



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO

Operating Policy and Procedure

HSCEP OP: 70.28, **Exchange Visitor Program (J-1 Visa)**

PURPOSE: The purpose of this Health Sciences Center El Paso Operating Policy and Procedure (HSCEP OP) is to establish an Exchange Visitor Program which promotes a bona fide educational and cultural exchange program. This program is designed to promote interchange of persons, knowledge and skills, and the interchange of developments in the field of education and the arts and sciences. The program is concerned with the following categories of participants: professor, research scholar, short-term scholar, and specialist. This HSCEP OP outlines the requirements that must be followed to obtain and maintain approval of the Exchange Visitor Program.

REVIEW: This HSCEP OP will be reviewed on January 5 of each odd-numbered year by the Executive Director for Human Resources, with recommendations for revisions submitted to the Chief Finance Officer by January 15.

POLICY/PROCEDURE:

1. Definitions

- a. **Exchange Visitor.** A "participant."
- b. **Exchange-Visitor Program.** A program established under Department of State regulations 22 CFR Part 62, and designed to promote the interchange of persons, knowledge, skills, and developments in the field of education, arts and sciences, and concerned with one or more categories of "participants."
- c. **Dependents.** The alien spouse and minor unmarried children of a participant who are accompanying or following to join the participant and who are seeking to enter or have entered the United States temporarily on a J-2 visa and are seeking to acquire or have acquired such status after admission.
- d. **J-1 Visa.** Non-immigrant visa category. Participant is expected to return to their home country at the completion of their program. Entry into the United States as a participant in the Exchange Visitor Program is granted with the understanding that participants will complete the objectives of a single program category.
- e. **Participant.** Any foreign national who has been selected by a sponsor to participate in an Exchange Visitor Program and who is seeking to enter or has entered the United States temporarily on a J-1 visa.
- f. **Responsible Officer.** The official or designated alternate of an organization sponsoring an Exchange Visitor Program who has been listed with the United States State Department as being responsible for administering the program and carrying out the obligations which the organization assumes in undertaking to sponsor a program.
- g. **Sponsor.** Any reputable U.S. agency or organization or recognized international agency or organization having U.S. membership and offices which makes application for designation of a program under its sponsorship as an Exchange Visitor Program and whose application is approved.
- h. **SEVIS - Student and Exchange Visitor Information System.** A program used to

electronically track and record the entry and presence of aliens who have, or are applying for, nonimmigrant F-1 or J-1 status.

2. **Types of Participants.**

- a. **Professor.** A professor participates in the program for the purpose of teaching, lecturing, observing, or consulting in an established institution of higher learning. A professor may also conduct research. The maximum duration of participation shall not exceed five years.
- b. **Research Scholar.** A research scholar participates in the program for the primary purpose of conducting research, observing or consulting in connection with a research project in an established institution of higher education. The research scholar may also teach and lecture provided that these activities are incidental and do not extend the period of participation beyond the maximum duration, which shall not exceed five years.
- c. **Short-term Scholar.** A short-term scholar participates in the program on a short-term visit as a Professor, Research Scholar, or person with similar education or accomplishments coming to the United States to lecture, observe, consult, train or demonstrate special skills at an established institution of higher education. The maximum duration of participating shall not exceed six months.
- d. **Specialist.** A specialist is an expert who participates in the program by exhibiting specialized knowledge or skills while in the United States. Such exchanges are primarily non-academic and provide opportunities to increase the exchange of knowledge and ideas between American and foreign specialists. The maximum duration of participation shall not exceed one year.

3. **Program Procedures.** The following procedures will govern the TTUHSCEP Exchange Visitor Program:

- a. All faculty and staff appointments made in connection with this program and all expenses related thereto are to be made within the current approved budget allocations of the employing departments. These participants are subject to salary withholding for retirement in the same manner as all other employees. Participants are exempt from Social Security tax and may be exempt from U.S. income tax based on the tax treaty between their country of citizenship and the United States. After two calendar years of presence in the United States, exchange visitors are subject to social security tax.
- b. This program was established for the purpose of promoting an interchange of persons, knowledge, and skills and the interchange of developments in the field of education and the arts and sciences. It is not available or intended for a substitute for other visas when the purpose is to perform specified services. This program is inappropriate for foreign nationals seeking to work under conditions other than the allowed activities of those Exchange Visitor Program categories permitting employment. The J-1 visa is also inappropriate for foreign nationals seeking to immigrate permanently to the United States or for those seeking to hold tenure-track or tenured faculty appointments.
- c. Participants in this program are to be engaged solely for the purpose of observation, consultation, teaching or research. There is no element of patient care involved. Any incidental patient contact involving the alien must be under the direct supervision of a physician who is a U.S. citizen or resident alien and who is licensed to practice medicine in the State of Texas. Attachments B, C, D and E must be signed and on file with the Human Resources Department for any alien physician involved in the program. To ensure compliance, no foreign medical doctors will be granted a J-1 visa for a clinical department unless the sponsoring faculty member is engaged solely in laboratory research.

- d. Participants must possess sufficient proficiency in the English language to participate in their programs. Departments are required to ensure that their participants are sufficiently proficient in the English language to participate in their exchange programs before they enter the United States.
- e. Participants must provide the Department of Human Resources Department's Visa and Immigration Services Administration with an education evaluation from a credential evaluation company within the U.S. or Canada prior to being issued a Form DS-2019.
- f. This program will be reciprocal wherever possible.
- g. The minimum size Exchange Visitor Program is five participants per year.
- h. All applications for J-1 visas will be processed through the Human Resources Department's Visa and Immigration Services Administration
- i. Insurance Requirements: All Exchange Visitors and their dependents must be covered by health insurance, accidental death and dismemberment insurance and repatriation and evacuation insurance. TTUHSCEP will NOT issue Form DS-2019 without the foreign national providing proof of insurance. Insurance coverage shall be in effect when they begin their program at TTUHSCEP. Evidence of coverage is required with a copy sent to the Human Resources Department's Visa and immigration Services Administration. Participants who become employed by TTUHSCEP will be provided TTUHSCEP group health and accidental death and dismemberment benefits the first of the month after their 60th day of employment. Therefore the participant must purchase outside coverage until they become effective with their state benefits. If the participant does not cover their accompanying dependents with the state health plan, outside coverage must be maintained on these dependents. The J-1 and J-2 exchange visitors are expected to meet the following minimum insurance requirements **at all times** and present evidence of the insurance to the Human Resources Department's Visa and Immigration Services Administration immediately when they report to TTUHSCEP and/or when their current policies expire:
 - i. Medical benefits of at least \$100,000 per accident or illness;
 - ii. Repatriation of remains in the amount of \$25,000;
 - iii. Expenses associated with the medical evacuation of the exchange visitor to his or her home country in the amount of \$50,000;
 - iv. A deductible not to exceed \$500 per accident or illness.

Medical Evacuation and Repatriation coverage is not available through employment and the participant is solely responsible for the purchase and continuation of this coverage. The participant's employing department may pay the additional costs of this extended insurance coverage. Information on vendors with these insurance plans is available from the Human Resources Department's Visa and Immigration Services Administration. Failure to comply with the insurance requirements of the program is grounds for dismissal from the program and deportation from the United States. Participants must sign the Program Health Insurance Agreement (see Attachment F).
- j. If an arriving Exchange Visitor is not validated in the SEVIS no later than one month after their entry date, that person will become a NO SHOW. As a No Show, they are no longer a part of our program and most probably will not be able to participate in the Exchange Visitor Program at a later date. THE HUMAN RESOURCES DEPARTMENT'S VISA AND IMMIGRATION SERVICES ADMINISTRATION MUST BE CONTACTED IMMEDIATELY WHEN ANY J-1 EXCHANGE VISITOR ARRIVES FOR EMPLOYMENT OR DEPARTS. It would be preferable for her to be contacted by both voice and email.

- k. As sponsor, TTUHSCEP must utilize SEVIS to comply with the information and reporting requirements of the Exchange Visitor Program. This includes keying any REPORTABLE ACTIONS into the SEVIS. Reportable Actions are extensions, reinstatements, transfers, change of category, change of status, replacement of lost form, amendments, corrections, and change of address. Participants and departmental sponsors are responsible for notifying the Human Resources Department's Visa and Immigration Services Administration of any Reportable Action of a participant.
- l. The sponsor shall submit such reports as may be required by the United States State Department for the purpose of program review and evaluation.
- m. The minimum stay for an exchange visitor is three weeks, the maximum is five years. Departments applying for a participant through the Exchange Visitor Program should notify the Human Resources Department's Visa and immigration Services Administration at least two months before the anticipated arrival date of the participant by completing an APPLICATION FOR EXCHANGE VISITOR VISA (J-1) form. (see Attachment A, which includes the DS-2019 Request Form and the DS-2019 Attestation Form).
- n. Requests for an extension of stay should be submitted to the Human Resources Department's Visa and immigration Services Administration at least three months before expiration of current stay.
- o. Participants are subject to the Department of State's Exchange Visitor Program regulations, and to the rules specified by TTUHSCEP. Participants found to be in violation of program regulations and/or sponsors' rules may be terminated from the program. Other grounds for termination include, but are not limited to 1) failure to pursue the exchange activities for which the participant was admitted to the United States; 2) inability to continue the program; 3) willful failure to maintain insurance coverage as required and 4) unauthorized employment. Participants who withdraw or are terminated from their exchange programs are expected to leave the United States immediately.
- p. Participants may be subject to the Foreign Residence Requirement upon completion of their program. These participants must depart from the United States and live in their country of residence for two years before they are allowed to apply for an immigrant visa, permanent residence, or change to a new nonimmigrant status. Participants are subject to the foreign residence requirement, if any part of their participation in the exchange program was paid for, directly or indirectly, by their government or the United States Government; the participant is from a country which has been designated by Bureau of Consular Affairs as requiring their skills; or they arrived in the United States on or after January 10, 1977 to obtain graduate medical education or training.
- q. Following the completion of their program, U.S. Citizenship & Immigration Service (USCIS) allows participants a 30-day travel period commonly referred to as the "Grace Period." During this 30-day grace period, participants are no longer in J-1 visa status, and are under the jurisdiction of the USCIS. The USCIS grants this period to allow participants to settle their affairs and to prepare to return to their home countries. Program participants may no longer continue and/or complete exchange activities, nor may they work. Although participants may travel in the United States, it is recommended that they do not travel beyond the borders of the United States as they may not be permitted reentry.
- r. The U.S. Department of State has mandated that J-1 exchange visitors – including short-term scholars, research scholars, lecturers, and professors – have the English language skills necessary to successfully participate in their programs and to function on a day-to-day basis. The sponsoring department and J-1 exchange visitor are responsible for demonstrating and documenting that the exchange visitor possesses English proficiency to be able to carry out the functions of the program in which they are participating.

- s. The Executive Director for Human Resources assumes the duties of the responsible officer for administering the TTUHSCEP Exchange Visitor Program. The Managing Director of the Visa and Immigration Services Administration has been designated Responsible Officer.
4. **Right to Change Policy.** TTUHSCEP reserves the right to interpret, change, modify, amend, or rescind this policy in whole or in part at any time without the consent of employees.