure Card

Departure Number
742831632 01

U.S. IMMIGRATION
230 WAS 177

Immigration and
Naturalization Service
I-94
Departure Record

SEP 13 1991

ADMITTED B-2
VISAS
ENTERED MARCH 12, 1992

1. Family Name
DOE

2. First (Given) Name
JOHN

3. Country of Citizenship
ENGLAND

4. Birth Date (MM/DD/YYYY)
01/01/91

See Other Side STAPLE HERE

Warning - A nonimmigrant who accepts unauthorized employment is subject to deportation.
Important - Retain this permit in your possession; you must surrender it when you leave the U.S. Failure to do so may delay your entry into the U.S. in the future. You are authorized to stay in the U.S. only until the date written on this form. To remain past this date, without permission from immigration authorities, is a violation of the law.

Surrender this permit when you leave the U.S.:

- By sea or air, to the transportation line;
- Across the Canadian border, to a Canadian Official;
- Across the Mexican border, to a U.S. Official.

Students planning to reenter the U.S. within 30 days to return to the same school, see "Arrival-Departure" on page 2 of Form I-30 prior to surrendering this permit.

Record of Changes

Part: _____ Departure Record

Date: _____

Carrier: _____

Flight #/Ship Name: _____

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402

Form I-94

The Form I-94 Arrival/Departure Card serves as documentation of legal entry in the U.S. in a specific status for a specific period of time.



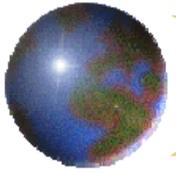
Renewing the Visa Stamp

You will only need to renew your expired visa stamp when you travel outside of the U.S. and plan to re-enter

U.S. entry visa cannot be renewed inside the United States and has to be renewed at a U.S. embassy overseas

SEVIS Fee and Visa fee are waived for all J-1 and J-2 visa renewal

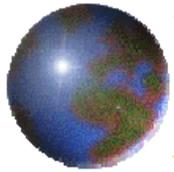
Automatic revalidation of expired visas when you travel to contiguous territories (Canada & Mexico) and some adjacent islands)



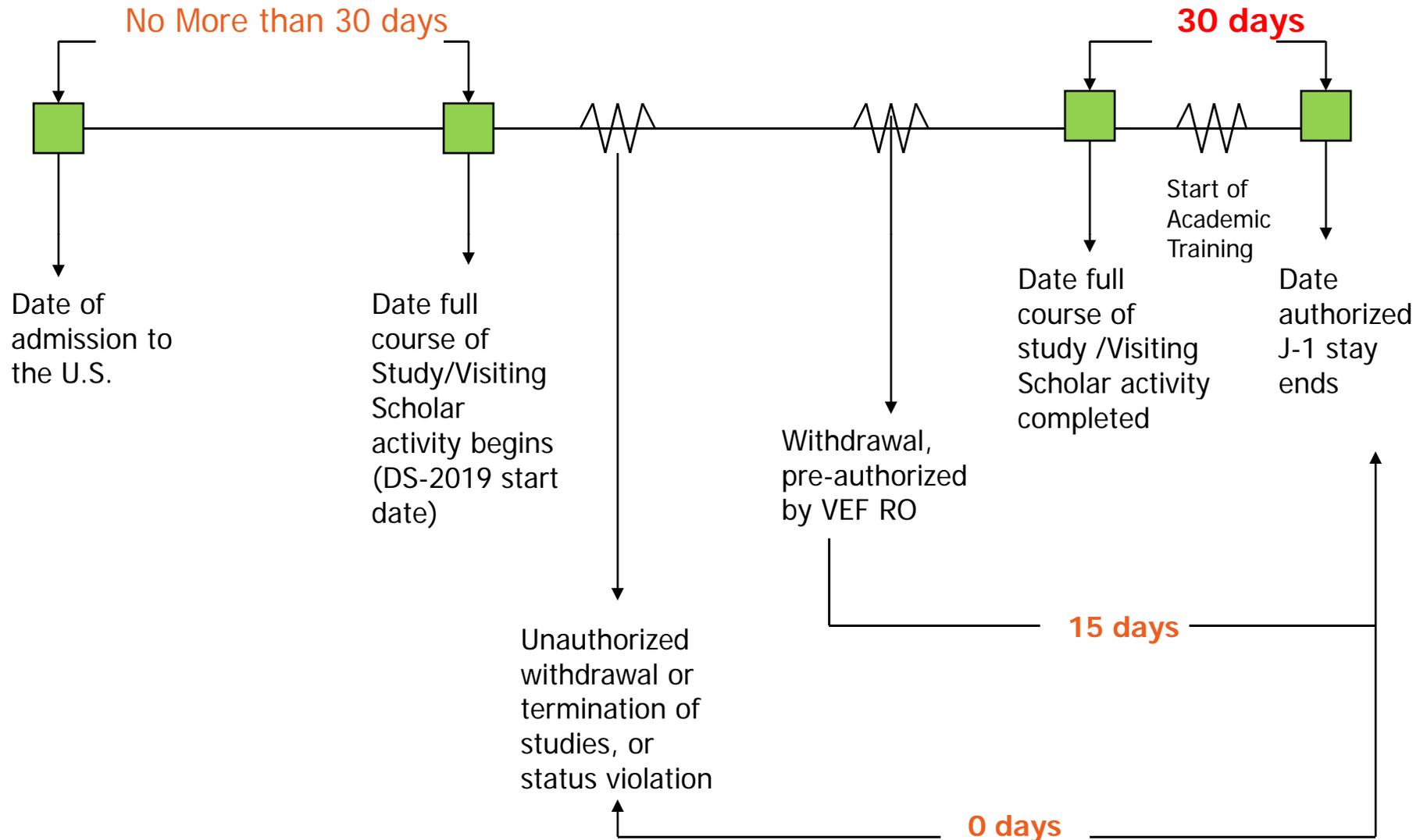
D/S – “Duration of Status”

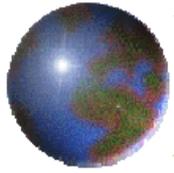
How long can you stay in the US?

- Program length on DS-2019 or last day of exams/date dissertation is submitted - whichever comes first OR end date of VEF authorized Academic Training + 30-day grace period
- With VEF authorized withdrawal = 15-day grace period
- If you drop out of school or withdraw from all classes without permission = no grace period
- You must apply for Academic Training BEFORE you complete your program
- Choices during **post degree-completion** grace period:
 - Begin Academic Training
 - Get admitted to and transfer to a new academic program
 - Change Immigration Status
 - Leave U.S.



Duration of status "time-line"



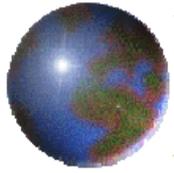


Two-year home country physical presence requirement: (212)e

The intent of the requirement is to have the home country benefit from the exchange visitor's experience in the United States.

- Is not eligible to obtain an H or L visa at a U.S. consulate;
- Is not eligible for lawful permanent resident status;
- Is not eligible to change status from J to most other nonimmigrant status from within the U.S.

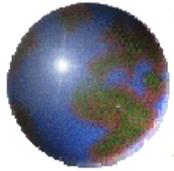
Two-year bar from repeated participation (Research Scholars only)



Maintenance of Status

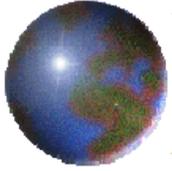
What rules do you need to follow to maintain your J-1 status and what are your responsibilities?

- 4 Report to RO for SEVIS registration
- Have a valid passport
- Attend authorized school in approved major and level of study
- Carry a full course of study each academic term
- Make satisfactory/normal progress
- Make required address change to VEF within 10 days
- File timely extension, transfer, and change of status
- **Adhere to regulations on employment**
- Obey state and federal laws
- Depart from the US in a timely manner



Maintaining J Status – contd.

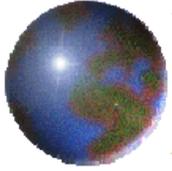
- ❑ **4 Report to VEF for SEVIS registration**
- ❑ **Have a valid passport - 6 months into the future**
- ❑ **Attend authorized school - in DS-2019 approved by VEF**
- ❑ **Study full-time (as defined by your university) at the school listed on your DS-2019**
 - **Maintain full time enrollment during the fall, spring and winter terms**
 - **Not required to enroll in summer term or annual school vacation period, unless it is your last semester.**



Maintaining J Status - contd.

Full-time study – contd.

- Graduates typically take and complete 9 graduate credits per semester or full time equivalency as defined by your university
- Must study at your level of study in your field of study
- Taking classes for audit does NOT count towards full-time requirement
- You must meet the attendance requirements for the class – it is not permissible to simply stop attending
- Only one online or distant learning course per semester

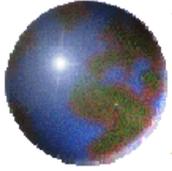


Maintaining J Status - contd.

Reduced Course Load Authorization VEF must authorize **ANY** drop below a full course load in advance

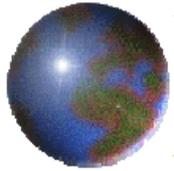
- Graduate assistants with a 20 hour assistantship may take typically 6 credits or full time equivalency
- Final semester of program of study
- Medical reason (Physician documented)
- Participating in VEF approved pre-completion Academic Training (only under special circumstances)
- Bona fide academic reason (advisor documented)





Maintaining J Status - contd.

- ❑ **Make satisfactory and normal progress**
- ❑ **Make required address change to VEF within 10 days or every U.S. residence change**
- ❑ **File timely extensions. Pay attention to expiration dates on J-1 documents**
 - **DS-2019 must be valid at all times – extend before it expires!**
 - Expiration date is item #3 on the DS-2019
 - **Visa is an entry document ONLY – It can expire if you remain in the U.S.**
 - Automatic visa revalidation for Mexico, Canada and adjacent islands (except Cuba)

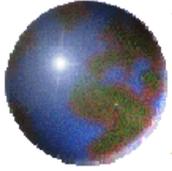


Maintaining J Status - contd.

- ❑ **Adhere to regulations regarding employment. All employment must be authorized by VEF prior to the start of any employment**
- ❑ **Obey state and federal laws**
- ❑ **Depart from the US in a timely manner – do not overstay the grace periods**

Research Scholars: You must work/perform research at the university and department listed on your DS-2019. Working or performing research anywhere else is a violation of your J-1 status

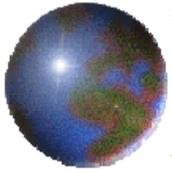
Your primary exchange visitor objective must remain unchanged



Employment

On Campus Employment:

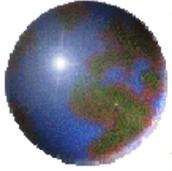
- Takes place on your school's campus
- Work is permitted on-campus up to 20 hours per week while school is in session
- Full-time on-campus work is permitted during official annual school vacations
- VEF requires all on-campus work be directly related to major field of study
- All on-campus work must be authorized in writing by VEF prior to the start of employment.
DO NOT work on-campus without authorization.
- **Authorization can only be granted one year at a time.**
- **Complete application in the OMS for VEF authorization prior to the start of any employment**



Employment

Off-campus employment = Academic Training (AT)

- **18 months of work authorization, most commonly used after completion of course of study. Ph.D. students are eligible for a further 18 months of post-doctoral training**
- **Can be done pre-completion full time during summer or part time while enrolled in a full course of study. Full time pre-completion AT is only authorized for special situations related to academic program**
- **Students must apply for post-completion Academic Training before completing the program of study**



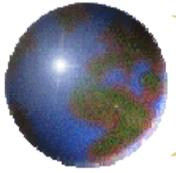
Employment

Academic Training (AT) – contd.

- **AT is only possible if you meet the eligibility requirements. Basic requirement for AT:**
 - **Be in J-1 status for a minimum of 1 academic year**
 - **Work must be directly related to major field**
 - **AT must be authorized by VEF prior to the start of employment**

Off-campus Employment for Research Scholars

J-1 Research Scholars may receive permission from VEF, *in advance*, to perform a one-time or occasional lectures or consultation and receive payment for their services – must be authorized by VEF in advance

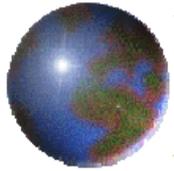


Maintaining J Status – contd.

Your Responsibility

- **Reportable information - You MUST inform VEF when:**
 - **You change major or program level**
 - **Must get VEF approval prior to any change**
 - **Must be done within 10 days of change and you MUST receive a new DS-2019 reflecting the change**
 - **You change address – local OR foreign**
 - **Must be reported to VEF within 10 days of the change**
 - **You change your legal name – within 10 days**
 - **You end your program early due to withdrawal, suspension/dismissal or graduation**
 - **You change immigration status**

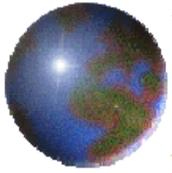
It is a legal requirement to notify VEF of these changes



Maintaining J Status – contd.

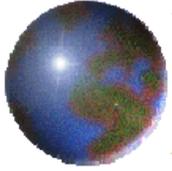
Your Responsibility

- Obtain employment authorization- You **MUST** obtain prior approval of all on-campus and off campus employment: Written authorization must be obtained prior to the start of any employment
- Must obtain VEF approval for any absences out of the U.S. that are beyond normal vacations
- Must obtain prior VEF approval to transfer to another school (prior to graduation or upon graduation)



VEF is required to report certain information to the DHS/USCIS & DOS
(most of these are reportable within 21 days of occurrence):

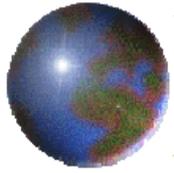
- Change of address, major or legal name
- Students who are not enrolled full time
- Prior authorization for reduced a reduced course load
- All employment – both on-campus and Academic Training, short-term consultancy (for Research Scholars only)
- Early program completion, withdraw from school/program. Termination of programs, or dismissals/suspensions



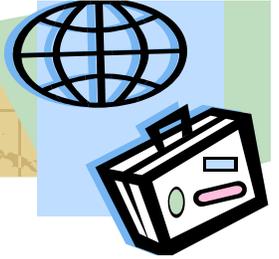
If you fail to maintain status...



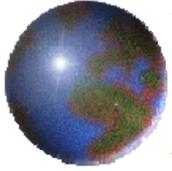
- VEF MUST terminate your SEVIS record
- VEF Grant is terminated
- You need to depart the United States immediately – no grace period
- Immigration officials can see terminations in their databases - record remains in immigration system always



Travelling



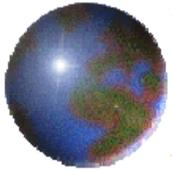
- Before traveling please complete the application for international travel in the OMS = required for all international travel
- To re-enter the US you are required to have a signature by VEF on the bottom right corner of your DS-2019. This signature is valid for 12 months from the date of signing for J-1 Students and J-1 Research Scholars whose program is at least 12 months, and 6 months for J-1 Short-term Scholars. You do not need a new signature every time you travel.
- You also must have a valid J-1 visa and valid passport to re-enter the US.



J-2 Dependents

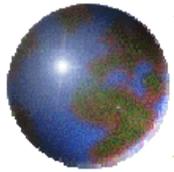
- Spouse and children under 21 only
- Must demonstrate financial sufficiency for all dependents
- Must be covered by J health insurance
- Can study full time or part time
- Employment is permitted with USCIS authorization – need to apply

Please consult VEF if you wish to bring dependents or need advise of how to apply for employment authorization for J-2 dependents.



ISSUES

- Unauthorized employment**
- Unapproved absences from the U.S.
- Unapproved changes in program level (Ph.D. to masters – reverse matriculation) - Implications
- Unapproved changes in majors
- Departure from the United States without notification to VEF
- Travel without travel authorization/validation
- Academic performance issues
- Timely application and advanced notification and approval
- OMS not being updated in a timely fashion**

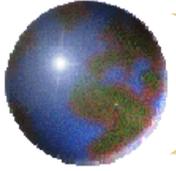


COMING SOON

SEVIS II

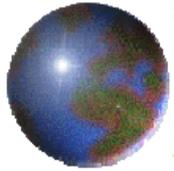
- Paper-less system for immigration purposes
 - Admissibility indicator
 - Electronic signatures
 - Domestic DS-2019 for non-immigration purposes
- “One person-one record” concept: All immigration history captured under single record (all visa types)
- Students and dependents can access and view SEVIS records: No changes can be made by students
- **Spring 2010: Set-up SEVIS II accounts**
- Will retain all the current functionality of SEVIS I and all the current regulations will remain unchanged and new J regulations when approved will also be implemented

I will provide training material and resources soon



Other recent updates

- **DMV:** Must have an active SEVIS record to apply for a driver's license
 - Transfer students must have the transfer complete to new school
 - Can only apply in the state where he/she is attending school or on AT
- **MAVNI** (Military Accessions Vital to the National Interest)
- **Pending changes to J regulations by Dept of State:**
 - Changes to J Health insurance requirements
 - Changes to J-2 employment monitoring – VEF will closely monitor
 - Reportable events – reporting period shortened from 26 days to 10 days



Immigration advising resources

- Read our website: **<http://home.vef.gov/>** - contains policies and procedures
- Read applications and instructions on the OMS
- Read email alerts sent by Program Officer
- Read handouts prepared by VEF
- Attend workshops offered by International Office at University – please note that VEF policies override some university policies and J regulations are remarkably different to F regulations
- Send an email message to your VEF Program Officer: **sandarshigunawardena@vef.gov**
- Call your Program Officer: (703)351-5053 (work)
(202)355-8164 (mobile)



Thank you

