
J-1 Exchange Visitor Visas

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The J-1 Visa can be used by a wide variety of individuals to come to the US to participate in cultural and educational programs. Foreign nationals who may use the J-1 include students, scholars, interns, trainees, teachers, professors, foreign medical graduates, international visitors, camp counselors and summer sports directors, au pairs, and summer work/travel students. The Department of State (DOS) administers the J-1 Exchange Visitor Program, and approves companies and organizations as J-1 Program Sponsors. Only those designated programs may sponsor J-1 Visas. While many companies may not have a J-1 program in place, the DOS authorizes other select programs to process the paperwork on behalf of a willing US employer.

A foreign national in J-1 status may be authorized for as little as a few months and as long as 7 years, depending on the purpose of his/her trip to the US. However, a foreign national receiving specialized training in the US is generally allowed no more than 18 months. A foreign national in J-1 status may remain in the US for an additional 30 days after the end of his/her program to visit or tour the US. Foreign nationals should be very careful if applying for a US green card if in J status.

Home Residence Requirement

Certain J-1 Visa holders may be subject to a two-year home residence requirement. This requires the foreign national to return to his/her country of residence for two years before being eligible to return to the US in another Visa category. Foreign nationals are usually prohibited from changing their immigration status to H-1B or L-1 Visas, or adjusting status to a green card (even if married to a US citizen) until the condition is met, or until a waiver of the two year home residence requirement is issued.

Typically, individuals are subject to the two-year home residence requirement if:

1. The J-1 is a participant in a program financed in whole or in part, directly or indirectly, by an agency of the government of the US or by the government of the J-1's home country.
2. The J-1 is engaged in a field which is on the Department of State skills list.
3. The J-1 came to the US or acquired J-1 Status after January 10, 1977 to receive graduate medical education or training sponsored by the Education Commission for Foreign Medical Graduates (ECFMG).

Family Members

The J-2 Visa is available to immediate family members (spouses and children under the age of 21) who are accompanying the J-1 to the US. The J-2 Visa is generally granted for the same period as the J-1 Visa, and must be extended accordingly. A J-2 Visa holder may apply for employment authorization in the US, and can work for any employer of his/her choosing, in any field, as long as the funds are not used to support the J-1. Each J-2 Visa holder must be issued his/her own SEVIS 2019 by exchange visitor program.