



EXCHANGE VISITOR PROGRAM

J-1 VISA INFORMATION

OFFICE OF EDUCATIONAL AFFAIRS

ROSWELL PARK CANCER INSTITUTE

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INFORMATION CONCERNING THE ROSWELL PARK CANCER INSTITUTE (RPCI) EXCHANGE VISITOR (J-1 VISA) PROGRAM

PROGRAM OVERVIEW

Departments throughout RPCI frequently invite scholars from other countries to visit for temporary training to benefit from, as well as contribute to, the research mission of RPCI. RPCI is designated by the United States Department of State (DOS) to issue a Certificate of Eligibility (DS-2019) to such scholars through its Exchange Visitor (J-1 Visa) Program, which is administered by Educational Affairs. The exchange visitor (scholar) uses the DS-2019 to obtain a J-1 visa to enter the US to engage in academic and research training. The focus on educational and cultural exchange distinguishes the J-1 visa from other immigration categories which are primarily based on employment (e.g. H-1B, which is coordinated by RPCI, Human Resources).

This material instructs departments on salient aspects of the Exchange Visitor Program and provides general guidelines for program operation. Before completing a DS-2019 Request Form, please familiarize yourself with the following.

DURATION OF PROGRAM

The J-1 visa is issued to scholars for a temporary stay. It may not be used for tenure-track faculty or permanent staff positions, or for a scholar who intends to apply for an H-1B visa or permanent residence in the US. Faculty and researchers are normally permitted to maintain J-1 status for a total of five consecutive years, including time spent in another exchange visitor program at another institution. Extensions beyond five years are not allowed. RPCI will not accept transfers of exchange visitors from other institutions who are entering their fifth year of an exchange visitor program.

If a scholar has previously been in the US and returned to his/her home country, it is important to determine the specifics of his/her stay. An invited researcher may not be eligible for J-1 scholar status if he/she was in the US in J visa status in the immediately preceding 12-month period.

FINANCIAL REQUIREMENTS (SPECIFIED DOLLAR AMOUNTS SUBJECT TO ANNUAL CHANGE)

Due to the inevitable delays in employment processing (social security number, etc.), all visiting scholars must document personal financial assets of \$1,500 US dollars for the first month's expenses.

All exchange visitors must meet financial requirements. The DOS requires all exchange visitor programs to establish minimal financial requirements for the exchange visitor to reside in the US. Accordingly, Educational Affairs must have explicit financial documentation for each J-1 scholar and accompanying dependents. Funding may come from more than one source (e.g. RPCI employment, home institutions and/or personal funds).

If a J-1 scholar will be appointed to a PBC or Health Research position, the salary offered must be competitive with the NIH post-doctoral salary schedule. Also, if the scholar is accompanied by a spouse and/or children, the funding must accommodate the added living expenses. In 2008, the minimum Postdoctoral salary is \$28,000/year and \$24,000/year for a Predoctoral trainee.

For a self-supporting J-1 scholar who will not be appointed to a PBC or Health Research position, RPCI has established a minimal support level for a single adult at \$18,000 per year. A minimum of \$4,000 for the accompanying spouse and \$3,000 for each accompanying child is required. These amounts *do not include* transportation or mandatory health insurance.

If the scholar must purchase health insurance, additional bi-weekly amounts must be added to the minimum support level. If the scholar has portable health insurance coverage from his/her home country, the policy must be comparable to the coverage mandated by DOS regulations. Many scholars should anticipate an additional charge for insurance, as most overseas policies do not meet DOS requirements.

MEDICAL INSURANCE

All exchange visitors must apply for one month of insurance coverage to bridge the initial waiting period before RPCI employee benefits begin. The exchange visitor or sponsoring RPCI department must enroll on line at www.culturalinsurance.com. The insurance may be applied for after the J-1 Visa has been granted.

DOS regulations *require* that the exchange visitor carry both basic and major medical coverage at a minimum of \$50,000 per accident or illness plus medical evacuation and repatriation. Such coverage must include the exchange visitor and all dependents throughout the entire visit. Exchange visitors will receive information on how to comply with this requirement when they receive the DS-2019 Form (Certificate of Eligibility).

Be aware that, if RPCI is providing health insurance, the coverage may not be available for up to the first month and the scholar will be required to have health insurance to cover this period.

CHANGING EXCHANGE VISITOR CATEGORIES (E.G. J-1 SCHOLAR TO J-1 STUDENT, J-1 STUDENT TO J-1 SCHOLAR)

As a general rule, an exchange visitor may not change categories within the Exchange Visitor Program because his/her stay is governed by the original objective for entry into the US. A change of research area category, which must be authorized by the DOS, is seldom allowed. A J-1 scholar may take courses, but may not seek a degree or become a student without first seeking approval for a change of category from the DOS.

TWO-YEAR HOME COUNTRY RESIDENCE REQUIREMENT

Upon completion of the Exchange Visitor Program, exchange visitors and their dependents may be required to reside and be physically present for a total of two years in either their country of nationality or their country of legal permanent residence.

This requirement is imposed:

- if the exchange visitor has received partial or full funding by the home or US government
- if the exchange visitor is in a field appearing on the Exchange Visitor Skills List (a long list of employment areas and specialty fields identified by foreign governments as having a short supply of workers in that country)
- if the exchange visitor participated in a graduate medical education or training program sponsored by the Educational Commission of Foreign Medical Graduates (ECFMG).

Exchange visitors with this residence requirement are prohibited from changing to another non-immigrant status {e.g. F-1 (student) or H1-1B (temporary worker)} or to permanent residence unless they first receive a waiver of the two-year home country residence requirement.

TAX AND SOCIAL SECURITY ISSUES

All persons paid through RPCI or other US sources will need a receipt of application from SSA before RPCI/HRI will begin payroll. Retroactive employment is not allowed. J-1 exchange visitors are *not* exempt from income tax withholding unless exempt by a tax treaty between the US and the scholar's country. All persons in the US in J-1 status must file tax returns even if they had no income or are tax exempt.

If there are questions regarding tax regulation, the scholar may attend income tax workshops sponsored by the Office of International Student and Scholar Services at the University at Buffalo. These workshops are offered each February and March. Please note that these presentations, which provide step-by-step instructions on how to file an income tax return, are available on the website (<http://wings.buffalo.edu/intlservices>). The website also provides fillable tax forms and answers to frequently asked questions about taxes.

EXCHANGE VISITOR REQUEST PROCEDURE (J-1 SCHOLAR VISA)

The request forms A and B are to be submitted to Educational Affairs for preparation of the DS-2019 Form (Certificate of Eligibility) for a prospective exchange visitor to obtain a J-1 visa. All of the information on the

forms must be provided before the DS-2019 can be issued. If some of the information required is not readily available, the requesting department must communicate with the prospective scholar to obtain it. Most items can be determined from the curriculum vita or resume. The department head or chair must approve the request for the DS-2019 before the DS-2019 can be issued to the prospective scholar.

RESPONSIBILITIES OF DEPARTMENTS SPONSORING J-1 SCHOLARS

Academic and research units hosting scholars incur special obligations to assure that the scholar's program is professionally and personally rewarding. Prior to extending an invitation, the host unit should consider the time and attention necessary to enable the scholar to benefit from the experience. A formal offer letter signed by the PI of the RPCI lab is required. Sample offer letter is available through the RPCI Education Office (x5944).

The following checklist may be helpful in ensuring that the scholar's stay is a successful one.

Pre-Arrival Checklist

- proof of one month of living expenses (\$1,500 or more) by presenting personal bank account balance in US dollars
- a CV, proof of degree granted and letters of recommendation must be attached with forms A and B
- ensure that the scholar has a designated academic/research counterpart or mentor to assist him/her personally and professionally
- initiate communication with the scholar prior to arrival in order to address professional obligations and related concerns
- provide quantitative evidence that the prospective scholar has sufficient English language proficiency to carry out professional objectives (from TOEFL test scores, GRE or IELTS scores.) A letter from the prospective PI is not acceptable.
- advise the scholar on arrangements for meeting him/her at the airport, train or bus station
- provide the scholar with information and assistance regarding temporary and permanent housing, local community resources and any other appropriate information or assistance needed
- determine whether the scholar's family will accompany him/her or follow later on and that necessary financial arrangements have been made for support of any dependents
- provide information about school requirements if children will accompany the prospective scholar
- reinforce to the scholar that a pre-arrival physical exam, proof of immunizations and health insurance are *mandatory* and one month of insurance must be purchased, independently
- inform the scholar not to enter the US in another visa category (B-1/B-2 tourist), but rather to utilize the DS-2019 to acquire the J-1 visa.

Post-Arrival Checklist

- arrange for the EV to be accompanied to the Social Security Administration and apply for a soc. sec. number. Obtain a receipt of application.
- schedule an appointment for the EV to meet appropriate personnel of Educational Affairs to establish the EV local address, review the scholar's immigration status and related matters regardless of how brief his/her visit will be and regardless of whether he/she will receive any RPCI funding
- schedule an appointment for the EV with Human Resources for employment processing
- provide the scholar with adequate office space or a workstation, including a desk, access to telephone service and access to department and RPCI facilities
- ensure that the scholar has adequate health insurance coverage and coverage for all dependents in the US. DOS regulations require that any scholar who willfully violates this requirement be terminated from the Exchange Visitor Program
- assist the scholar in acquiring an RPCI security badge, IT access and other identification as may be necessary (e.g. social security card)

On-Going Checklist

To monitor the progress of the scholar and to ensure that he/she is secure in his/her new surroundings, the counterpart/mentor should:

- see that the scholar is provided information about departmental activities and is introduced to colleagues
- ensure that there is regular and frequent communication concerning academic/research progress congruent with both departmental objectives and scholar's expectations
- help ensure that the goals of the exchange visitor program (reciprocity, professional integration and cultural exchange) are met
- have him/her participate in the RPCI Postdoc Association activities

Other Administrative Concerns

Departmental representatives should:

- consult with Educational Affairs prior to making any substantive changes in the scholar's program, including change to type or length of appointment, change in sponsoring department or change in objective to the scholar's program
- ensure that the scholar reports to Educational Affairs and Human Resources any changes of address/phone numbers
- if the scholar does not arrive, the visitor should be asked to return the DS-2019 form to Educational Affairs so that they may return it to Immigration Services. Departments should immediately advise Educational Affairs of any scholar who has not reported on the expected arrival date.
- ensure that Educational Affairs is notified prior to the scholar's departure

IF YOU HAVE QUESTIONS OR NEED INFORMATION, PLEASE CONTACT:

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