



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

Operating Policy and Procedure

HSC OP: 52.14, **Exchange Visitor Program (J-1 and J-2 Visa Sponsorship)**

PURPOSE: TTUHSC is a sponsor in the US Dept. of State's Exchange Visitor Program (EVP). EVP promotes bona fide educational, research, medical and cultural exchange through global interchange and collaboration of persons, knowledge and skills. This HSC OP establishes the requirements for participation in TTUHSC's exchange visitor program.

REVIEW: This HSC OP will be reviewed on March 1 of each even-numbered year (ENY) by the Managing Director, Immigration Compliance and Services with recommendations for revisions forwarded to the Vice President of Institutional Compliance.

POLICY/PROCEDURE:

1. Definitions

- a. **Exchange Visitor Program.** A program established under Department of State regulations (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. Exchange visitors are admitted in J-1 nonimmigrant status pursuant to a Form DS-2019 issued by a designated program sponsor.
- c. **Dependents.** The exchange visitor's 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. Dependents are admitted in J-2 nonimmigrant status.
- d. **J-1 Visa or J-2 Visa.** A nonimmigrant visa issued by the U.S. Department of State given to individuals participating in an Exchange Visitor program. Non-immigrant visa category. The exchange visitor's participant receives a J-1 visa and the exchange visitor's dependent family members receive J-2 visas.
- e. **Exchange Visitor Sponsor.** A U.S. entity, recognized international agency or organization having U.S. membership and offices designated by the US Department of State, to administer an Exchange Visitor program.
- 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 and maintaining compliance with SEVIS reporting requirements under 22 C.F.R. § 62.10.
- g. **Immigration Compliance and Services (ICS).** The TTUHSC Immigration Compliance and Services (ICS), within the TTUHSC Office of Institutional Compliance, is 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, Student Intern and Specialist. All requests for J-1 exchange visitor sponsorship will be processed by Immigration Compliance and Services (ICS).

- 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 [ICS website](#).
3. **Institutional Requirements & Procedures.** The following procedures will govern the TTUHSC Exchange Visitor Program:
- a. **Immigration Compliance & Services Guidance.** Immigration Compliance and 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, including SEVIS reporting requirements and regulatory obligations under 22 C.F.R. Part 62; and general information for exchange visitors and hosting departments. Guidance will be found on the [ICS website](#).
- b. **Export Control Check.** All TTUHSC sponsored Departments will be directed to submit a request for an Export Control Check through TTUHSC's Export Control office for new J-1 exchange visitors.
- 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 exchange visitors 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 in activities consistent with the approved program category, including teaching, research, observation, or consultation, as reflected on Form DS-2019.
- 1) **Incidental Patient Contact by J-1 Exchange Visitor Physicians.** J-1 exchange visitors who are physicians may have 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 exchange visitor 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 exchange visitor physician must not be given final responsibility for the diagnosis or treatment of patients;
- e) The J-1 activities must conform with State of Texas licensing requirements and regulations for physicians.
- f. **Impermissible J-1 Services.** The exchange visitor 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, ICS 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 Shall Not Be Tenure-Track or Tenured Faculty.** The J-1 visa shall not be used 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 Shall Not Provide Direct Patient Care or Contact.** A TTUHSC-sponsored J-1 exchange visitor shall not be involved in direct patient care or contact. To ensure compliance, no exchange visitor physician will be granted a J-1 visa for a clinical department unless the supervising faculty member is primarily engaged in laboratory research.

- g. **Duty to Report Changes to ICS.** J-1 and J-2 exchange visitors and hosting departments are responsible for notifying ICS of any of the following:
- i. changes in job duties;
 - ii. program or employment violations;
 - iii. extensions of J-1 engagement;
 - iv. J-1 resignation or termination of program before the program end date;
 - v. J-1 change of visa status;
 - vi. change in funding source
 - vii. loss, destruction or alteration of Form DS-2019,
 - viii. change of address,
 - ix. lapse in insurance coverage;
 - x. the death or serious injury, sexual abuse, arrest of an exchange visitor; or
 - xi. the involvement of an exchange visitor as a victim or perpetrator of a serious crime.

Notifications must be provided to ICS within 10 calendar days, or sooner where required by federal regulation.

- h. **Termination from J-1 Program.** Willful failure, on the part of the J-1 or J-2 exchange visitor, to abide by the requirements of the exchange visitor program is a basis for termination of TTUHSC's sponsorship and may result in termination of program participation in SEVIS and loss of lawful J-1 status.
- i. **Hosting Department Noncompliance.** Willful failure, on the part of the hosting Department, to abide by the requirements of the exchange visitor program is a basis for disallowing the department host from further participation in TTUHSC's exchange visitor 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.
- j. **TTUHSC Responsible Officer.** The Managing Director, Immigration Compliance and Services is assigned the role of Responsible Officer. 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.