

U.S. Department of State Bureau of Consular Affairs Visa Services

TIPS FOR U.S. VISAS: Exchange Visitors

CLASSIFICATIONS

The Immigration and Nationality Act provides two nonimmigrant visa categories for persons to participate in exchange visitor programs in the United States. The "J" visa is for educational and cultural exchange programs designated by the U.S. Department of State, Exchange Visitor Program and Designation Staff, and the "Q" visa is for international cultural exchange programs designated by the Bureau of Citizenship and Immigration Services in the Department of Homeland Security (BCIS).

The "J" exchange visitor program is designed to promote the interchange of persons, knowledge, and skills in the fields of education, arts, and sciences. Participants include students at all academic levels; trainees obtaining on-the-job training with firms, institutions, and agencies; teachers of primary, secondary, and specialized schools; professors coming to teach or do research at institutions of higher learning; research scholars; professional trainees in the medical and allied fields; and international visitors coming for the purpose of travel, observation, consultation, research, training, sharing, or demonstrating specialized knowledge or skills, or participating in organized people-to-people programs.

BACKGROUND REQUIREMENTS

Financial Resources

Participants in the "J" exchange visitor program must have sufficient funds to cover all expenses, or funds must be provided by the sponsoring organization in the form of a scholarship or other stipend. "Q" exchange visitors will be paid by their employing sponsor at the same rate paid to local domestic workers similarly employed.

Scholastic Preparation

"J" exchange visitors must have sufficient scholastic preparation to participate in the designated program, including knowledge of the English language, or the exchange program must be designed to accommodate non-English speaking participants. The "Q" exchange visitor must be 18 years old and be able to communicate effectively about the cultural attributes of his or her country.

Forms/Petitions

Participants in the "J" program must present a Form DS-2019 prepared by a designated sponsoring organization. Please Note: As of September 1, 2002, Form DS-2019 will replace the IAP-66 as the official form to be used in the administration of the exchange visitor program. The cut-off date for the use of the Form IAP-66 is August 31, 2002. Exchange Visitor Program sponsors should use only Form DS-2019 to document exchange visitors after August 31, 2002. Forms IAP-66 issued and dated prior to August 31 should be accepted by consular officers in support of visa applications. Participants in the "Q" program must have the designated sponsoring organization file Form I-129, Petition for Nonimmigrant Worker, with the Bureau of Citizenship and Immigration Services (BCIS) in the Department of Homeland Security. The BCIS will notify the sponsor on Form I-797 when the petition is approved. It should be noted that the approval of a petition does not guarantee visa issuance to an applicant found to be ineligible under the Immigration and Nationality Act.

VISA INELIGIBILITY/ WAIVER

The nonimmigrant visa application Form DS-156 lists classes of persons who are ineligible under U.S. law to receive visas. In some instances an applicant who is ineligible, but who is otherwise properly classifiable as an exchange visitor, may apply for a waiver of their ineligibility and be issued a visa if the waiver is approved.

APPLYING FOR THE VISA

Applicants for exchange visitor visas should generally apply at the U.S. Embassy or Consulate with jurisdiction over their place of permanent residence. Although visa applicants may apply at any U.S. consular office abroad, it may be more difficult to qualify for the visa outside the country of permanent residence.

Required Documentation

Each applicant for an exchange visitor visa must pay a nonrefundable application fee and submit:

- 1) An application Form DS-156, together with a Form DS-158 and if applicable for Ds-157. All forms must be completed and signed. Some applicants will also be required to complete and sign Form DS-157. Blank forms are available without charge at all U.S. consular offices and on the Visa Services website under Visa Application Forms;
- 2) A passport valid for travel to the United States and with a validity date at least six months beyond the applicant's intended period of stay in the United States. If more than one person is included in the passport, each person desiring a visa must make an application;
- 3) One (1) 2x2 photograph.
- 4) For the "J" applicant, a completed Form DS-2019. For the "Q" applicant, a notice of approval, Form I-797A.
- 5) A receipt for the SEVIS fee. Which can be obtained completing the form I-901 and making payment online at <https://www.fmjfee.com/index.jhtml>. Or, if you have not received an official receipt in the mail showing payment and you paid the fee electronically, the consulate will accept the temporary receipt you printed from your computer. If you do not have a receipt, the consulate may be able to see your payment electronically if your fee payment was processed at least 3 business days before your interview.

Other Documentation

Both "J" and "Q" applicants must demonstrate to the consular officer that they have binding ties to a residence in a foreign country which they have no intention of abandoning, and that they are coming to the United States for a temporary period. It is impossible to specify the exact form the evidence should take since applicants' circumstances vary greatly.

U.S. PORT OF ENTRY

Applicants should be aware that a visa does not guarantee entry into the United States. The Bureau of Customs and Border Protection has authority to deny admission. Also, the period for which the bearer of an exchange visitor visa is authorized to remain in the United States is determined by the Bureau of Customs and Border Protection, not the consular officer. At the port of entry, a Bureau of Customs and Border Protection official validates Form I-94, Record of Arrival-Departure, which notes the length of stay permitted.

ADDITIONAL INFORMATION

Employment

Employment while in "J" exchange visitor status depends upon the terms of the program. Participants in programs which provide for on-the-job training, teaching, research, or other activities which involve paid employment may accept such employment. Participants in programs which do not involve work may *not* accept outside employment. The "Q" international cultural exchange program specifically authorizes paid employment as part of the program.

Foreign Residency Requirement

Certain "J" exchange visitors who participate in programs which are financed in whole or in part, directly or indirectly, by an agency of the U.S. Government or by the exchange visitor's government, or who are nationals or residents of a country which has been designated by the Exchange Visitor Program and Designation Staff as requiring the skills of the exchange visitor, must return to their country of nationality or last residence after completing their program in the United States, and reside there physically for two years before they may become eligible to apply for an immigrant or temporary worker visa. "Q" exchange visitors may not participate in another "Q" program until they have been abroad for one year.

Family Members

The spouse and minor children of participants in "J" exchange programs may apply for derivative "J-2" visas to accompany or follow to join the principal alien by presenting a copy of the principal's Form DS-2019. They must demonstrate that they will have sufficient financial resources to cover all expenses while in the United States. Dependents may apply to the BCIS for authorization to accept employment in the U.S. The "Q" exchange program does not provide for the admission of the spouse or children of a participant in a derivative status.

Insurance Requirement

Exchange visitors are required to have medical insurance in effect for themselves and any accompanying spouse and dependents on J visas.

- a) Minimum Coverage – At a minimum, insurance shall cover: (1) medical benefits of at least \$50,000.00 per person per accident or illness; (2) repatriation of remains in the amount of \$7,500.00; and (3) expenses associated with medical evacuation in the amount of \$10,000.00
- b) Additional Terms – A policy secured to fulfill the insurance requirements shall not have a deductible that exceeds \$500.00 per accident or illness, and must meet other standards specified in the regulations.
- c) Maintenance of Insurance – Exchange visitors must maintain the required insurance during the duration of their program. Some sponsors provide the required insurance for exchange visitors. Other sponsors may help locate insurance that exchange visitors may purchase. For further details, consult with ISSS at the start of your exchange program.

FURTHER INQUIRIES

Questions about the "J" programs, Form DS-2019, and the ability to change programs or extend within a program should be made to the Department of State, Education and Cultural Affairs Bureau, Exchange Visitor and Program Designation Staff, Washington, D.C. Questions about "Q" petitioning procedures, qualifications for various classifications, and conditions and limitations on employment should be made by the prospective employer or agent in the United States to the nearest BCIS office. Questions on visa application procedures at the American consular office abroad should be made to that consular office by the applicant.