



J-1 Visa Exchange Programs

Frequently Asked Questions

Background

>>> What is a J-1 visa?

The J-1 visa is a cultural exchange visa. It is administered by the U.S. Department of State to further public diplomacy goals. It was developed to expose individuals from around the world to the culture and institutions of the United States and to cultivate a better understanding of the U.S. perspective on a variety of issues.

>>> What is the J-1 visa for Teachers?

There are 14 categories of the J-1 visa, and “teacher” is one of them. This cultural exchange visa is used to allow foreign teachers with at least three years of experience to teach in an accredited primary or secondary school in the United States for up to 36 months.

>>> What is AIPT’s role in the J-1 visa process?

AIPT has been designated as an “Exchange Visitor Program” **sponsor** by the U.S. Department of State, which means that AIPT is responsible for reviewing the participant and host organization applications to ensure that they meet the criteria established by the U.S. government for this visa. Unlike other visas, AIPT acts as the legal visa sponsor of the participant for the duration of the program in the United States. The **participant** is the individual who is coming to the U.S. on an Exchange Visitor Program and the **host organization** is the school district that will be providing a teaching position to the participant.

>>> What documents will AIPT issue to participants?

AIPT will issue three important documents. The first is the **School District’s Outline of Program**. This is issued before approval of the program and must be signed by AIPT, the participant, and the host organization.

The second document is a **Certificate of Eligibility (Form DS-2019)**, issued to the participant after AIPT reviews the participant and host organization applications, and agrees to sponsor the teaching program. AIPT also issues a **receipt of payment** for the mandatory federal SEVIS fee.

>>> What is the Certificate of Eligibility (DS-2019) document?

This is a legal document which is issued by AIPT as a designated sponsor of the J-1 visa under the authority of the U.S. Department of State. The Certificate of Eligibility is the document that entitles and authorizes a foreign national to take a temporary, paid teaching position in the United States through the Exchange Visitor program. The Certificate of Eligibility is null and void if the exchange visitor does not obtain a J-1 visa from a U.S. Embassy or Consulate for entry to the United States. The application for the J-1 visa can only be made after the Certificate of Eligibility has been issued, and application must be made through a U.S. Embassy or Consulate overseas (preferably in the applicant’s home country).

>>> Why is it necessary for applicants to register with AIPT’s partner organizations?

Our partner organizations provide our international applicants with additional services, such as: assistance with the J-1 visa process; in-country representation of AIPT to verify credentials and identity; assistance with tax status while abroad; and assistance with the U.S. consular office in the exchange visitor’s home country. These partners also provide AIPT with work permits and assistance for our American participants, as part of our reciprocal exchanges. Many of the partner organizations provide services that allow the applicant to remain in compliance with J1 visa regulations. For example, they perform interviews and test participants’ English language ability.

>>> Can applicants change status to a J-1 visa?

The J-1 visa is a non-immigrant visa, which means that applicants must show ties to their home country. If an applicant is currently in the U.S., AIPT requires him or her to return to the home country. AIPT will not issue any documents to someone who is in the United States. He or she must leave the country to apply for a J-1 visa.

>>> How can I find out about changes in the regulations or processes that may affect my J-1 visa program?

AIPT is constantly monitoring changes in the regulations that govern the J-1 visa, and communicates

these changes through its Web site at www.aipt.org.

Income/Benefits
>>> Does my host organization have to pay me overtime?

Not necessarily. Overtime is usually earned after 40 hours per week, and it is typically earned at 1-1/2 times base rate of pay. There are two types of positions in the United States: "exempt" or "non-exempt." Anyone deemed an "exempt" employee will earn a set wage to perform a particular job, while a "non-exempt" employee earns a wage for the actual time they work. The determination is based upon the position, not the individual. Therefore, in a J-1 program, if a position held by a U.S. employee is considered "exempt," then J-1 participants in that same position will be considered "exempt," and so on in the case of "non-exempt" positions. U.S. organizations are not required to pay overtime to "exempt" employees. On the other hand, participants who are considered "non-exempt" are eligible for overtime. Determination of overtime varies by organization and by state.

>>> Can a host organization pay me a bonus?

Yes. There are no regulations that prohibit participants from earning a bonus during their program.

>>> Does the organization have to provide me with paid vacation or paid sick leave during the program period?

No. U.S. organizations are not legally required to offer their employees any leave with pay, including vacation and sick time. Therefore, U.S. organizations are not legally required to offer J-1 participants any type of leave with pay. Participants are subject to the leave policies of their specific host organizations. In most cases, participants must "earn" paid vacation and sick time. That is, participants will be eligible for paid leave only after spending a certain period of time with the host organization.

As a guide, in the United States, new employees typically earn one to two weeks of vacation during their first year of employment.

>>> Do I have to pay U.S. income taxes?

Participants who earn income from a U.S. source must pay federal, state, and local income taxes. State income tax rates vary (and some states do not have an income tax), but the federal income tax is indexed by the level of the wage. Participants should expect to pay about 25 percent of their gross salary in federal income taxes. The organization will automatically deduct federal and state income taxes from the paycheck. Participants **do not** pay Social Security and Medicare taxes (FICA) or Federal Unemployment tax (FUTA) because they are not eligible for these benefits.

Generally, all J-1 visa holders are considered non-residents. Participants must file both a federal income tax return and a state income tax return (if there is a state income tax). These returns must be filed by April 15 for each year they earn income in the United States. For example, if the program lasts from July 3, 2007 to July 2, 2008, participants will have to file tax returns for two years. In this example, participants must file the first return by April 15, 2008, for income earned in 2007, and must file the second return by April 15, 2009, for the income earned in 2008.

Participants will use either the form 1040NR-EZ or form 1040NR to file their federal tax return. These forms are available after January 1 at Internal Revenue Service (IRS) offices, at local public libraries, or from the IRS Web site at www.irs.gov. Information about forms used to file tax returns for state income taxes can be found after January 1 at local public libraries or from the state's tax Web site.

>>> How do I use the health insurance that AIPT provides?

Please see the *Health Insurance Information Guide* for more detailed information. Participants should always carry the health insurance card with them. If participants are in an accident or need medical attention unexpectedly, they will need to show proof of coverage under a health insurance policy. Except in potentially life threatening medical emergencies, clinics, doctors, and hospitals will ask to see the health insurance card before treatment is administered. Procedures for payment of medical treatment vary, but participants should expect to have at least some out-of-pocket costs for each medical treatment they receive.

Please note that **pregnancy is NOT covered** by the AIPT-provided medical insurance policy, which is included in the Program Fee. Any pregnancy related medical expenses would be incurred at the expense of the participant and/or spouse.

After Participants Arrive in the United
>>> Who is the sponsor when participants are in the United States?

AIPT is the legal visa sponsor during the J-1 program. All decisions about participants' visa status

States

during the J-1 program are made by AIPT, not by the host employer.

>>> How do I contact AIPT?

Contact AIPT by:

Telephone: 1-410.997.2200

E-mail at aipt@aipt.org.

Fax: 1-410-992-3924

Mail: 10400 Little Patuxent Parkway, Suite 250, Columbia, MD 21044-3519

AIPT staff travel throughout the United States during the year. Check the AIPT Web site at www.aipt.org/events for information on events in nearby cities.

>>> What must I do when I arrive in the United States?

Participants must contact AIPT to confirm the date of arrival, and must provide AIPT with the current address, telephone number and e-mail address within 10 days of arrival. AIPT must inform the U.S. Department of Homeland Security (DHS) of arrival within 30 days of the date listed in line #3 of the Form DS-2019, otherwise AIPT will be forced to withdraw sponsorship.

Participants who do not have a Social Security number will need to apply for one in order to be added to the host employer's payroll. See information below about applying for a Social Security card. Make sure to bring proof of identity, as well as the I-94 card and the Form DS-2019. On the first day of the J-1 program, the participants will be asked to complete an I-9 form and W-4 form in order to get enrolled onto the host employer's payroll. Make sure to bring the Form DS-2019. Please see instructions herein for information on paying taxes.

>>> What documents must I keep with me?

Participants should always carry their I-94 card and the Form DS-2019. The I-94 card is the document that confirms participants have legally entered the United States. The Form DS-2019 is the document that confirms that participants are in the United States legally on a J-1 visa, and entitled to be at a workplace on a J-1 program. Therefore, it is important that participants have both documents with them at all times to prove they are legally in the United States on a J-1 visa.

>>> How do I apply for a Social Security number/card?

If participants do not have a U.S. Social Security number, they must apply for a Social Security card. They will need to travel to the local office of the Social Security Administration (SSA). These are located in major cities, as well as in the county seats of all U.S. counties. Participants can find address information from the "blue pages" in their local telephone book or by searching the Internet at www.ssa.gov.

Participants must take their passport, the I-94 card, and the Form DS-2019 with them for identification purposes. They should also bring a copy of their birth certificate in case the SSA needs to further confirm their identity. Participants will complete an application for a Social Security card and will have to show these documents to prove their identity.

Participants should prepare to spend at least one hour applying for their Social Security card. Depending on the number of people who have come to the office on that day, participants will likely find a long line of customers in front of them. (The Social Security Administration manages benefits to senior citizens, persons with disabilities, and those individuals who rely on publicly funded health insurance.) Participants will likely be asked to take a number and wait for the number to be called. Once called, participants will submit their application and show their I-94 card and Form DS-2019. The customer service agent will make copies of these forms, and return the original copies. Participants SHOULD NOT leave the original of the I-94 card or the Form DS-2019 with the customer service agent.

For security purposes, the customer service agent is required to confirm participants' U.S. arrival information in the Systematic Alien Verification for Entitlements (SAVE) database, which receives information from the Department of Homeland Security. Once an applicant is verified in this database, the Social Security Administration can process that individual's application. Participants will get a receipt indicating that they have applied for the Social Security card, and that they will receive the card within two to four weeks.

If the Department of Homeland Security (DHS) has been slow to update its records, the customer service agent may not be able to confirm the information. In that case, participants will be given a receipt that they have applied for a Social Security card, but that the Social Security Administration was not able to confirm their security clearance. The Social Security Administration will have to make a formal inquiry to DHS about their records, a process that can take four to six weeks.

Participants can be added to their host employer's payroll without a Social Security number. They can show the receipt of having applied for the card, and the host employer will be able to use a

"dummy number" to enroll them on the payroll until they get their number. Participants must give their host employer their Social Security number as soon as they know it.

>>> Do I need a Social Security number in order to begin teaching?

No. Participants can be added to their host organization's payroll without a Social Security number. They can show the receipt of having applied for the card, and the host organization will be able to use a "dummy number" to enroll them on the payroll until they get their number.

>>> Can I change my teaching location?

Not without pre-approval from AIPT. Information about participants' teaching location is listed on their Form DS-2019. Applicants enter the United States to teach at a specific location, and will not be able to change locations unless the host employer's application stated that your teaching would include more than one location. If financial or other conditions with the host employer change dramatically during the program, participants must contact AIPT to determine if arrangements can be made to allow them to secure a teaching position at a different site. However, as the visa sponsor, only AIPT can make a decision on a change in teaching location.

It is important to remember that participants can legally earn a wage only at the host employer listed on the Form DS-2019. Substantial penalties exist for both the employer and the participant if the participant is not legally authorized to earn a wage at that employer.

>>> What if I lose my Certificate of Eligibility (DS-2019)?

Participants should contact AIPT immediately. AIPT will issue them a new Form DS-2019 for a small administrative charge. They must always carry this document with them.

>>> What if I lose my I-94 card?

Participants must apply to the Department of Homeland Security's U.S. Citizenship and Immigration Services (USCIS) for a new I-94 card. It is important to remember that the I-94 card is the document that the U.S. government uses to determine that participants legally entered the United States. Without this card, participants have no proof that they have legally entered the United States, and will be subject to deportation. To obtain a replacement card, participants will complete and submit an I-102 form to USCIS. They will be asked to pay a fee to replace a lost I-94 card. Participants should also contact AIPT immediately to inform us that they have lost their I-94 card.

>>> What if I lose my passport?

Participants' passports are a valuable form of identification, and, if lost or stolen, can be used by someone else. Passports will also contain participants' J-1 visas issued by the U.S. Embassy or Consulate (except for Canadian citizens). Participants should immediately contact the nearest embassy or consulate of their country of citizenship located in the U.S. to apply for a replacement passport. Participants will be able to obtain new passports while remaining in the United States.

Please note that if participants travel outside of the United States (including Canada and Mexico) after they have obtained a replacement passport, **they must obtain a new J-1 visa** before they will be allowed to re-enter the United States because their new passport will not have a J-1 visa in it.

If the I-94 card was inside the lost passport, participants will have to apply for a replacement I-94 card (see above). If the Form DS-2019 was inside the lost passport, participants will have to obtain a replacement Form DS-2019 from AIPT.

Participants should contact AIPT immediately to notify us that the passport has been lost.

>>> Can I travel outside the United States during the teaching program?

Participants may travel outside of the United States during the teaching program for up to 30 consecutive days. Before they travel, participants must send the Form DS-2019 to AIPT for a signature. The signature confirms that the participant continues to be sponsored by AIPT, and they should be allowed to re-enter at the border when returning. The signature is valid for one year.

You must have a valid multiple entry visa in your passport to re-enter the United States. If you have a single entry visa, or if your visa has expired, contact AIPT well in advance of your trip so that necessary documentation can be provided.

When traveling to Canada or Mexico for fewer than 30 days, participants do not surrender the I-94 card at the border. Participants can keep the card and show it to the border official when they return.

It is important for participants to make sure they can enter Canada or Mexico without a visa. Remember that the J-1 visa is only valid for the United States. And, while U.S. citizens do not need a visa to visit Canada or Mexico, the participant's home country may have separate visa requirements for travel into Mexico or Canada.

>>> What if I change my home address?

It is imperative that AIPT maintain an accurate, current home address for all participants in the United States. Participants must notify AIPT of any address changes within 10 business days, or risk losing visa status.

>>> How should I notify AIPT that I have moved to a different address, or if I have a different telephone number or e-mail address?

Contact AIPT by:

Telephone: 1-410.997.2200

E-mail at aipt@aipt.org.

Fax: 1-410-992-3924

Mail: 10400 Little Patuxent Parkway, Suite 250, Columbia, MD 21044-3519

AIPT staff travel throughout the United States during the year. Participants can check the AIPT Web site at www.aipt.org/events for information on events in cities near them, and they can inform AIPT in person of any changes in their contact information.

After the Program Ends >>> How long can I stay in the United States after the teaching program?

The Department of Homeland Security (DHS) currently allows individuals to legally remain in the United States for 30 days after the end date indicated on their DS-2019 (Certificate of Eligibility). It is very important to comply with this regulation. If a participant's program ends before the end date indicated on the DS-2019, he or she should contact AIPT. Anyone who remains in the United States beyond their legal status, even for one day, is subject to stiff penalties if the individual ever wants to return to the United States.

>>> Can I stay in the United States as a tourist after my teaching program?

Yes, if granted permission by the U.S. government. To travel around the United States for more than 30 days after a J-1 program has been completed, apply to the Department of Homeland Security's U.S. Citizenship and Immigration Services (USCIS) for a change of status to a B1/B-2 Visitor's visa. This will allow the participant to extend his or her stay in the United States. The participant must apply for this change of status **before** the last day of his or her program that is noted on the Form DS-2019. Please note that the participant cannot remain on the payroll of his or her host employer beyond the last day of the teaching program that is noted on the Form DS-2019. Substantial penalties exist for both the participant and the employer if he or she is not legally authorized to earn a wage at that employer.

>>> Can I change status from a J-1 visa to another visa, such as an H-1B visa, at the end of the program?

The J-1 visa is a non-immigrant visa which means that participants are supposed to leave the U.S. at the end of the program. As part of AIPT's sponsorship, the participant and host employer sign the obligations and responsibilities form confirming that the participant does not intend to abandon his or her non-immigrant status.

>>> Can I extend my teaching program?

The maximum time allowed on the J-1 visa for teaching is 36 months. Please note that AIPT charges a fee to extend a program, and requires submission of a plan for the extension period of the program. The extension approval period may take 2-3 weeks, therefore please plan accordingly to apply for an extension in advance of the original program end date. Please contact AIPT at aipt@aipt.org for information on how to request an extension.

Dependents**>>> Who is considered an eligible dependent?**

Dependents must be spouses or children of the J-1 visa holder. Common law marriages are not recognized and are not eligible for J-2 dependent visas.

>>> What happens if a child is born to a participant during the J-1 program?

The AIPT health insurance policy does not cover pregnancy. If a participant decides to remain in the United States while pregnant, she will have to find a way to pay for all the medical care, which can be very expensive.

All children born to participants in an AIPT J-1 program must be covered by a valid health insurance policy within 30 days of the birth of the child. Dependent children can be enrolled into the health insurance program offered by AIPT at an additional cost, or they must be enrolled into a health insurance policy that meets the minimum requirements established by the U.S. Department of State.

Children born in the United States are considered to be citizens of the United States. J-1 participants who wish to maintain their children's U.S. citizenship should arrange to obtain a U.S. passport for children born in the United States prior to the end of their program.

>>> Can my dependents travel outside the United States during the teaching program?

Yes. J-2 dependents may travel in and out of the United States during the program. They too will need to get a signature on their DS-2019 from AIPT before they travel. It is strongly recommended that each dependent have his or her own passport.

>>> **Can my spouse work?**

Yes. Upon arriving in the United States, a dependent spouse who has a valid J-2 visa is able to apply for work authorization through U.S. Citizenship and Immigration Services (USCIS). Dependents on a J-2 visa are eligible to apply for the Employment Authorization Document (EAD) under the provisions of Category 274a.12(c).

When making application, the most important thing to show is that the J-2 dependent spouse does not need to work to financially support the J-1 visa participant.

Please note that the time for USCIS to process an application for work authorization varies considerably depending on the region of the United States in which the application is processed. J-2 dependent spouses should expect at least a 60-day wait for employment authorization. Such an application is usually made on an I-765 form along with the appropriate application fee and a statement of family expenses. The most up-to-date information on filing fees and where to file the Form I-765 can be found on the USCIS Web site at www.uscis.gov/. The statement of family expenses may include customary recreational and cultural activities and related travel. The I-94 card of the participant and the I-94 card of the family member applying for work permission should be submitted with the I-765 form. Action taken by USCIS on the application will be noted on the back of the dependent's I-94 card, which will be returned to the applicant. If permission for the employment is granted, it is valid for any kind of employment without limitation as to full-time or part-time. Work permission for a J-2 dependent expires at the same time as the authorized stay noted on the J-1 visa holder's Certificate of Eligibility.

Whereas Social Security and federal unemployment taxes are not deducted from the earnings of a J-1 participant, they are deducted from the earnings of J-2 dependents, because their services are not performed "to carry out a purpose for which the individual was admitted." Therefore, **J-2 dependents are subject to Social Security and federal unemployment taxes, federal income taxes, and, where applicable, state and local income taxes.**

Please note that AIPT is not involved in the J-2 dependent spouse's application for work authorization.