



AIPT 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 a tool of public diplomacy administered by the U.S. Department of State. It was developed to expose individuals from around the world to the culture and institutions of the United States and to foster a better understanding of the U.S. perspective on a variety of issues.

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

There are 16 categories of the J-1 visa, and training is one of them. This cultural exchange visa is used to allow foreign professionals to train with a U.S.-based host organization for up to 18 months. You must have **EITHER** a degree or professional certificate from a post-secondary academic institution outside the United States and at least one year of prior related work experience in your occupational field **OR** have five years of work experience outside the United States in your occupational field.

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

There are 16 categories of the J-1 visa, the intern being a subcategory. This cultural exchange visa is used to allow foreign students and recent graduates to train with a U.S.-based host organization for up to 12 months. You must be **EITHER** currently enrolled in and pursuing studies at a degree or certificate granting post-secondary academic institution outside the U.S. **OR** graduated from such an institution no more than 12 months prior to your internship program start date.

>>> What is the J-1 visa for summer work and travel?

Another one of the J-1 visa categories is the summer work travel category. This category enables university-level students who are enrolled full-time in classes to come to the United States during their summer break to work and travel in the United States for up to four (4) months.

>>> What is on-the-job training?

The focus of on-the-job training is "learning-by-doing." On-the-job training should not be compared to the "apprenticeship" that is practiced in many nations. Instead, on-the-job training is a less-structured approach to developing job skills and knowledge, one that puts the responsibility of learning on the individual. It is important for international participants to understand this difference, because it requires the participant to be an equal partner in the learning process. It might be useful to consider that the host organization provides the "classroom," through the written training plan, and the tools for learning about a specific activity or industry. However, it is left up to the participant to be the proactive learner.

>>> 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 company that will be providing training to the foreign participant. AIPT's designation allows it to sponsor individuals who are pursuing training in most

career fields.

>>> What documents will AIPT issue to applicants?

AIPT will issue three important documents. The first is the Training/Internship Placement Plan (DS-7002)*. This is issued before approval of the program and must be signed by AIPT, the participant, and the host organization. **This form is not issued for those participating in the Summer Work and Travel Program.*

Upon approval of the participant and host organization applications, AIPT is authorized by the U.S. Department of State to issue the Certificate of Eligibility (DS-2019) form to international exchange visitors to participate in either a training, internship, or a summer work and travel 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 the exchange visitor participant to participate in on-the-job learning in the United States, and to receive wages for such activity. 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 once 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. These services include: assistance with the J-1 visa process, in-country representation of AIPT to verify student status of applicants and confirm student 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 us 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 participant's 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 his or her home country. If an applicant is currently in the U.S., AIPT requires applicants to return to their home country. During this time, the applicant should either work or attend classes related to the proposed training. It should be noted that AIPT will not issue any documents to someone who is in the United States. They 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 a participant a bonus?

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

>>> Does the organization have to provide the participant 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 will have to "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 in their first year of employment. Therefore, participants should not expect any more than two weeks of vacation during their program period in the United States.

>>> Do participants have to pay 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, 2006 to July 2, 2007, participants will have to file tax returns for two years. In this example, participants must file the first return by April 15, 2007, for income earned in 2006, and must file the second return by April 15, 2008, for the income earned in 2007.

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.

>>> Can participants work a second job?

Trainees and Interns may NOT work a second job. The J-1 visa for on-the-job learning allows participants to legally earn a wage only from the organization listed on the DS-2019 form. Participants cannot legally earn a wage at any other organization during their program, and would not be authorized to be at a workplace other than the one for which the program is approved, as indicated on the Certificate of Eligibility.

Summer work and travel program participants may work a second job, as long as it does not interfere with their original placement.

>>> How do participants use their health insurance?

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.

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

All children born to a participant in an AIPT program during his or her 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 J-1 program.

After Participants Arrive in the United States**>>> 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 during the J-1 program are made by AIPT, not by the host employer.

>>> How do I contact AIPT?

Contact AIPT by telephone at 410.997.2200, by mail at 10400 Little Patuxent Parkway, Suite 250, Columbia, MD 21044-3519, or by e-mail at aipt@aipt.org. 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 do participants do when they first 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 confirm arrival with the Department of Homeland Security (DHS) 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 participants have with them all the time?

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 so they can prove they are legally in the United States on a J-1 visa.

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

If participants do not have a U.S. Social Security number, they will have to 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 carry their passport, the I-94 card, and the Form DS-2019 with them for identification purposes. They should also bring the 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' 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 participants need a Social Security number in order to begin their training?

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. Participants must give their host organization their Social Security number as soon as they receive it.

>>> Can participants change their location of training?

No. Information about participants' location of training is listed on their Form

DS-2019. As applicants are entering the United States for on-the-job training in a specific field at a specific location, they will not be able to change training locations. If financial or other conditions with the host employer change dramatically during the training program, participants must contact AIPT in order to determine if arrangements can be made to allow them to secure training at a different site. However, as the visa sponsor, only AIPT can make a decision on a change in training 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.

*Under the AIPT Experience USA program, it is acceptable for participants to take second jobs and change jobs as long as AIPT is notified of the change.

>>> What if a participant loses his or her 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 a participant loses his or her I-94 card?

Participants must apply to the Department of Homeland Security's U.S. Citizenship and Immigration Services 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 the 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 a participant loses his or her 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 inquire about applying 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 the J-1 visa in it).

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

Participants should contact AIPT immediately to notify us that they have lost their passport.

>>> Can participants travel outside the United States during the training program?

Participants are able to travel outside of the United States during the training 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 not be questioned 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 less 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.

>>> Can dependents travel outside of the United States during the training program?

Yes. J-2 dependents may travel in and out of the United States during the training program. It is strongly recommended that each dependent have his or her own passport.

>>> What if a participant changes his or her 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 a participant notify AIPT that he or she has moved to a different address, or if he or she has a different telephone number or e-mail address?

Participants can contact AIPT by telephone at 410.997.2200, by mail at 10400 Little Patuxent Parkway, Suite 250, Columbia, MD 21044-3519, or by e-mail at aipt@aipt.org. 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 us of any changes in their contact information in person.

After the Program Ends

>>> How long can participants stay in the United States after the training 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 training 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 a participant stay in the United States as a tourist after his or her training program?

Yes. If a participant wants to travel around the United States for more than 30 days after his or her training program has been completed, he or she can 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 training 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 training 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 a participant 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 intends to enter the United States for practical training and does not intend to abandon his or her non-immigrant status.

>>> Can a participant have a second J-1 training program?

Yes, under certain conditions. For both trainees and interns, additional training and internship programs must address the development of more advanced skills or a different field of expertise. Interns may participate in additional internship programs as long as they maintain student status or begin a new internship program within 12 months of graduation. Trainees are eligible for additional training programs after a period of at least two years residency outside the United States following their initial training program. Summer work and travel participants may take part in that program for as many summers as they like, as long as they are enrolled full-time in post-secondary education.

>>> Can someone participate in a training program right after an internship?

No. Participants who have successfully completed an internship program and no longer meet the selection criteria for internship programs have to reside outside of the United States for two years before they can apply for a training position.

>>> Can a participant extend his or her training program?

The maximum time allowed on the J-1 visa for on-the-job training is 18 months. The maximum time allowed on the J-1 Intern visa is 12 months. If a participant has entered the United States for a six-month program, and he or she and the host employer find it would be valuable for him or her to continue the training program for another 12 months, AIPT can process an extension to the program. Please note that AIPT charges a fee to extend a program, and requires submission of a training 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.

>>> What is the two-year home-country physical presence requirement?

An exchange visitor is subject to the two-year home country physical presence requirement under the following conditions:

- Your J-1 visa program is funded in whole or in part directly or indirectly by the U.S. government or the government of your nationality or last residence.
- You are a national or permanent resident of a country which has deemed your field of specialized knowledge or skill necessary to the development of the country, as shown on the Exchange Visitor Skills List.

Whether you are subject to this rule will be determined by the consular officer and indicated on your J visa.

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. The age limit for dependents is 21.

>>> 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, they will have to pay for all the medical care themselves, 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.

>>> Can dependents travel outside the United States during the training program?

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

>>> Can the spouse of a participant 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 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.