HSC OP: 70.28, Exchange Visitor Program (J-1 and J-2 Visa Sponsorship)

PURPOSE: The purpose of this Health Sciences Center Operating Policy and Procedure (HSC OP) is to establish an Exchange Visitor Sponsor Program which promotes bona fide educational, research, medical and cultural exchange through global interchange and collaboration of persons, knowledge and skills. The program will provide sponsorship in the following categories: Professor; Research Scholar; Short-Term Scholar and Specialist. This HSC OP establishes the requirements for exchange visitor sponsorship by TTUHSC.

REVIEW: This HSC OP will be reviewed on January 5 of each odd-numbered year by the Managing Director of International Employment Services and the Assistant Vice President for Human Resources, with recommendations for revisions forwarded to the Executive Vice President for Finance and Administration by January 15.

POLICY/PROCEDURE:

1. Definitions
   a. Exchange Visitor Program. A program established under Department of State regulations (at 22 CFR Part 62) designed to promote the global interchange of persons, knowledge, skills, and developments in the field of education, arts and sciences.
   b. Exchange Visitor. A foreign national participating in an Exchange Visitor program in the USA. An exchange visitor will obtain a J-1 visa or J-1 visa status.
   c. Dependents. The foreign national spouse and/or minor, unmarried children of an exchange visitor. An exchange visitor’s dependents will obtain J-2 visas or J-2 visa status.
   e. Exchange Visitor Sponsor. A US entity, recognized international agency or organization having U.S. membership and offices which given permission, by the US Department of State, to serve as an Exchange Visitor sponsor.
   f. Responsible Officer / Alternate Responsible Officer. The official or designated alternate official of an Exchange Visitor Sponsor who is responsible for administering the sponsoring organization’s Exchange Visitor program.
   g. SEVIS - Student and Exchange Visitor Information System. A federal database used to electronically monitor all persons in F-1, J-1 and M-1 visa status and their dependents.
   h. International Employment Services (IES). The TTUHSC Human Resources office responsible for administering the institution’s Exchange Visitor sponsorship program.

2. Exchange Visitor Categories Sponsored by TTUHSC.
   a. Exchange Visitor Sponsorship Categories at TTUHSC: The program will provide sponsorship in the following categories: Professor; Research Scholar; Short-Term Scholar and Specialist. All requests for J-1 exchange visitor sponsorship will be processed by Human Resources’ Office of International Employment Services (IES).
b. **Changes in Exchange Visitor Categories Sponsored.** The Exchange Visitor categories sponsored by TTUHSC are subject to change based on the needs of the institution. Specific information about each category is available on the IES website at [http://www.ttuhsc.edu/hr/IES.aspx](http://www.ttuhsc.edu/hr/IES.aspx).

3. **Institutional Requirements & Procedures.** The following procedures will govern the TTUHSC Exchange Visitor Program:

a. **International Employment Service Guidance.** International Employment Services is responsible for preparing guidance on TTUHSC’s J-1 program including documents and forms to request sponsorship; extend, transfer or amend a J-1 program; and general information for exchange visitors and hosting departments. Guidance will be found on the IES website at [http://www.ttuhsc.edu/hr/IES.aspx](http://www.ttuhsc.edu/hr/IES.aspx).

b. **Requirement to be Familiar with Exchange Visitor Program Requirements.** Departments seeking to host a J-1 exchange visitor, and exchange visitors sponsored by TTUHSC are expected to be familiar with the basic requirements of the J-1 program. IES will maintain updated information on all J-1 program requirements on its website and/or in the J-1 Questionnaire. Specific requirements for all J-1 exchange visitor include: English language proficiency, specific insurance coverage for health; repatriation of remains; medical evacuation; and accidental death and dismemberment. Current information on J-1 program requirements can be found on the IES website at [http://www.ttuhsc.edu/hr/IES.aspx](http://www.ttuhsc.edu/hr/IES.aspx).

c. **Budget Allocation.** All non-tenure track 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.

d. **Wage Deductions and Withholdings.** J-1 employees are subject to wage withholding for retirement, FICA and income tax in the same manner as all other employees. J-1 employees may qualify for certain exemptions from FICA and income tax withholding. The tax analysis for federal withholding exemptions will be made by the International Tax Office.

e. **Permissible J-1 Services.** J-1 program participants must be engaged solely in teaching, research, consultation or observation.

   1. **Incidental Patient Contact by J-1 Foreign National Physicians.** J-1 exchange visitors who are physicians may incidental patient contact under the following conditions:

      a. The J-1 exchange visitor must be a physician;

      b. The J-1 program must be predominantly for observation, consultation, teaching or research;

      c. The J-1 foreign national physician must be under the direct supervision of a physician who is a US citizen or permanent resident and licensed to practice medicine in the State of Texas;

      d. The J-1 foreign national physician must not be given final responsibility for the diagnosis or treatment of patients;

      e. The J-1 activities must confirm with State of Texas licensing requirements and regulations for physicians.

f. **Impermissible J-1 Services.** The J-1 program is not available or intended for a substitute for other employment visas that may be best suited for the specific services to be performed. After reviewing a request for J-1 sponsorship, IES may determine that the job duties and working conditions are disallowed under the Exchange Visitor program and provide guidance on the appropriate visa category to use.
1. **J-1 Employee Cannot Be Tenure-Track or Tenured Faculty.** The J-1 visa cannot be use for employees who will hold tenure-track or tenured faculty appointments or for persons who the department intends to sponsor for permanent residence within 24 months.

2. **J-1 Exchange Visitor Cannot Provide Direct Patient Care or Contact.** TTUHSC-sponsored J-1 exchange visitors cannot be involved in direct patient care or contact. To ensure compliance, no foreign national physician will be granted a J-1 visa for a clinical department unless the supervising faculty member is primarily engaged in laboratory research.

   g. **Institutional Reporting in SEVIS System.** As sponsor, TTUHSC must utilize SEVIS to comply with the information and reporting requirements of the Exchange Visitor Program. This includes reporting any action required, by the US Department of State, to be reported to the federal agency. Reportable Actions include program extensions; withdrawals; reinstatements; transfers; change of category; change of visa status; replacement of lost Form DS-2019; amendments; corrections; and change of address.

   h. **Duty to Report Changes to IES.** J-1 exchange visitors and hosting departments are responsible for notifying IES of any Reportable Action of a J-1 program participant, as noted above at (f). Human Resources is required to terminate Willful failure to maintain insurance coverage is a basis for termination from TTUHSC’s exchange visitor program.

   i. **Termination from J-1 Program.** Willful failure, on the part of the J-1 exchange visitor, to abide by the requirements of the J-1 program is a basis for termination of TTUHSC’s sponsorship.

   j. **Hosting Department Noncompliance.** Willful failure, on the part of the hosting Department, to abide by the requirements of the J-1 program is a basis for disallowing the department host from further participation in TTUHSC’s J-1 program. Hosting department noncompliance with J-1 program requirements will be reported at an institutional level only, unless the noncompliance activities also require reporting to the US Department of State.

   k. The Assistant Vice President for Human Resources assumes the duties of the Responsible Officer for administering the TTUHSC Exchange Visitor Program, but may assign the Responsible Officer role to the Managing Director of International Employment Services. The Responsible Officer will designate all Alternate Responsible Officers.

4. **Right to Change Policy.** TTUHSC 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.