

# Immigration 101

## for J-1 Students

### What is an J-1 visa?

The J-1 visa is issued to people who are participating in the Exchange Visitor Program regulated by the U.S. Government. While most students at the University of Tennessee enter the U.S. with F-1 visas, some students have J-1 status because they are here with a specific exchange program or because they have a government scholarship or funding from another organization. The spouse and children (up to 21 years of age) of a J-1 student may apply for J-2 visas.

It is important to learn and understand the U.S. laws which govern J-1 students. Failure to “follow the rules” can mean that your program is terminated and you must leave the U.S.

### Passport

A passport is a document issued by your government indicating citizenship. Your passport must remain valid during your entire stay in the U.S. If it is about to expire, contact your embassy or consulate for information about renewal or extension. We recommend that each dependent (including children) carry his/her own passport.

You can find more information about embassies on the following website: [www.embassy.org](http://www.embassy.org)

### Visa

You obtained a visa at a U.S. Consulate to enter the U.S. (except for Canadian citizens). The laser-printed visa has your photo and is pasted into your passport. You need a valid visa to enter the U.S. each time (exceptions mentioned below). You DO NOT need a valid visa to remain in the U.S. as long as other documents for your legal stay here are still valid. The length of time a visa is valid for varies by country.

### I-94

I-94 is an electronic arrival and departure record. When you entered the U.S., a DHS agent stamped your passport with an arrival stamp. It indicates your status, the length of permitted stay and date of arrival. It is proof that you entered the U.S. legally. This information was also entered into an I-94 database. During your stay in the U.S., you can print your I-94 record here: [www.cbp.gov/i94](http://www.cbp.gov/i94).

### Immigration Status

When you entered the U.S. and immigration officer gave you a legal status. It is probably the same as your visa (J-1). You can sometimes change your immigration status inside the U.S., but you would not receive a new visa at that time. You can only have one immigration status at a time. Often, a person is granted immigration status (or permission to stay) until a specific date which is indicated on your arrival stamp and I-94 record. He/she must then leave the U.S. before that date. However, a J-1 student should receive an I-94 marked “D/S” which means “Duration of Status” (read the boxes on page 3 for an explanation of this).

### Sponsor

Every J-1 student has a **sponsor**, which is the organization responsible for you while you are in the U.S. The sponsor may or may not actually be providing the funding for your stay. But in every case, the sponsor decides how long you may remain in the U.S., whether you may work, and other matters (within the restrictions of the U.S. government laws). The sponsor is also required to report to the U.S. Government information about your arrival and departure, your academic life, and other matters. It is important to know who your sponsor is and how to contact them.

### DS-2019

After an organization has agreed to sponsor you for a J-1 visa, they issue a **Form DS-2019**. You used this form to get a visa and enter the U.S. Your DS-2019 should have been stamped by an immigration officer at the airport when you entered the U.S.

### Now that I’m here, do I need to register with the U.S. Government?

Yes! Within 30 days of arrival, you must report your current living address to your sponsor. After that, each time you move to a new address, you must report the new address to your sponsor within 10 days.

Papers, Titles, and More Papers!

## Who is in charge?

Several U.S. government agencies have some control over your ability to enter and stay in the U.S. They all have different regulations, and they have very little contact with each other.

### U.S. Department of State

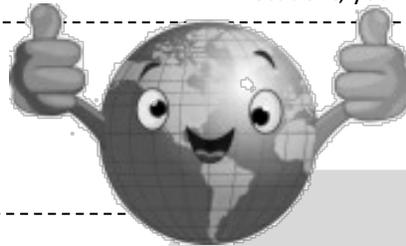
The State Department has authority over two areas related to your stay:

- **U.S. Consulates:** This is where you got your visa. The Consulate has no authority over you while you are in the U.S. There are no U.S. Consulates in the U.S., and you will probably not have any contact with them until the next time you apply for a visa outside the U.S. The Visa Officer at the U.S. Consulate does not work for USCIS.
- **Exchange Visitor Program:** This division of The State Department is located in Washington, DC. They have control over all J-1 Exchange Visitors, and they write and interpret the regulations that your sponsor must follow in running the Exchange Program.

### Department of Homeland Security

This department has two agencies that you may have contact with over the time you are in the USA:

- **United States Customs and Border Patrol (USCBP):** An Officer “inspected” you when you first arrived at a U.S. airport (or border), gave you permission to enter and to remain in the U.S.
- **United States Immigration and Citizenship Service (USCIS):** USCIS has authority over non-U.S. citizens who are in the U.S., but in the case of J-1 and J-2 Visitors, this authority is shared with the Exchange Visitor Program of the State Department. **You must keep the USCIS informed of your address at all times while in the U.S.** Your sponsor will also be making regular reports to the USCIS about your enrollment, address, and other matters. Otherwise, as a J-1 Student, you will probably have little contact with USCIS.



## How do you stay legal?

### It is quite important that you maintain your “legal immigration status” while you are in the U.S.

If you are “out of status” (or illegal):

- ⊗ U.S. laws usually require you to leave the U.S. immediately
- ⊗ In some cases, you may not be allowed to return to the U.S. for 3-10 years
- ⊗ Employers are not allowed to employ you. As the university is an employer, you would not be permitted to hold an assistantship or otherwise work on campus.
- ⊗ You may not get permission to engage in Academic Training.
- ⊗ You may not change to any other legal immigration status in the U.S.
- ⊗ You may not legally extend your J-1 status or transfer to another university
- ⊗ You may have trouble in the future if you ever apply for entry to the U.S. or for permanent residence in the U.S.

### Easy! Just make sure you do the following:

- ☺ Make sure you have an unexpired DS-2019 at all times
- ☺ Inform your sponsor of your address.
- ☺ Register for and complete a **full load of classes** in Fall and Spring Semesters.
- ☺ Get written work permission from your sponsor **BEFORE** you begin working in any job.
  - Do not change employers until you have received new permission.
  - Do not continue working after your work permission ends.
  - Do not continue working after you graduate.
  - Do not continue working after you complete your studies.
- ☺ **Maintain adequate health insurance at all times for yourself and your dependents.**
- ☺ Make sure the paperwork for a transfer has been completed before you enroll at a new university.
- ☺ Every time you enter the U.S., be sure you receive an I-94 marked J-1 and “D/S”.
- ☺ Leave the U.S. within 30 days after you complete your program.

**IMPORTANT!**

## How long may I stay in the U.S.?

You should have been admitted to the U.S. for “Duration of Status” (or “D/S”). This means you may remain as long as you have a valid DS-2019 and are still pursuing your “program objective”. What does this mean?

As a J-1 student, you have been issued a DS-2019 Form by your sponsor, valid for a specific period of time. You may stay in the U.S. until the DS-2019 expires, as long as you are still pursuing the activity approved by your sponsor. [This is written on your DS-2019 (such as taking classes or doing academic training)]. You are permitted to stay an extra 30 days beyond the expiration of your DS-2019. This extra time may be used for travel, packing, etc. but employment is not permitted. If you complete your studies or training early, then you must leave the U.S. within 30 days after you complete your program. J-2 dependents may remain as long as the J-1 student does. However, children lose their legal J-2 status when they turn 21 years old.

## What if I want to stay longer?

If you need more time for your studies or your training, contact your sponsor about an extension. If the sponsor approves, they will issue a new DS-2019 by entering the new dates into SEVIS, giving you a new copy. Under current law, there is no fee involved, and you do not need to apply in person to any government office. Before an extension is approved, your sponsor must make sure there is still funding available for the time you have requested and that you have not broken the rules which apply to J-1 students.

If an extension of your J-1 status cannot be approved, you will have to leave the U.S. or apply for a change to another immigration status. (Often, a change of status is not allowed. You may discuss this possibility with an Advisor in the UT Center for International Education.)

**IMPORTANT:** If you need an extension, all the paperwork must be completed before your old DS-2019 expires.



## You mean I have to STUDY?

Yes! As a J-1 student, **you are required to be enrolled as a full-time student** during the Fall and Spring Semesters. Unless your sponsor requires it, you do not have to enroll for Summer Term, as long as you plan to enroll for the following Fall Semester (Graduate School may require summer enrollment in some cases).

### Full-time is defined as:

- 12 credit hours per semester for an undergraduate student
  - 9 credit hours per semester for a graduate student
- For both, only one **ONLINE** class (up to 3 credits) per semester can count toward the total number of credits for full time enrollment.

### Exceptions:

- If you have a graduate assistantship for 20 hours per week, 6 credits is considered full-time.
- If you have completed all graduate courses required for your degree and are working on your thesis or dissertation, you only need to register for 3 research credits each semester.
- In the last term before you receive a degree, you may enroll as a part-time student.
- If you are unable to register as a full-time student due to illness or injury, your sponsor may be able to give you **written** permission to be less than full-time.
- In some cases, your sponsor may be able to give you **written** permission to enroll for fewer credits for valid academic reasons.

**Except for graduate assistants enrolled for 6 credits, you MUST get written permission from your sponsor before being enrolled part-time. Consult a CIE Advisor about this.**

**IMPORTANT:** To remain in legal status, you must actually complete the minimum number of credits listed above. Note that your sponsor or academic advisor may require you to register for more than the number of credits given here.

**U.S. law requires your sponsor to report to the U.S. Government if you are not enrolled full-time.**

## May I go to another school?

If you decide that you would rather attend another U.S. university, it may be possible to transfer, with permission of your **sponsor**. If your sponsor is The University of Tennessee, we normally have no objection to you transferring to another university. However, you must change your **program sponsor** to the new university. Before transferring, you must notify your first sponsor of your intent to transfer; if your sponsor has no objection, they will electronically “release” you from sponsorship. The new sponsor will then issue a new DS-2019. [**Note:** If the transfer also involves an extension, then all the transfer paperwork must be completed by the new university before your old DS-2019 expires.] If your sponsor is not a university, then you must still obtain your sponsor’s permission to transfer, but you probably will not change program sponsors.

## How can I make some money?

**Do not begin working until you have written permission from your sponsor. This is required, even for on-campus employment. Normally, work authorization is given for a specific employer. Thus, do not begin working for a new employer until you have new work authorization from your sponsor.**

In some cases, your sponsor can give you permission to accept employment in the U.S. Below are the types of work that can be authorized by your sponsor:

### On-Campus

Your sponsor may give you permission to work for The University of Tennessee up to 20 hours per week. Full-time employment may be allowed during summer vacation and breaks between semesters. You may not continue working after you graduate or complete your studies.

### Off-Campus

- **Economic Hardship:** If there has been a serious and unexpected change in your financial situation, your sponsor may be able to give you permission to work off-campus. This type of work permission is given only in very unusual situations and may not continue after you complete your degree or your studies.
- **Academic Training:** Your sponsor may give you permission to accept employment which is related to your field of study. This employment, called “Academic Training” may take place anywhere in the U.S., and can be either before or after you finish your studies. However, the total time spent doing Academic Training may not be longer than 18 months, and may not last longer than the time you spent taking classes. [Exception: Students who receive a Ph.D. may be granted up to 36 months of Academic Training.] You must have a job offer before getting permission for Academic Training; the training is then authorized for that specific job. If you wish to change to a different job, you must again apply to your sponsor for permission. Remember: If you wish to do Academic Training at the end of your program, you should complete all paperwork before your DS-2019 expires.

## I Never Get Sick! Why Do I Need to Buy Health Insurance?

The cost of health care in the U.S. is extremely high. Though you might be healthy today, a single sickness or injury can be enormously expensive. While **all** people in the U.S. should be insured, U.S. laws require persons with J-1 and J-2 status to have a certain level of health insurance. At present, these laws only apply to those with J status.

Persons with J-1 or J-2 status **must** have health insurance at all times with the following minimum requirements:

- At least \$50,000 of coverage per illness
- At least \$10,000 for medical evacuation
- At least \$7500 for repatriation (in case of death)
- No more than \$500 deductible per illness
- No more than 25% co-insurance
- Must have a minimum rating of “A-” [A.M. Best], “A-” [ISI], “A-” [Standard & Poor’s], or “B+” [Weiss Research].

The UT student group insurance policy does meet the required standards for J Visitors. **If you wish to buy insurance from another company, you should check beforehand with the UT Student Health Center to see if it meets the U.S. government regulations.**

**IF YOU DO NOT HAVE THE REQUIRED HEALTH INSURANCE FOR YOURSELF OR YOUR J-2 DEPENDENTS AT ANY TIME DURING YOUR J-1 PROGRAM, U.S. LAW REQUIRES THAT YOUR LEGAL STATUS BE TERMINATED AND YOU AND YOUR FAMILY MUST RETURN HOME. THIS IS ALSO TRUE DURING ANY PERIOD OF ACADEMIC TRAINING!**



## Traveling Outside the U.S.

If you plan to leave the U.S. for a short time and return to continue your studies, you should think before you go! What will you need to get back into the U.S.?

- A valid passport
- A valid visa (If you're not sure if your visa is still valid, ask a CIE Advisor.)
- DS-2019 (Either a new one or a new signature on the old one. If you will need a new visa, or if there have been major changes in your financial situation, we recommend getting a new form) **Note: If you need a signature on your DS-2019, please contact your sponsor at least two weeks before you travel!**

Remember: You cannot get a J visa in the U.S. If your visa is no longer valid, you will need to apply for a new visa while you are at home, so allow extra time. *In some countries, it can take as long as 3-5 weeks to get a visa. If a security clearance is required, there may be a much longer delay.* If you are not visiting your home country, it is sometimes possible to apply for a visa at the U.S. Consulate in another country. However, some countries will not give you a visa to their country if you do not already have a valid visa to return to the U.S.

### I Want to See Niagara Falls!

Good news! Even if your visa has expired, most J-1 students should be able to visit Canada, Mexico, Bermuda, or the islands of the Caribbean (except Cuba) without much trouble. You will need your I-94 to re-enter the U.S. Please print a paper copy of your I-94 record **prior to your departure from the U.S.** and carry it with you ([www.cbp.gov/i94](http://www.cbp.gov/i94)).

**Remember:** You may need a visa to enter the countries mentioned above.

## Traveling Inside the U.S.

There is no restriction on your travel within the U.S. However, we recommend that you carry your passport and your immigration papers (copy of I-94 record and DS-2019) with you at all times when you are outside the Knoxville area.



## I miss my family!

If you have J-1 immigration status, then your spouse and children can apply for J-2 visas and immigration status. When you received your DS-2019, you should also have gotten a "Dependent Form" which lists the names of your dependents. If your family will be joining you later, then you should ask your sponsor to issue a DS-2019 for each dependent to use to get visas and enter the U.S. If your sponsor is UT, fill out a CIE request form to get a DS-2019. You will be asked to show additional financial documentation to prove that you have enough money to support your dependents. You are encouraged to discuss your plans with a CIE Advisor before your family travels to the U.S.

**REMEMBER! Your dependents MUST be covered by health insurance for their entire visit.**

If your dependents with J-2 status want to work in the U.S. they can apply for employment authorization. However, this work permission must be granted by USCIS, may take 2-5 months to receive, and is often granted for only one year at a time. If your spouse or child wants to extend the work permission, he/she should apply at least 4-5 months before the old permission expires. If the first permit expires before the new permit is received, then he/she may not continue working. There is a fee to apply for J-2 work permission. You may inquire in the CIE about the procedure for getting work permission.

## I like it here and I want to COME BACK!

After you finish your program and return home, you may want to come to the U.S. at some time. Normally, you should have no trouble getting a Visitor's Visa (B-1/B-2) which will allow you to enter the U.S. as a tourist or to attend conferences. However, it may not be possible to return to the U.S. for an extended stay or to work for some time after you finish your J-1 program.

Many people who have J-1 status are subject to the **Two-year Home Country Residency Requirement** [also known as the "Two-year Rule" or "212(e)"]. Your DS-2019/IAP-66 and/or your visa will give you some indication about whether this rule applies to you, but sometimes this information is wrong. Feel free to ask a CIE Advisor if this rule applies.

If the Two-year Rule applies to you, you will **not** be allowed to change to **any** other immigration status inside the U.S. Once you have left the U.S., you may not get an H-1, H-4, L-1 L-2, or Permanent Resident (Immigrant) Visa until you have spent two years in your home country. If you are subject to the Two-Year Rule, then the rule also applies to your J-2 dependents.

