

F-1 VISA AGENDA

F-1 Non-Immigrant Visas

- F-1 Overview
- Acquiring F Status: Visas, Admission, Change of Status
- SEVIS Registration and Enrollment Reporting
- F-1 Status and Status Maintenance
- Full Course of Study Requirements and Exceptions
- Edits, Updates and Changes to the SEVIS Record
- Resolving Status Problems
- Unlawful Presence
- F-1 On-Campus and Off-Campus Employment
- Curricular Practical Training (CPT)
- Optional Practical Training (OPT)
- Travel and Reentry
- F-2 Dependents

Acronyms

- SEVIS – Student and Exchange Visitor Information System
- PDOS/DSO – Principal Designated School Official/ Designated Official
- RO/ARO - Responsible Officer/Alternate Responsible officer
- POE – Port of Entry
- CBP – US Custom and Border Protection
- USCIS – US Citizenship and Immigration Services
- DOS – Department of State
- DHS – Department of Homeland Security
- EAD – Employment Authorization Document

F-1 Requirements

- Seeking to enter temporarily to pursue a full course of study
- Bona fide student qualified to pursue a full course of study
- Be proficient in English or receive training to become proficient
- Nonimmigrant intent (has a foreign residence with no intention of abandoning it)
- Study only at the SEVIS designated institution 8 CFR Section 214.2(f)(1)(i)(A)
- Cannot attend a public elementary school or publically funded adult education program.
- Can only attend a public secondary school for a period of no more than one year. Required to reimburse the school for cost of the education.
- No time limit when attending a private school at the secondary school level
- Must be able to demonstrate sufficient financial support
- Must present a SEVIS I-20 issued by approved school.
- F-2 for spouses and children – spouse and child(ren) do not pay the SEVIS fee

Obtaining the I-20

Student must:

- Submit a written application to the school
- Be admitted to a full course of study
- Provide proof of financial responsibility
 - Documents (bank statements, funds from school, government, etc.) should document availability for the first year. Additional funding for the same or another readily available source should be presented as well.
- If currently in the U.S. in F1 status, be eligible to transfer SEVIS record from one school to another

Applying for an F-1 Visa

- Application should be made at U.S. embassy or consulate having jurisdiction over student's place of residence.
 - Person may apply for a visa at any other consular jurisdiction in which he or she is physically present, but only if that consular office has agreed to process visa applications from third country nationals.
- B2 Prospective Student: A prospective student may be generally eligible for an F-1 visa, but timing or circumstances might interfere with the person's obtaining the F-1 visa. In some cases, it is possible for a prospective student to obtain a B-2 visitor's visa, issued by a consular official with a "prospective student" annotation.
- Student is admitted into the U.S. in B2 status. Study and employment restrictions apply until student's status is changed to F-1

When to Apply for an F-1 Visa

- A visa can be issued 120 days before the start date on the I-20.
- Student should be informed that while the visa may be issued up to 120 days before the start date, student may not enter the U.S. more than 30 days before program start date
- New version of SEVIS I-20 makes the entry date very clear

PROGRAM OF STUDY

EDUCATION LEVEL
LANGUAGE TRAINING

MAJOR 1
Second Language Learning 32.0109

MAJOR 2
None 00.0000

PROGRAM ENGLISH PROFICIENCY
Not Required

ENGLISH PROFICIENCY NOTES
Student will study English full-time

EARLIEST ADMISSION DATE
14 SEPTEMBER 2016

START OF CLASSES
14 OCTOBER 2016

PROGRAM START/END DATE
14 OCTOBER 2016 - 15 OCTOBER 2017

Documentation Required to Apply for F-1 Visa

- SEVIS Form I-20A-B, Certificate of Eligibility
- Online Nonimmigrant Visa Electronic Application, Form DS-160
- 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
- Passport photograph 2x2
- A MRV fee receipt to show payment of the visa application fee
- SEVIS I-901 fee receipt

Entry to the U.S.

- Student should present:
 - Passport
 - I-20
 - Visa (unless exempt)
 - Evidence of financial support, including the same financial support information used to obtain the F-1 visa
 - Not required, but in certain cases, proof of having paid the SEVIS fee may also have to be provided

After Entry to the U.S. as F-1

- For initial entry, student must attend the school specified on the F-1 visa
 - If student wishes to transfer to a different school, student must “report” to the first school. Reporting does not have to be in person.
 - SEVIS record can then be registered and student may transfer as long as the new school begins within 30 days of student’s entry to the U.S.

Changing Status to F-1

- Must be maintaining valid nonimmigrant status in order to file change of status to F-1 with USCIS
- The start date of program must be within 30 days of expiration of nonimmigrant status
- Application is filed with USCIS on Form I-539.
- Must include SEVIS I-20, evidence of legal status, evidence of sufficient financial support, and documentation to prove ties to home country.

"Bridge" extensions for change of status to F, M, or J. A change of status can take months to process. Advise change of status applicants that they must not only be in status and eligible for F, M, or J classification at the time they apply, their nonimmigrant status must also not expire more than 30 days before the requested start date on the Form I-20 or DS-2019. If a change of status application will not be approved before the requested start date on the Form I-20 or DS-2019, the school or sponsor must defer the start date to avoid SEVIS record cancellation. If the deferred start date is more than 30 days after the expiration of the applicant's current nonimmigrant status, they must separately apply to extend their current status before it expires; this is known as a "bridge" extension. Recommend that they consult an experienced immigration lawyer with questions about procedures and maintenance of status (including the need to file a bridge extension) during the pendency of a change of status application.

Estimated time range	Form type	Receipt date for a case inquiry
12 Months to 15.5 Months	Change status to the F or M academic or vocational student categories	June 15, 2017
12 Months to 15.5 Months	Change of status to H or L dependents	June 15, 2017
12 Months to 15.5 Months	Change Status to the J exchange visitor category	June 15, 2017

Maintaining Student Status

- Register for a full-course of study
- Do not exceed 20 hours/week of on-campus employment.
- Make appropriate updates to the I-20 (change of level, change of major, SEVIS transfer)
- Report a change of name and/or address within ten days of event
- Do not engage in any unauthorized off-campus employment.

Address Reporting

INA § [266\(b\)](#):

- Any alien or any parent or legal guardian in the United States of any alien who fails to give written notice [of an address change] to the Attorney General, as required by section 265 of this title, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not to exceed \$200 or be imprisoned not more than thirty days, or both. Irrespective of whether an alien is convicted and punished as herein provided, any alien who fails to give written notice to the Attorney General, as required by [section 265](#), shall be taken into custody and removed in the manner provided by chapter 4 of this title, unless such alien establishes to the satisfaction of the Attorney General that such failure was reasonably excusable or was not willful.

School Transfer –

Directions from page 3 of the I-20:

A nonimmigrant student is permitted to transfer to a different school provided the proper transfer procedure is followed.

To transfer schools, student should

- Be maintaining status
- Obtain admission from the new school
- Notify the school s/he is attending of the intent to transfer and request a release of the SEVIS record
- Satisfy requirements for receiving an I-20 from “transfer in” school
- The designated school official at the new school will then report the transfer through SEVIS
- Must be accomplished within 15 days of the first day of classes at the new school

Change of Educational Level

An F-1 student may continue from one educational level to another, such as progressing from high school to a bachelor's program or a bachelor's program to a master's program, etc., simply by invoking the procedures for school transfers.

Essentially, this means they must request a new I-20 from their school and ensure that the change of level is properly executed within 15 days after beginning attendance at the new level

Full-time studies

- Undergraduate students are required to register for 12 credit hours per semester
- Graduate students are required to be in compliance with the school's full-time policy for graduate students. In many cases, that is 9 credits.
- Often, the graduate school policy allows for full-time status based on registration for dissertation or thesis credit. Student is considered full-time despite registration for fewer than 9 credits.

Exceptions to the full-course-of-study requirement (Reduced Course load)

- Initial difficulties with reading requirements or English language
 - Unfamiliarity with American teaching methods
 - Improper course level placement
 - A student previously authorized to drop below a full course of study due to academic difficulties is not eligible for a second authorization by the DSO due to academic difficulties while pursuing a course of study at that program level
- Final semester of study
 - May not consist of one online course. Student must need to be physically present in the class
- Medical condition
- Graduate assistantship – may be considered full-time with six credits and full-time assistantship

F-1 Grace Periods

Students in F-1 status have a grace period of:

- 60 days if they successfully complete their program,
- 15 days if they request and are granted an authorized early withdrawal; or
- 0 days if they withdraw from classes without authorization.

F-1 Employment Options

- On-campus Employment
- Off-Campus
 - Curricular Practical Training (CPT)
 - Optional Practical Training
 - Pre-completion Optional Practical Training (OPT)
 - Post-completion Optional Practical Training
 - STEM OPT
 - Economic Hardship
 - Employment Under Sponsorship Of Certain International Organizations

On-Campus Employment

- For initial entry, on-campus employment may begin no more than 30 days before program start date on I-20
 - Program start date should not be modified to allow for employment
- Limited to 20 hours total per week, regardless of number of positions
- Student can not continue to be employed with the school through “on-campus employment” after she/he graduates. Student would have to provide a different employment authorization to continue working after meeting degree requirements

On-Campus Employment

Includes:

- Work on the school premises, employed by the I-20 issuing institution
- Work on the school premises, employed by on-campus commercial firms. Ex: Bookstore, cafeteria. “The nature of the services being provided by an on-location commercial firm is important to consider, with the focus being whether the commercial firm provides direct student services.” (NAFSA Manual)
- Work done at off-campus locations, but treated as on-campus
 - "On-campus" may also include work "at an off-campus location which is educationally affiliated with the school...the educational affiliation must be associated with the school's established curriculum or related to contractually funded research projects at the post-graduate level...[and] be an integral part of the student's educational program."
8 CFR § 214.2(f)(9)(i)

Curricular practical training (CPT)

- An F-1 student may be authorized by the DSO to participate in a curricular practical training program that is an integral part of an established curriculum.
- Curricular practical training is defined to be alternative work/study, internship, cooperative education, or any other type of required internship or practicum that is offered by sponsoring employers through cooperative agreements with the school.
- Exceptions to the one academic year requirement are provided for students enrolled in graduate studies that require immediate participation in curricular practical training.
- **Students who have received one year or more of full time curricular practical training are ineligible for post-completion optional training.**

CPT cont'd

- Students may engage in CPT only for the specific employer, location and period approved and recorded by the DSO in SEVIS.
- Depends on the specific period granted by the DSO. May be granted by DSO in increments of no more than one year, or until expected date of employment completion, whichever is shorter. No cumulative maximum, except that it can only be approved before completion of the academic objective.
- Can be approved for part-time (20 hours or less) or full-time (over 20 hours).
- EAD not required

Optional Practical Training (OPT)

- What is it?
 - 12 months of full time work authorization, available as part time authorization as well, during each degree level (Bachelor's, Master's, etc.)
- Student must be:
 - Maintaining F-1 student status
 - A full-time student for one academic year before OPT begins (but not necessarily in F-1 status)
 - Not have used 12 months of full time CPT
 - In good academic standing
 - OPT must relate to the student's area of study
- Job offer NOT required to apply (but need to plan strategically between OPT deadlines and job hunt)

Optional Practical Training (OPT)

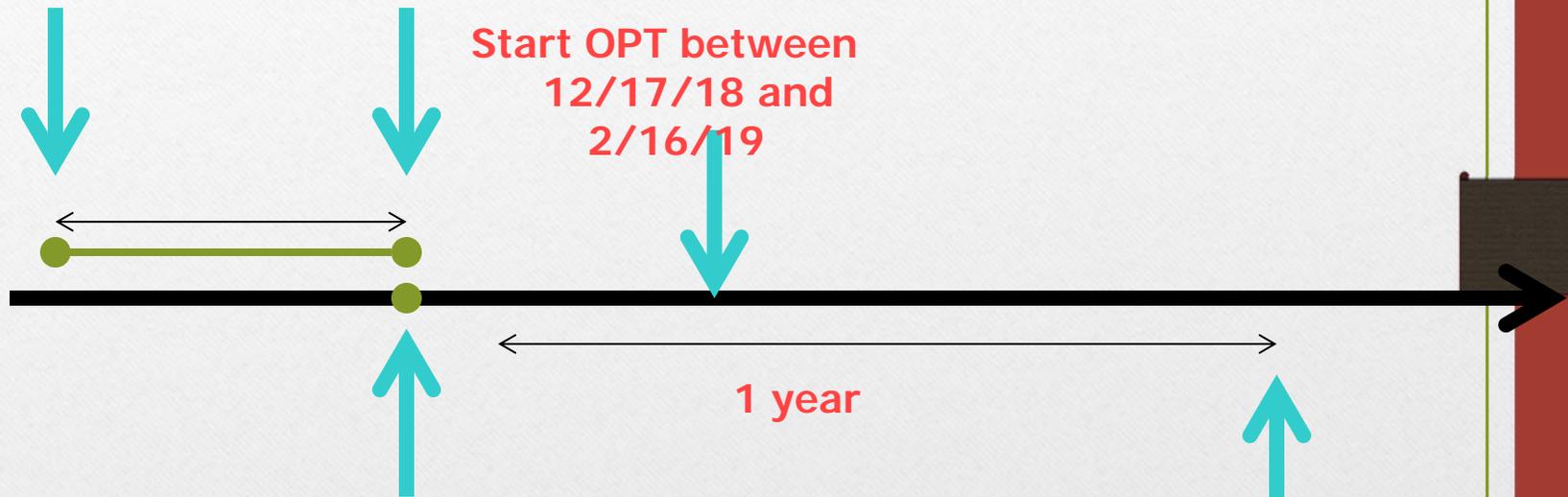
- Pre-completion
 - Pre-completion limited to 20 hrs/wk while student is completing coursework
 - May be full time during vacations or while doing thesis/dissertation
 - Part time pre-completion OPT counts $\frac{1}{2}$ of time (e.g. 14 weeks of OPT at 20 hrs during semester = 7 weeks of overall 12 months used)
- Post-completion
 - Start date must be after degree completion date (and no later than 60 days after)
 - Must be full time
 - Only 90 days of “unemployment” allowed (volunteering, self employment do not count as “unemployment”)
- STEM
 - For students in the Science, Technology, Engineering or Mathematics field
 - Employer must be enrolled in E-verify program

Application Deadlines are Critical

Apply on
10/17/2018

USCIS Must Receive Apps
by 02/15/2019

Start OPT between
12/17/18 and
2/16/19



Meets degree requirements
(last day of class, dissertation defense
Not the "graduation date"
12/16/18

Employment must end 12 months
from start date, or within 14
months of degree completion,
minus any time used prior to
degree completion

24-month STEM OPT extensions

- The STEM extension allows student currently in an authorized period of OPT to extend their stay for an additional 24 months as long as
 - The student has recently graduated from a STEM field
 - The student has a previous degree (within the past ten years) that is STEM eligible
 - The employer is enrolled in the E-verify program

STEM OPT

- Students are eligible for two periods of STEM OPT per F1 program.
- Ex: bachelor's =>OPT=>STEM
 - Change of level to Master's =>OPT=>STEM
 - Would be eligible for “regular” OPT after doctoral
 - Would not be eligible for STEM extension after doctoral degree
- Special reporting requirements during STEM OPT extensions

STEM OPT

- Must apply while on an authorized period of post completion OPT
- A student who has applied for a STEM extension can continue working for up to 180 days beyond the expiration of the prior post-completion OPT while the STEM extension application is pending, which time will be counted as part of the 24-month STEM OPT authorization.

OPT and “Cap Gap” Employment

- (A) The duration of status, and any employment authorization granted under 8 CFR 274a12(c)(3)(i)(B) and (C), of an F-1 student who is the beneficiary of an H-1B petition and request for change of status shall be automatically extended until October 1 of the fiscal year for which such H-1B visa is being requested where such petition:
 - (1) has been timely filed; and
 - (2) states that the employment start date for the F-1 student is October 1 of the following fiscal year.
- (B) The automatic extension of an F-1 student's duration of status and employment authorization under paragraph (A) shall immediately terminate upon the rejection, denial, or revocation of the H-1B petition filed on such F-1 student's behalf.
- (C) In order to obtain the automatic extension of stay and employment authorization under paragraph (A), the F-1 student according to 8 CFR part 248, must not have violated the terms or conditions of his or her nonimmigrant status.
- (D) An automatic extension of an F-1 student's duration of status under paragraph (A) also applies to the duration of status of any F-2 dependent aliens.
- ONLY authorizes employment in the gap, NOT TRAVEL

Travel and OPT

- Travel while the student is on OPT continues to require a valid F-1 visa
- Students granted OPT are allowed to travel with an updated I-20 and their EAD
- Travel during time OPT or STEM extension is pending should be allowed, but has higher risk of problems
- If a visa is necessary, consider 214(b) risk

Consequences of Failing to Maintain Status

Effective August 9, 2018, USCIS made fundamental changes to its policy on how an immigration status violation might lead to a finding that an F, M, or J nonimmigrant should be subject to the 3- or 10-year reentry bar provisions of [INA 212\(a\)\(9\)\(B\)](#).

Under the new policy, USCIS will start counting days of unlawful presence the day after an F, M, or J status violation occurs, unless the student applies for reinstatement or the student or exchange visitor is covered by some other exception to the unlawful presence counting rules. Prior policy did not count unlawful presence until a USCIS official or immigration judge made a formal finding of a status violation.

Reinstatement

Reasons why a student may fall out of F-1 status include, but are not limited, to the following:

- Failure to extend Form I-20 before the expiration deadline;
- Failure to complete the F-1 SEVIS transfer procedure in a timely manner; and
- Failure to take a full course of study without authorization from DSO
- A student who has worked without authorization is also out of status, but is not eligible for reinstatement.

Reinstatement

- A student who has failed to maintain F-1 status and wishes to continue studying at (or transfer to) a university must regain valid status through one of two ways
 - Submitting an application to the USCIS to request a reinstatement
 - Travel and re-entry

Students and exchange visitors should make their decision whether to travel or apply for reinstatement after consulting with an experienced immigration lawyer. Both choices carry risks that the student or exchange visitor must evaluate. Issues to discuss with their lawyer include, for example:

- Under a change to USCIS policy regarding unlawful presence effective August 9, 2018, a student or exchange visitor's departure may trigger a three or ten-year bar on reentering the United States under INA 212(a)(9)(B), depending on how long ago the underlying status violation occurred
- A denial of a reinstatement application could result USCIS issuing a Notice to Appear and the commencement of removal proceedings against the student or exchange visitor

Conditions For Approval Of Reinstatement

Under 8 CFR 214.2(f)(16), an F-1 student is only eligible for reinstatement if all of the following conditions apply:

- Student has not been out of status for more than 5 months at the time of filing the request for reinstatement (or the failure to file within the 5 month period was the result of exceptional circumstances and the student filed the request for reinstatement as promptly as possible under these exceptional circumstances);
- Student does not have a record of repeated or willful violations of USCIS regulations;
- Student is currently pursuing or intends to pursue a full course of study in the immediate future at the school that issued the Form I-20;

Conditions for Approval of Reinstatement Cont'd

- Student has not engaged in unauthorized employment;
- Student is not deportable on any ground other than INA §237(a)(1)(B) or (C)(i);
- Student establishes to the satisfaction of the USCIS showing, either that:
 - The violation of status resulted from circumstances beyond the student's control. Such circumstances might include serious injury or illness, closure of the institution, a natural disaster, or inadvertence, oversight, or neglect on the part of the DSO, but do not include instances where a pattern of violations or where a willful failure on the part of the student resulted in the need for reinstatement

or
- The violation relates to a reduction in the student's course load that would have been within a DSO's power to authorize, and
- Failure to approve reinstatement would result in extreme hardship to the student

Reinstatement Pointers

Documentation is key

- Statements give context but need to be supported by evidence – should be detailed to be credible
- Support from the school, esp. academic advisor, is critical
- Overall context is important
 - What shows that this is a one-time occurrence
 - Does the student have a history of compliance otherwise
 - Does the student have any evidence of his/her intent to return home? Do parents own a business they plan to work in after they get their degree? First son who needs to take care of parents?
- Remember to re-document financial eligibility
-

Consequences of a Denial of a Reinstatement

- If USCIS denies the reinstatement application, both school and the student will receive e-mail notification of the denial, the SEVIS record will revert to the terminated or completed status, and the reinstatement request will no longer be available. The student must leave the United States.
- Unlawful presence is accrued from August 9th
- A denial of an application for reinstatement cannot be appealed, although a motion to reopen or reconsider may be filed.

Denial of a timely-filed reinstatement application.

If USCIS denies a **timely** application for reinstatement that was filed within 5 months of the status violation, the count of unlawful presence will resume the day after the application is denied.

If unlawful status had accumulated before the timely reinstatement application was filed, the unlawful presence accumulated after the reinstatement denial will be added to the unlawful presence accumulated before the reinstatement application was filed, and the counting will continue until the individual either departs the United States or becomes eligible for some other exception or exemption to the unlawful presence count.

Denial of an "untimely" reinstatement application.

If USCIS denies an application for reinstatement that was **filed more than 5 months** after the status violation, unlawful presence is not tolled while the reinstatement application is pending, and unlawful presence will be calculated from the day after the status violation, not the day after the reinstatement denial.

Travel to Regain Status

- If a student decides to depart the country and re-enter with a new I-20, rather than applying for reinstatement, a new SEVIS record is created (pay the SEVIS fee again)
- Reestablishing F-1 status through reentry to the U.S. with a new I-20 after a status violation is viewed as a new entry in F-1 status. As such, a student would be bound by restrictions placed on new students, such as the "full academic year" waiting period for eligibility for practical training or economic necessity employment authorization

Dependents

- Dependents of F1 hold F2 status
 - May enroll in less than a full course of study
 - Cannot study full-time at the post-secondary/vocational study level unless avocational or recreational
 - May engage in full-time study, including any full course of study, in any elementary or secondary school (kindergarten through twelfth grade)
 - If seeking a degree and they want to be full-time, they must obtain a change of status
 - Are permitted to study part-time, even if it leads to a degree
 - Are not permitted to work

J-1 VISA AGENDA

- J-1 Exchange Visitors – Student Categories
- Basic Eligibility Requirements For J-1 Exchange Visitors
- The Initial DS-2019
- Acquiring J-1 Status: Visas, Admission, and Change of Status
- Program Validation and Maintaining J Status
- Resolving Status Problems
- Extensions, Transfers, Category Changes, Travel
- College and University Students
- Student Interns
- Dependents in J-2 status
- Home Residence Requirement

Categories Of Exchange Visitor Participation

Au pair and EduCare

Camp Counselor

Government Visitor

Intern

International Visitor
(Dept. of State use)

Physician

Professor and Research Scholar

Short-term Scholar

Specialist

Student, college/university

Student, secondary

Summer Work Travel

Teacher

Trainee

Change of Category

In general, a change of category represents a change of objective. DOS must authorize a change of category before an RO can issue a DS-2019 for the new category. The regulatory standard is that "any change of category must be clearly consistent with and closely related to the participant's original exchange objective and necessary due to unusual or exceptional circumstances."

Matriculation v. category change. Be sure not to confuse Category Change with Matriculation for college and university students. The SEVIS RTI drop-down list for Category Change gives each of the educational levels, so that a change to a student category from a non-student category specifies the level with the request. However, an advancement of level is a Matriculation [4.H.6 Matriculation: Changing level of education](#)], not a Category Change. The Matriculation function does not allow "reverse matriculation" (e.g. moving from a Master's degree to a Bachelor's degree), nor does it allow movement between Student Non-degree, Student Degree, and Student Intern.

Categories and Eligibility

Requirements For J-1 Exchange Visitors

Short-term Scholar

Be a professor or research scholar or someone with similar education and or experience.

The maximum duration of stay is six months;
No program extension will be considered; and
No change of category will be considered.

Specialist

Specialists must be experts in a field of specialized knowledge or skill;
Seek to travel to the United States for the purpose of the interchange of knowledge and skills among foreign and American specialists by observing, consulting or demonstrating their special knowledge or skills; and
Not fill a permanent or long-term position of employment while in the United States.

The maximum duration of this program is one year.

Categories and Eligibility Requirements For J-1 Exchange Visitors

Professor and Research Scholars must:

- Not be a candidate for a tenure track position;
- Not have participated in and completed a professor or research scholar program within the last 24 months preceding the beginning date of their new program's commencement;
- Not have participated in a J-Visa program for all or part of the 12-month period immediately preceding the start date of a professor or research scholar program unless they meet one of the following exceptions:
 - The participant is currently in a professor or research scholar program and is transferring to another institution in the United States to continue their current J-1 program;
 - The participant's prior physical presence in the U.S. on a J-visa program was less than six months in duration; and
 - The prior participation was as a [short-term scholar](#).
 - Maximum period time for in this category is five years

J-1 College And University Students

- Biggest difference between the F and the J student visas is the funding issue. A student must be substantially funded from an outside source
- J has the “prescribed course of study” concept
- You cannot do a change of level from a “non-degree” to a degree program in J status
- No “120 day rule” in terms of applying for the J visa, though still cannot enter more than 30 days before program start date
- If seeking to change status to J1, must be clear that the intent is essentially to obtain J2 status and subsequent work authorization for dependent

J-1 Two Year Home Residence Requirement

- No person admitted under section 101(a)(15)(J) or acquiring such status after admission (i) whose participation in the program for which he came to the United States was financed in whole or in part, directly or indirectly, by an agency of the Government of the United States or by the government of the country of his nationality or his last residence, (ii) who at the time of admission or acquisition of status under section 101(a)(15)(J) was a national or resident of a country which the Director of the United States Information Agency pursuant to regulations prescribed by him, had designated as clearly requiring the services of persons engaged in the field of specialized knowledge or skill in which the alien was engaged, or (iii) who came to the United States or acquired such status in order to receive graduate medical education or training, shall be eligible to apply for an immigrant visa, or for permanent residence, or for a nonimmigrant visa under section 101(a)(15)(H) or section 101(a)(15)(L) until it is established that such person has resided and been physically present in the country of his nationality or his last residence for an aggregate of at least two years following departure from the United States...

J-1 Two Year Home Residence Requirement

- An Exchange Visitor can be subject based on
- Funding (home government, U.S. Government)
- Skills List
 - Skills they already had before they came
 - Skills they obtained while in the U.S.
- Graduate Medical Training

Fulfilling the Home Residence requirement

- To satisfy the 212(e) home residence requirement, a subject individual must establish that he or she "has resided and been physically present in the country of his nationality or his last legal permanent residence for an aggregate of at least two years following departure from the United States."

After returning to home country, if applicant travels back to US, this time will not count towards fulfilling the 2 year home residence requirement.

Waiver Of The Two Year Home Residency Requirement

- Statement from the exchange visitor's home country that it has no objection to the waiver
- Request for waiver made by an interested U.S. government agency
- Interest of a state agency (only for alien physicians)
- Exceptional hardship to the U.S. citizen or permanent resident spouse or child of the exchange visitor
- Fear of persecution on account of race, religion, or political opinion (see [4.P.2.5.2.2 Fear of persecution](#))

Dependents

- Dependent of J1 hold J2 status
 - Can study full or part time
 - Can work, with USCIS authorization
 - If J1 is subject to two year home residence requirement, J2 is also subject

Resolving Status Problems

1. Correct the record
 1. **30-Day Correction procedures**
 2. **Reinstatement - Update SEVIS Status for Exchange Visitor correction**
 1. The Reinstatement - Update SEVIS Status for Exchange Visitor correction is available when it is more than 30 days and less than 271 days since the SEVIS status of the exchange visitor changed to Active, Invalid, or No Show. It is used in a similar set of circumstances that the 30-day correction is, except that, because more than 30 days have passed since the occurrence of the SEVIS status change that needs to be corrected, DOS no longer permits RO/AROs to make the correction on their own
 3. **Correcting minor or technical infractions**

Reinstatement for substantive violations

Substantive Violations

- Out of valid program status for more than 120 days after the end date on the current Form DS-2019.
- Student failure to maintain a full course of study without prior consultation with RO/ARO and academic adviser.

Substantive violations for which reinstatement is not available

DOS will not consider requests for reinstatement (nor should an RO/ARO, according to the regulation) when an exchange visitor has:

- Knowingly or willfully failed to obtain or maintain the required health insurance (22 C.F.R. § [62.14](#)) at all times while in the United States;
- Engaged in unauthorized employment, as that term is defined in 22 C.F.R. § [62.45\(a\) 4.F.2.1.2 Definition of "unauthorized" employment for purposes of reinstatement or correction of the record](#)]
- Been suspended or terminated from the most recent exchange visitor program;
- Failed to maintain valid program status for more than 270 calendar days;
- Received a favorable recommendation from DOS on an application for waiver of section 212(e) of the Immigration and Nationality Act; or,
- Failed to pay the SEVIS I-901 fee.

J-1 Student Interns

- Participation in the Student Intern subcategory is available only to foreign students currently enrolled and pursuing a degree at a postsecondary academic institution outside the United States, whose U.S. internship will "fulfill the educational objectives for his or her current degree program at his or her home institution."
- Student interns may participate in a student internship program for up to 12 months for each foreign degree/major