



## J-1 VISA GUIDELINES

The French-American Chamber of Commerce (FACC) has been granted authority by the U.S. Department of State (DOS) to sponsor practical training and internship programs for foreign Exchange Visitors on assignments at FACC member companies in the United States. We require all prospective host companies and candidates to read the following program guidelines.

**Participation in the FACC J-1 visa program assumes acceptance of, and adherence to, these guidelines by both the host company and the Exchange Visitor. In addition, host companies and Exchange Visitor participants must adhere to all federal, state and local occupational health and safety laws.**

### I - Program Eligibility Requirements

1. An intern candidate must be a full-time student in a foreign post-secondary ministerially recognized institution or a graduate of such an institution in not more than 12 months preceding the internship start date. A trainee candidate must have a post-secondary foreign diploma or certificate and one year of related work experience in the same field as the proposed training or have five years of related work experience outside the U.S. if he or she has no post-secondary degree.
2. The content of the J-1 program must correspond to the candidate's academic course of study, as well as his or her previous work experience, if any. The following academic institutions do not qualify: (1) classes préparatoires; (2) dual education programs/"apprentissages" where less than 50% of the program is in the classroom; and (3) vocational training programs are not accepted unless candidates are able to document the vocational training program is business focused. The candidate's work experience and education must have taken place outside of the United States in order to qualify for J-1 trainee or intern status.
3. The candidate must be proficient enough in English to function in an English-speaking professional environment. The candidate must have a foreign passport valid for the entire length of the training, plus an additional six months. English language ability will be screened with an official TOEIC or TOEFL score and/or an interview with the FACC.
4. The host company must be a well-established private firm with at least three full-time permanent employees, two of whom must be American citizens or permanent residents to ensure a true cultural exchange experience.
5. The host company must provide the candidate with pre-arrival information on travel and the training location, housing, cost of living and an orientation upon arrival. During the program, the company must assist the trainee or intern in being exposed to cross-cultural activities.
6. The host company must provide the Exchange Visitor with an allowance or stipend to cover living expenses. The amount paid to the participant should be comparable to the amount paid to other individuals having similar education and experience. In all cases, the company must pay at least the minimum wage of the state where the program takes place. Additional benefits such as housing, meals, etc. may be used to supplement said stipend, but may not be used in lieu of payment of the

stipend. All VIE program participants will automatically receive a qualifying stipend from the French parent company, in euros, each month.

7. The host company providing the training or internship program must be a member of one of the FACC chapters. If it is not currently a member of the FACC, the company may become eligible by joining a local chapter and paying membership dues for the entire training period.
8. The maximum duration of a J-1 intern program is 12 months; the maximum duration for a J-1 trainee program is 18 months. All host companies must agree not to hire the participant at any point during or immediately following the J-1 visa program for a period of at least one year. As long as a candidate maintains active full-time student status outside the United States, he may be eligible for repeat intern visas with a minimum of 90 days between internships. U.S. federal regulations call for a minimum two-year interval between an intern and trainee visa, or between two trainee visas.
9. The FACC is required by law to collect program evaluations from all participating companies. For training and internship programs of six months or less, a final evaluation is required. For programs of more than 6 months, a midpoint and a final evaluation is required. Evaluations must be signed by the trainee or intern and the supervisor, and submitted to the FACC prior to the completion of each program. In addition to these written evaluations, all host companies must contact the FACC immediately with any concerns or problems about their intern or trainee.

## **II - Candidate Documentation**

### **1. Certificate of Eligibility (Form DS-2019)**

This official document from the U.S. State Department is issued by the French-American Chamber of Commerce in New York. The FACC issues the Certificate once eligibility has been determined, based on the application it receives from the sponsoring company and the candidate. The Certificate allows the candidate to apply for a J-1 visa at a U.S. embassy or consulate in his or her home country. The DS-2019 Certificate of Eligibility determines the exact duration and category of the program.

### **2. J-1 Visa**

With the Form DS-2019, the candidate may be eligible for J-1 visa status (J-2 visa for spouse and dependents). The visa is an entry document only, and does not always determine duration of stay. A candidate must apply to a U.S. embassy with a valid passport, 1 passport photograph, a DS-2019 Certificate of Eligibility and other forms as determined by the American embassy. Please note that the visa will only be valid when accompanied by a Form DS-2019, U.S. Customs & Border Protection Admission Stamp, and all other necessary forms and fees. The candidate should check the website of the U.S. embassy in his or her home country for further information. All candidates must fill out the Form DS-160.

### **3. Record of Admission (I-94)**

Upon entry to the United States, Department of Homeland Security (DHS) Customs & Border Protection (CBP) officials will provide J-1 Exchange Visitors with a CBP admission stamp in their passport which validates their arrival. This annotated stamp will indicate the J-1's Date of Entry, Class of Admission, and Duration of Status (D/S). The paper form I-94 will no longer be provided except in limited circumstances.

J-1 Exchange Visitors will be able to access a hard copy of their Record of Admission (I-94) at [www.CBP.gov/194](http://www.CBP.gov/194). The candidate will need to provide:

1. Biographical information as indicated on the Identity page of passport
2. Date of Entry as indicated on the admission stamp
3. Class of Admission (J-1/J-2)

The candidate will be able to print or save this page for their records, which should then be provided to the French-American Chamber of Commerce. This information will be accessible to the candidate as long as they are in the United States. Once the candidate leaves U.S. territory, this information will no longer be accessible.

We urge all participants and host companies to pay careful attention to the validity of these three documents because they are not always granted for the same time period. In case of discrepancy, the admission stamp always determines duration of stay for the Exchange Visitor.

### III - Specific J-1 Regulations

- a) **DURATION OF STAY:** The length of the training or internship program is defined by the dates on the DS-2019 in box 3 and/or the dates on the admission stamp. The participant may stay until the end of this period, plus an additional 30 days upon completion of the program. The additional 30 days are for travel, tourism, and preparation to leave the U.S. Extensions may be granted upon written request of the host company to the FACC, not to exceed cumulative time of 18 months for trainees and 12 months for interns.
- b) **RE-ENTRY INTO THE UNITED STATES:** Participants should have the Form DS-2019 signed by the FACC Responsible Officer or Alternate Responsible Officer before the first time they leave the United States to indicate good standing. Upon re-entry, the Exchange Visitor must show a valid J-1 visa and the DS-2019 to immigration officials. The Exchange Visitor must not, under any circumstances, re-enter the U.S. without having the DS-2019 signed, or he risks being denied entry, or being admitted as a visitor, and therefore falling out of status. The travel validation signature is valid for 12 months.

Participants must notify the FACC at least 3 weeks prior to their travel plans to ensure that they receive their signed Form DS-2019 before they leave the United States.

**Participants should send their original Forms DS-2019 along with their travel validation cover sheets by FedEx to the FACC in New York. Participants must include a prepaid FedEx return envelope from the FACC to their U.S. mailing address.**

- c) **HEALTH AND ACCIDENT COVERAGE:** All Exchange Visitors and dependents must have valid health insurance for the entire duration of their stay in the United States. All VIE program participants will automatically have qualifying coverage through Business France. If the participant needs insurance, the FACC works with several U.S. carriers who have plans specifically designed to cover the needs of trainees or interns during their stay in the U.S. Regardless of the insurance plan, it is incumbent upon the Exchange Visitor to verify that the selected coverage meets the State Department minimum requirements:
  - Accident insurance coverage up to \$100,000 per sickness or accident
  - Coverage for medical evacuation to Exchange Visitor's home country in the amount of \$25,000
  - Repatriation expenses up to \$25,000 for remains

- Deductible permitted if not in excess of \$500 per accident or illness
  - Co-insurance permitted if Exchange Visitor is asked to pay **no more than 25%** of the covered benefits per accident or illness
  - The company providing the insurance must meet minimum rating requirements established by Department of State (an A.M. Best rating of "A-" or better, an Insurance Solvency International, Ltd. (ISI) rating of "A-1" or better, a Standard & Poor's Claims-Paying Ability rating of "A-" or better, or a Weiss Research, Inc. rating of "B+" or better).
- d) CHANGES IN PROGRAM LOCATION & ACTIVITIES: Should the company want to transfer the participant to another location, a request must be submitted to the FACC prior to the date of transfer. The FACC will determine whether the request complies with program regulations. Beyond location, any material training program changes not previously discussed with the FACC Responsible Officer must be immediately reported. In addition, any change in the Exchange Visitor's home address while in the U.S. must be reported to the FACC in writing for SEVIS updates. Participants may not transfer from one company to another. The J-1 status is dependent on the Exchange Visitor remaining with the same host company for the entire duration of the program.
- e) EXCHANGE VISITORS & THE PUBLIC: With respect to the spirit of the federal regulations that govern this program, we strongly recommend that the participants always identify themselves as trainees or interns in any dealings with the public. As an Exchange Visitor, the trainee or intern does not have work authorization in the United States and therefore business cards should not be issued to the participant. If cards are necessary, then his or her name only should appear on the card without title or position.
- f) TERMINATION OF ASSIGNMENT: In accordance with U.S. government regulations, the FACC is required to report to DOS the date of training completion through the SEVIS tracking system. If the training or internship is terminated prior to the date indicated on the Form DS-2019, the host company must write to the FACC in New York a brief statement indicating the intern or trainee's full name, date of termination, and reason for early departure.
- g) EXTENSIONS: Host companies wishing to extend a training or internship program must submit a request at least one month prior to the end of the original scheduled period. In addition, the host company must submit the processing fee to cover administrative costs, as well as a new Form DS-7002. The new DS-7002 must explain why the extension is being requested and provide justification for an extended program. Documented proof of medical insurance coverage during the period of the extension must also be submitted. If approved, FACC will issue a new Form DS-2019 so the Exchange Visitor may continue his or her training program.
- h) DEPENDENTS: The Exchange Visitor's spouse and/or children are eligible for J-2 visa status over the same period of time as the J-1 visa holder. The fee for an additional Form DS-2019 for J-2 status is \$250 per participant. Proof of relation to the principal visa holder as well as copies of the first 10 pages of the dependent's passport are required.

The FACC reserves the right to withdraw J-1 visa sponsorship if any of the conditions of the program are altered without permission, or if it is discovered that the program violates the federal regulations governing the J-1 visa. If the FACC withdraws sponsorship, the Exchange Visitor must stop his or her program immediately and leave the United States.

**If you have any questions concerning program regulations or specific arrangements for your trainee or intern, please contact the ICDP Department at by e-mail at [icdp@faccnyc.org](mailto:icdp@faccnyc.org).**