



# AMHERST COLLEGE

Office of the Dean of Students

## **J-1 Exchange Visitor / Student Visa Information for New Language Assistants**

This information sheet is intended for new international students who have been appointed to the position of "Language Assistant" at Amherst College for the 2010-2011 academic year and who will be entering the United States in J-1 "exchange visitor / student" visa status. This document contains important information regarding your non-immigrant status as a J-1 exchange visitor / student, including issues related to your acquisition of a J-1 visa, your legal entry to the United States, and the conditions of your authorized stay in the United States. **It is imperative that you read this information completely and carefully.** If you have any questions concerning the information contained in this document, please contact Frances Tuleja, Associate Dean of Students and International Student Advisor, via e-mail at [fetuleja@amherst.edu](mailto:fetuleja@amherst.edu), phone at (413) 542-2529, or fax at (413) 542-8488.

### **U.S. Governmental Agencies**

The U.S. Department of State (USDOS) oversees the activities of U.S. embassies and consulates abroad, including the issuance of U.S. visas. The U.S. Department of Homeland Security (USDHS) oversees issues related to non-U.S. citizens within the United States, through the following three divisions of the DHS:

- USCBP (U.S. Customs and Border Protection): This division is responsible for overseeing the admission of non-immigrants at U.S. ports of entry (airports and other land border crossings).
- USICE (U.S. Immigration and Customs Enforcement): This division is responsible for investigations, detention, deportation, and oversight of SEVIS (more about that below).
- USCIS (U.S. Citizenship and Immigration Services): This division is responsible for the adjudication of applications for various kinds of benefits available to non-immigrants in the U.S.

### **SEVIS - Student and Exchange Visitor Information System**

Under federal law, U.S. colleges and universities are required to record certain information about J-1 exchange visitors and to report that information to the appropriate U.S. government agency, either routinely or upon government request. As part of that requirement, the College creates an electronic file (referred to as a "SEVIS record") for each of our J-1 exchange visitors on a secure U.S. government website and enters into that file biographical / identifying information, passport and visa information, foreign and U.S. address, academic program information, enrollment status and financial support information. The information in your SEVIS record will be available to agencies of the U.S. government (see above section), including personnel of U.S. embassies and consulates, who will access the information during the visa application and approval process. The U.S. government will also independently enter information about your dates of entry and exit from the U.S. directly into an exchange visitor's SEVIS file.

### **J-1 Exchange Visitor Visa and DS-2019 Form**

The J-1 exchange visitor visa (college/university student category) is intended for use by international students who are requesting temporary admission to the United States for the purpose of engaging in approved programs of educational and cultural exchange at a U.S. college or university. The J-1 visa is the appropriate visa for your entry to the United States. The J-1 exchange visitor / student classification is a nonimmigrant status, which is issued only to individuals who can establish to the satisfaction of the U.S. consular officer that they have a permanent residence in a foreign country to which they intend to return after completion of the program objective in the United States and that they have sufficient financial resources to cover the expenses of the proposed program without resorting to unauthorized employment.

Amherst College provides each new language assistant with a Form DS-2019, "Certificate of Eligibility for Exchange Visitor (J-1) Status," one of the documents needed to apply for the J-1 visa. You should read carefully all information contained on the DS-2019. Should you find any errors, please report them immediately to Dean Tuleja, so that a corrected document may be issued to you. You should pay particular attention to the "Instructions for and Certification by the Alien Beneficiary," on page 2, briefly describing the essential regulations that govern individuals admitted to the United States in J-1 status. Additional information is provided in the two enclosed U.S. Department of State publications: "Exchange Visitor Program Welcome Brochure" (also available at [http://exchanges.state.gov/jexchanges/docs/welcome\\_broch2008.pdf](http://exchanges.state.gov/jexchanges/docs/welcome_broch2008.pdf)) and the "Student, Post-Secondary (College and University)" regulations (also available at: <http://exchanges.state.gov/jexchanges/programs/ucstudent.html>) [Please note that the J-1 visa medical insurance requirements described in the "welcome brochure" are satisfied by the medical insurance policy provided to you by Amherst College.] Once you have read and are certain that you understand the stated terms and conditions concerning your admission and stay in the United States as a nonimmigrant exchange visitor, you should read the "Exchange Visitor Certification" block at the bottom of page 1 of the DS-2019 form. Ultimate responsibility for understanding and complying with the J-1 regulations rests with the exchange visitor. There will, however, be ample opportunity for you to consult with Dean Tuleja during the school year regarding the regulations governing your J-1 status.

## **SEVIS Fee**

Once your DS-2019 has been issued, the next step in preparing for visa issuance is the payment of the \$200 “SEVIS I-901 Fee” to the U.S. Department of Homeland Security (DHS). [This fee is separate and preliminary to any visa application fees that are levied at individual U.S. embassies or consulates.] This one-time fee must be paid by all new J-1 exchange visitors before a J-1 visa can be issued. Although you may schedule a visa interview before making your SEVIS I-901 fee payment, the SEVIS fee must be paid and fully processed by DHS before you appear for your visa interview.

To complete the SEVIS I-901 Fee process, a student must submit a completed Form I-901 and appropriate payment of the \$200 to DHS. The SEVIS fee process may be completed in one of three ways: (1) paying electronically through the internet with a valid credit card; (2) mailing a check, money order or bank draft drawn in U.S. dollars; (3) making a payment at a participating Western Union office in your area.

Additional information about the SEVIS I-901 Fee may be found on-line at <http://www.ice.gov/sevis/i901/index.htm> with a link to “I-901 Frequently Asked Questions,” <http://www.ice.gov/sevis/i901/faq.htm>, providing important background information and links to information on the three methods of paying the SEVIS I-901 fee. In particular, students who wish to pay the SEVIS fee on-line, will be directed to: <https://www.fmjfee.com/i901fee/>; to pay by mail, go to <https://www.fmjfee.com/i901fee/>, complete the I-901 on-line, indicate payment by check or money order, print the payment coupon, and mail the payment coupon and check/money order for \$200 U.S. dollars to the appropriate address on the payment coupon; to pay the SEVIS fee at a participating Western Union office, go to [http://www.ice.gov/sevis/i901/wu\\_instr.htm](http://www.ice.gov/sevis/i901/wu_instr.htm).

Whatever method of payment you use, you must provide Form I-901 information. Be certain to enter accurately: your name exactly as it appears on your DS-2019 form; your SEVIS ID number (a multi-digit number starting with “N” and located over the bar code in the upper right hand corner of your DS-2019 form); and the “school code” for Amherst College (BOS 214F 00012000).

It is strongly recommended that you pay the fee on-line with a credit card whenever possible, as this will allow you to print out an immediate receipt for use in the visa application process. Payment by mail or through Western Union will not generate an immediate receipt; instead, a paper receipt will be mailed to you, which may cause delays. Although consular officials should be able to verify independently through the SEVIS database that a student has paid the SEVIS fee, having a receipt will greatly facilitate the visa application process. Students may go to <https://www.fmjfee.com/i901fee/> and use the “Check Status” link to verify online if DHS has received their SEVIS I-901 fee payment and when the official receipt for the payment was issued.

## **Applying for an J-1 Visa**

You are expected to apply for your J-1 visa at the U.S. embassy or consulate having jurisdiction over your place of permanent foreign residence. (If you attempt to apply for your visa outside your home country, the application process will be much more difficult and time-consuming, with a greater possibility of denial.) In preparation for this process, review the information related to J-1 visa applications at the website of the U.S. Department of State: [http://travel.state.gov/visa/temp/types/types\\_1267.html](http://travel.state.gov/visa/temp/types/types_1267.html). In addition to this general information, you should also inquire in advance about the specific visa issuance procedures, required forms and fees, and processing times at the U.S. embassy or consulate for your place of foreign residence, as there are local variations. Links to the individual websites of U.S. embassies and consulates around the world can be found at <http://www.usembassy.gov>. Once you have located the website of the U.S. embassy or consulate with jurisdiction over your place of residence, you should look for information on the topic of “non-immigrant visas / J-1 exchange visitor visas.” Summary information on visa processing times at various U.S. embassies and consulates around the world can be found at: [http://travel.state.gov/visa/temp/wait/tempvisitors\\_wait.php](http://travel.state.gov/visa/temp/wait/tempvisitors_wait.php).

In all cases, completed visa application forms - - - Form DS-156, “Application for Nonimmigrant Visa” and DS-158 “Contact Information and Work History for Nonimmigrant Visa Applicant” - - - are required, along with your passport (with at least six months validity); your DS-2019 form; your letter of appointment to the language assistant position; photographs; proof of the SEVIS I-901 fee payment; the visa application fee payment; and a personal interview. Another form, Form DS-157, “Supplemental Nonimmigrant Visa Application” is required for all male nonimmigrant visa applicants between the ages of 16 and 45. It may be required of any nonimmigrant visa applicant, at the discretion of the embassy/consulate. The consular officer is free to require whatever additional information seems necessary and has complete discretionary authority in determining your eligibility for the J-1 visa.

An important criterion used in the evaluation of visa applicants is “non-immigrant intent.” The consular officer must be convinced that you intend to remain in the United States temporarily and only for the period of time needed to complete your program at Amherst College. You should be prepared to demonstrate that you have close ties to your home country (professional, family, financial, etc.) and that you intend to return to your home country after you complete your studies. The most common reason for visa denial is the applicant’s failure to convince the consular officer of intent to return home, so you should be certain to give some thought to this issue before your visa interview. Fortunately, our language assistants have consistently received their J-1 visas quickly and easily. In the unlikely event that you encounter difficulty, you should contact Dean Tuleja immediately.

## J-1 Visa Stamp

If the consular officer approves your application, a J-1 visa stamp will be placed in your passport and the DS-2019 will be returned to you. The J-1 visa stamp affixed to a page of your passport will include some biographical information and your SEVIS ID number. The visa will also have a date of issuance, a date of expiration, and a notation for "entries." Under the notation "entries," there will either be an "M" or a numeral. The "M" stands for "multiple" and means that you may reenter the United States multiple times with this visa (and other required entry documents) until the visa's expiration date. If, however, there is a specific numeral listed under "entries," then you have been granted a "limited-entry visa" and you would be permitted to use the visa for that specific number of entries until the visa's date of expiration. Generally, language assistants are granted multiple entry J-1 visas valid through the end of the academic year.

The issuance and expiration dates on your visa stamp do not indicate how long you may remain in the United States. The visa dates indicate only the period of time during which you may use that visa for entry to the U.S. The actual, permitted length of stay will be determined by the inspection officer at your U.S. port of entry. Almost always, J-1 exchange visitors in the student category are admitted for a period of time referred to as "D/S" or "Duration of Status" – that is, J-1 students are permitted to remain in the United States until the program end date indicated in item #3 of your DS-2019 [May 31, 2011], plus an additional thirty days as a "grace period" to depart the United States after completion of the academic year here at Amherst.

## Entry to the United States

**Individuals who have been issued a J-1 visa are eligible to enter the United States up to thirty days before the "program start date" in item #3 on the DS-1019 form, but not earlier.** [This year, the program start date is August 29, 2010, the first day of New Student Orientation.] While the issuance of a J-1 visa gives you permission to request entry to the United States during that thirty-day period, the visa itself does not guarantee entry. The final decision as to whether you will be admitted to the United States is made at your U.S. port of entry by an inspection officer of the USCBP. The inspection officer at the port of entry will examine your DS-2019 form, your unexpired passport (which must have at least six months of validity remaining), your valid J-1 visa stamp; your letter of appointment from Amherst College; and proof of SEVIS I-901 fee payment.

You are strongly advised to have the appropriate documentation readily available for presentation to the inspector at the port of entry. In the past, an international student seeking entry to the United States without one of the requested documents would be issued a "Form I-515," allowing temporary admission for a period of thirty days, within which time the individual must submit the missing documentation. However, due to heightened security concerns, officers at U.S. ports of entry are less likely to issue such a reprieve to individuals who present themselves for entry without the proper documents and have discretion to deny entry to the U.S. So, to avoid the possibility of this onerous consequence, you should be certain to have the appropriate documentation available for presentation to the inspector at the port of entry.

Finally, even if you have some other kind of valid visa in your passport (e.g. B-2 "visitor/tourist" status) or come from a country whose residents are eligible for a "visa waiver" for tourists, you should be certain to enter the U.S. in J-1 exchange visitor status during the year when you are participating in the language assistant program at Amherst College. Entering in any other classification would be considered fraudulent entry under false pretenses, since it would misrepresent the primary purpose of your entry, which is to be a exchange visitor/student at Amherst College, not a tourist. Entering the United States in a status other than the J-1 status will prohibit your participation in your program at Amherst College and could subject you to serious penalty, including deportation and a ban to reentry for five years. At a minimum, you would be required to leave the United States and reenter on a proper J-1 visa.

If the officer at the port of entry determines that you are admissible to the United States in J-1 status, he or she will:

- (1) stamp your DS-2019 form to indicate the date, place and J-1 status of your entry and the duration of your permitted stay;
- (2) return the stamped and annotated DS-2019 form to you;
- (3) issue you an I-94 Arrival-Departure Card, a small white card similarly stamped with the date, place and J-1 status of your entry and the duration of your permitted stay; and
- (4) electronically enter data about your arrival into your SEVIS file.

Occasionally, in the hustle and bustle of a busy airport, inspection officers sometimes inadvertently fail to stamp the DS-2019 form or to issue the I-94 card. Lack of one or both of these documents (and, especially, the I-94 card) can later prove to be an inconvenient problem for you, time-consuming and expensive to correct, so I suggest that you pay close attention to this at the time of your entry. If you get to the end of processing and have not yet received your copy of the DS-2019 form or the I-94 card --- properly stamped and notated with "J-1" and "D/S"--- a gentle and polite reminder to the inspection officer is recommended. **Both the DS-2019 form and the I-94 card -- properly stamped and notated with "J-1" and "D/S" -- are important documents that provide evidence of your having been legally admitted to the United States in J-1 status. You should safeguard these documents as you do your passport.** It is recommended that you staple your I-94 card to a page of your passport, so that it does not slip out and become lost.

As a final step in your processing at the port of entry, you will undergo a new arrival / departure screening procedure, referred to as "US-VISIT," requiring an inkless fingerprint of your index fingers and a digital photograph of your face.

## NSEERS

All students entering the U.S. will be required to undergo the port-of-entry procedures described above. In addition, some students *may* be required to undergo a secondary registration process at the port-of-entry, referred to as NSEERS -- National Security Entry-Exit Registration System. All citizens of Iran, Iraq, Libya, Sudan and Syria are required to undergo NSEERS registration, but any entering nonimmigrant from any country may be selected for NSEERS. (In recent years, students from Pakistan, Bangladesh, Lebanon, and Indonesia have undergone NSEERS registration.) If you are selected for NSEERS registration upon entry through a U.S. port-of-entry, you'll also be subject to special reporting requirements when leaving the country. If you are selected for NSEERS, you'll be given a packet of information at the port-of-entry and your I-94 card will be marked "NSEERS" on the reverse. NSEERS registrants should consult with Dean Tuleja early in the semester regarding the special requirements of NSEERS.

## Follow-up SEVIS Processing at Amherst College

Shortly after your arrival at Amherst College, you will be required to present your passport, your stamped DS-2019 form, and your stamped I-94 card to the Dean of Students Office for photocopying in compliance with regulations. After confirming that you have registered for classes, Amherst College will change your SEVIS status from "initial" to "active". (Note: Under the visa regulations, all J-1 exchange visitor students / language assistants are required to register for two courses per semester.) Your failure to register for classes and to present your documents to the Dean of Students Office will result in your SEVIS file being automatically cancelled. This, in turn, would make you ineligible for on-campus employment and would require that you apply for "reinstatement," a costly, time-consuming, and uncertain procedure. **Therefore, it is extremely important that you submit your documents to the Dean of Students Office in a timely manner and register for two courses each semester.**

## Authorized Stay in the United States

As noted above, J-1 exchange visitors in the student category are admitted for a period of time referred to as "D/S" or "Duration of Status" – that is, J-1 students are permitted to remain in the United States until the program end date indicated in item #3 of your DS-2019 [May 31, 2011], plus an additional thirty days as a "grace period" to depart the United States after completion of the academic year here at Amherst. During the program dates in item #3 [08/29/10 - 05/31/11] you must engage in those activities appropriate to your J-1 exchange program (enrollment in two courses per semester, teaching and other cultural exchange activities) and you may also undertake supplementary on-campus employment, subject to certain limitation (see paragraph below). During the thirty-day grace period after the end of the academic year, however, no employment is permitted, unless you have been approved for a period of "academic training" summer employment. [More information on "academic training" summer employment will be provided to you after your arrival in Amherst.] You may also travel outside of and reenter the United States during the program period indicated in item #3, as long as you have in your possession your valid, unexpired DS-2019 form (signed on the front by me prior to your trip to confirm your continued participation in the Amherst College program) and an unexpired passport containing a valid J-1 visa stamp. Should you leave the U.S. during the thirty-day grace period after completion of the academic year, however, you will not be able to reenter, except by changing to some other visa classification (e.g., B-2 "tourist"), unless you have been approved for a period of "academic training" employment.

Under the J-1 visa regulations, individuals admitted to the United States in the J-1 exchange visitor / student category are required to "register for and complete...a prescribed course of study conducted by a post-secondary accredited educational institution." For language assistants at Amherst College, that "prescribed course of study" consists of enrollment in two courses per semester. [Amherst College does not have an "audit" option; all courses are graded courses that require official registration and the assigning of a grade.] Failing to enroll fully in the prescribed program of two courses per semester is a violation of U.S. visa regulations and renders the individual ineligible for the benefits of J-1 status, such as the on-campus employment that is part of the language assistant position at Amherst College. Exceptions to the requirement of enrollment in two courses per semester can be granted only upon the recommendation of the student's Amherst College academic advisor for a reduced course enrollment for a compelling, bona fide academic reason.

J-1 exchange students are authorized to engage in on-campus employment without special permission from the U.S. government up to certain limits. When school is in session, J-1 exchange students may work on-campus a maximum of twenty hours per week total, including hours worked in connection with your language assistant position. During vacation periods, J-1 exchange students may work on-campus "full-time" in excess of twenty hours per week. Employment authorization ends on the last day of your program [05/22/11], unless you have been approved for a subsequent period of "Academic Training." More information on academic training employment will be provided to you after your arrival at Amherst.