



J-1 Visa Briefing

“The J-1 Visa offers employers a fast and uncomplicated option to bring foreign nationals to the U.S. for training or internship programs. Please use this short guide to determine whether or not your proposed training plan and candidate are eligible for a J-1 Trainee or Intern visa. Questions? Our J-1 visa experts are here to assist you and welcome all inquiries. We look forward to hearing from you!”

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Overview of J-1 Visa

The J-1 Visa is a non-immigrant visa granted to participants in the US Department of State's [Exchange Visitor Program](#), which is administered by the [Office of Private Sector Programs](#) at the [Bureau of Educational and Cultural Affairs](#) (ECA). The Exchange Visitor Program was created in the Mutual Educational and Cultural Exchange (Fulbright-Hays) Act of 1961. The purpose of the Act and the Exchange Visitor Program is to increase mutual understanding between the people of the United States and the people of other countries by means of educational and cultural exchanges.

The J-1 Exchange Visitor Visa has a broad range of categories including Au pair, visiting teachers, scholars and physicians, as well as Summer Work/Travel and Camp Counselor programs for foreign university students. Each category of exchange has its own specific requirements, regulations, and program duration. Regardless of the category, or the duration of the exchange experience, all J-1 visas are non-immigrant visas, and participants of the programs are to return to their native countries upon completion.

The U.S. Department of State designates public and private entities to act as exchange sponsors to facilitate the entry of participants into the United States. [Global Current](#) is a division of [AIESEC United States](#), an international student organization and designated sponsor for the J-1 Trainee and Intern Programs. Sponsors and program participants are required to comply with the [Exchange Visitor Program regulations](#), and are monitored on an ongoing basis to ensure that programs meet appropriate standards and guidelines.

In addition to J-1 visas, designated sponsors are also authorized to sponsor J-2 programs, which are reserved for spouses or dependent children (under 21 years) of J-1 visa holders. Dependent spouses may be eligible for employment with USCIS authorization for the duration of the J-1 program.

History

The J-1 visa codified in sections [101\(a\)\(15\)\(J\)](#) and [212\(J\)\(i\)](#) in the [Immigration and Nationality Act \(INA\)](#) of 1952. Less than ten years later, the Fulbright-Hays Act was passed, creating the Bureau of Educational and Cultural Affairs (ECA) within the U.S. Department of State. The ECA instituted concrete policy guidelines and procedures for Exchange Visitor Programs. Throughout the 1980s and 90s, the U.S. Information Agency (USIA) assumed responsibility for monitoring J visa programs until 1999, when the USIA was absorbed into the ECA.

After September 11, 2001, Congress mandated that the Immigration and Naturalization Service's (INS) tracking system be used to monitor all movements of non-immigrant students (F-1 and M-1 visas) and exchange visitors (J visas) and their dependents. In February 2003, the [Student and Exchange Visitor Information System](#) (SEVIS) was implemented by the Department of Homeland Security (DHS). Also in 2003 the Department of State increased the number of mandatory in-person interviews for temporary and non-immigrant visas to include nearly every applicant.

In July of 2007, the ECA published updated program regulations, creating the Intern program, eliminating the "specialty" and "non-specialty" categories for the Trainee program and creating new eligibility criteria for the screening and selection of program participants and host organizations. In addition, these changes introduced the new Form DS-7002, Training/Internship Placement Plan (T/IPP), which must be reviewed and approved by the sponsor organization prior to issuing the Form DS-2019, Certificate of Eligibility for Exchange Visitor Status.

Eligibility Criteria

Trainee Program

If the client and the program candidate can answer YES to all of the following questions, the situation is favorable for obtaining J-1 sponsorship through Global Current.

Company Questions

1. Is the position a bona-fide training opportunity (not a general staffing position)?
2. Is there a structured training plan with clear goals and objectives?
3. Is the training in a skilled occupation with no more than 20% clerical duties?
4. Are there sufficient facilities and qualified personnel to provide the training?
5. Does the company possess a Dun & Bradstreet identification number (DUNS ID) and a Federal Employee Identification Number (EIN)?
6. Does the company have 25 or more employees and \$3 million in annual revenue?
(If the company meets the above requirements, but does not meet this specific requirement, please contact us and in many cases we can conduct a site visit).

Trainee Candidate Questions

1. Does the candidate have a degree from a foreign, post-secondary accredited academic institution *and* a year or more of foreign professional experience directly related to the proposed training? Or, if the candidate does not hold a degree, or holds only a U.S. degree, does the candidate have five or more years of foreign professional experience directly related to the proposed training?
2. Does the candidate possess advanced spoken and written English language proficiency?
3. Does the candidate intend to leave the US within 30 days after completing the program?

Intern Program

If the client and the program can answer YES to all of the following questions, the situation is favorable for obtaining a J-1 sponsorship through by Global Current.

Company Questions

1. Is the position a bona-fide work-based learning opportunity (not a general staffing position)?
2. Is there a structured internship plane with clear goals and objectives?
3. Is the internship in a skilled occupation?
4. Are there sufficient facilities and qualified personnel to provide the training?
5. Is the company possess a Dun & Bradstreet identification number (DUNS ID) and a Federal Employee Identification Number (EIN)?
6. Does the company have 25 or more employees and \$3 million in annual revenue? (If the company meets the above requirements, but does not meet this specific requirement, please contact us and in many cases we can conduct a site visit).

Intern Candidate Questions

1. Is the candidate a currently enrolled student pursuing a degree at a foreign post-secondary accredited academic institution, or a recent graduate (no more than 12 months prior to program start date) from such an institution?
2. Is the candidate's degree in an academic field directly related to the proposed internship?
3. Does the candidate possess advanced spoken and written English language proficiency?
4. Does the candidate intend to leave the U.S. within 30 days after completing the program?

Do you have any questions on J-1 visa eligibility? E-Mail Jon Adler, Global Current Program Manager at jona@globalcurrentexchanges.org or call us at (800) 786-9754 for a free consultation.

Sponsor Responsibilities

Global Current and AIESEC United States have the following responsibilities per [22 CFR 62](#):

General responsibilities

1. Comply with Exchange Visitor Program regulations.
2. Provide complete and accurate information to the public and to the Department of State about Global Current's programs and its visitors.

Program responsibilities

1. Select eligible prospective program candidates.
2. Ensure that the program fits the experience and needs of the candidates.
3. Provide program participants with pre-arrival information, such as: the purpose of the program, housing, travel/entry into the U.S. and health care and insurance.
4. Offer orientation to program participants, including information regarding life in the U.S., community resources, health care, and information pertinent to the training and exchange program itself.
5. Monitor participants' progress and welfare and ensure that they are engaged in activities that are appropriate to the approved training or internship plan.

Requirements

Candidate Requirements

Program candidates must meet specific [requirements](#) to obtain J-1 visa, as established in the Immigration and Nationality Act. These requirements include:

1. That they plan to remain in the U.S. for a temporary, specific, limited period;
2. Evidence of funds to cover expenses in the United States;
3. Evidence of compelling social and economic ties abroad; and other binding ties which will insure their return abroad at the end of the visit.
4. Visa application in candidate's home country (changes of status are highly discouraged).
5. Demonstration of an appropriate level of proficiency in English to benefit from the Trainee or Intern program.
6. Demonstration of Trainee or Intern program eligibility.
7. Evidence that the training or internship will be relevant to the candidate's activities upon returning home.
8. No repetition of training or intern programs within the same subject. Program repetition is subject to eligibility requirements.

Company Requirements

Companies that wish to host J-1 Trainees or Interns must meet certain [standards](#) to be considered:

1. Have already been in operation for a minimum of 24 months
2. Have a minimum of 25 employees and earn \$3 million annually (companies that do not meet this requirement must pre-qualify through a site visit).
3. Have appropriate resources, such as facilities and qualified staff, to successfully facilitate the proposed program.
4. Currently have less than 10% of its staff in a J-1 program. This 10% includes trainees, permanent staff, and interns.

Program Requirements

In addition to the participant and company requirements, the traineeship or internship program must meet the following requirements in order for Global Current to consider sponsoring it:

1. Appropriately compensate trainees/interns .
2. Not engage program participants in any employment activities or issue offers of employment on another visa type.
3. Offer training programs no longer than 18 months in duration and/or internships no longer than 12 months in duration.

4. Offer training or internship within an approved [professional category](#) that Global Current is designated to sponsor.

Required Items for Consular Review

The following items are required to submit a visa application. All items must be presented during an interview at a U.S. embassy or consulate abroad.

- Form DS-2019 (Certificate of Eligibility for Exchange Visitor Status)
- Form DS-156
- Form DS-157 (Supplemental Nonimmigrant Visa Application)
- Form DS-158 (Contact Information and Work History).
- Passport that is valid until at least six months past the termination date of the proposed program
- One 2x2 photograph
- Non-immigrant processing fee.
- Visa issuance fee.
- Any additional documentation that may be required, which can be determined by contacting the [Embassy Consular Section](#) in the trainee's home country.

Two Year Foreign Residency Requirement

Some J-1 Interns and Trainees may be subject to the Two Year Foreign Residency Requirement, or section 212(e) of the Immigration and Nationality Act, and cannot change status to H, L, K, or Greencard status until he or she has returned to his/her home country for at least two years or received a waiver of that requirement.

Participants are subject to INA 212(e) if the following conditions exist:

- The participant's program was financed by the United States government or the government of the participant's nationality or last residence;
- The participant is a national or resident of a country designated as requiring the services of persons engaged in the field of specialized knowledge or skills in which the participant was engaged for the duration of their program ([Exchange Visitor Skills List 9 FAM 41.62 Exhibit II](#))
- The participant entered the United States to receive graduate medical education or training.

Comparison of J-1 with Related Visas

	J-1 nonimmigrant visa classification	H-1B nonimmigrant visa classification	L-1 Intracompany Transferee nonimmigrant visa	TN nonimmigrant visa classification	E3 nonimmigrant visa
Purpose of this visa	This visa makes it possible for professionals to come to the U.S. for training or internships relevant to their occupations.	The H1-B visa is available to foreign nationals who will be engaging in occupations in the U.S. that require a high level of specialized knowledge.	With the L-1 Intracompany Transferee visa, executives, managers, and employees with specialized knowledge can be transferred to U.S. parent companies, subsidiaries, affiliates, and branch offices.	The Treaty National (TN) classification was created via the North American Free Trade Agreement (NAFTA), for Canadian and Mexican citizens with specialized professional knowledge to work in the U.S.	The E-3 visa was created in the wake of the Australia-United States Free Trade Agreement. It is available to Australian citizens with specialized knowledge for work in the U.S.
Length of stay permitted	Trainee: Maximum 18 months. Intern: Maximum 12 months.	Maximum 6 years; this includes all time spent in the U.S. under the L and H4 classifications.	Executives and managers (L1-A visa): up to 7 years, generally in the form of a 3-year approval with eligibility for 2, 2-year extensions. Employees (L1-B visa): up to 5 years, generally in the form of a 3-year approval and eligibility for 1, 2-year extension. Both: Time spent in L-1 and H classifications count toward the total time.	Indefinite; although the TN classification is issued for one year at a time, there is no limit on the total amount of time the TN recipient may remain in the U.S., provided the recipient: continues to qualify, demonstrates intent not to remain permanently in the U.S.; NAFTA remains in effect.	Indefinite; the E3 visa is renewed in 2-year increments with no limit on the total amount of time the E3 holder may remain in the U.S.
Education required	Trainee: Foreign degree plus one year of relevant foreign work experience OR five years relevant foreign work experience. Intern: Current enrollment in or recent graduate of a foreign academic institution in a field relevant to proposed program.	Bachelor's degree (or higher) or equivalent, and any licensure in the field required by the occupation.	None	Bachelor's degree (or higher) or equivalent, and any licensure in the field required by the occupation.	Bachelor's degree (or higher) or equivalent, and any licensure in the field required by the occupation.
Additional requirements	None	None	The applicant must have worked outside of the U.S. for 1 year out of the preceding 3 years.	Applicant's profession must fall into one of the categories listed in Appendix 1603.D.1 of NAFTA.	None
Eligible for employment while in the U.S. under this classification?	No	Yes	Yes	Yes	Yes
Are there citizenship restrictions on who can apply for this visa?	No	No	No	Yes; this visa is for residents of Canada and Mexico only. Note that there are different procedures and requirements for Canadian and Mexican applicants.	Yes; this visa is for Australian citizens only.
Can spouses and dependents acquire a visa?	Yes; spouses and children are issued J-2 visas, and may study and apply for work authorization in the U.S. with this visa.	Yes; spouses and children are issued H-4 visas, and may study and apply for work authorization in the U.S. with this visa.	Yes; spouses and children are issued L-2 visas. Spouses may apply for work authorization while in the U.S. Both may engage in study while in the U.S.	Yes; spouses and children are issued Treaty Dependent (TD) visas and may study but not work while in the U.S.	Yes; spouses and children are issued E3-D visas. Spouses may apply for work authorization in the US. Both may engage in study while in the U.S.
Is there an annual quota for this type of visa?	No	Yes; the US Citizenship and Immigration Services (USCIS) only approves 65,000 H1-B petitions during each fiscal year (Oct. 1 – Sept. 30). 6,800 of these must be reserved by the USCIS under a number of free trade agreements. Note that there are exemptions to this quota.	No	No	Yes; 10,500 E3 visas are granted per year.

About Global Current

Global Current is a division of AIESEC United States, a designated sponsor for a number of professional training categories ranging from Finance to Engineering to IT and Business Management¹. We understand that your time is valuable, so we offer an unrivaled **48-hour processing time**² for case approval and DS-2019 issuance.

We understand the legal and professional obligations of our clients and take program compliance and supervision very seriously. With more than 50 years of experience in sponsoring J-1 visas, rest assured that you can trust Global Current to accurately and effectively administer the programs of the individuals it sponsors.

Simple and Efficient Processing

- 1) Global Current receives the application.
- 2) Our J-1 specialists review the application and notify the contact person if we recommend any changes.
- 3) If no changes are required, the application is processed, and the DS-2019 and other supporting documents are issued.

Once this process is complete, the program candidate arranges an appointment at a U.S. Embassy or Consulate, and delivers these documents to the officer performing the visa interview. If all goes well the J-1 visa will be approved and sent to the participant.

Since the implementation of **new Department of State regulations** in July 2007, it is **essential to have an experienced sponsor** such as Global Current review your J-1 cases to avoid any mistakes that might hold up the approval process or cause your client to be denied a visa.

Questions?

Please contact our Program Manager Jon Adler at jona@globalcurrentexchanges.org or call (800) 786-9754 today for a free consultation.

¹ For a complete list of occupational categories that Global Current can potentially sponsor please visit: <http://www.globalcurrentexchanges.com/j1visasponsorship.html> and click on the "Authorized Occupational Categories" tab on the left side of the screen.

² Average processing time. Individual cases may vary.