

J-1 Exchange Visitor Program Guidelines



Participation in the FACC-NY Exchange Visitor Program assumes acceptance of, and adherence to, these guidelines by both the Host Company and the Exchange Visitor. In addition, Host Companies and exchange visitors must adhere to all federal, state, and local occupational health and safety laws.

I - Candidate Eligibility Requirements

1. An **intern** candidate must be a full-time student in a foreign post-secondary, ministerially-recognized institution or have graduated from such an institution within the 12 months preceding the internship start date. Maximum program duration for interns is 12 months.
2. A **trainee** candidate must have a post-secondary foreign diploma or certificate and one year (52 weeks) of related, full time work experience in the same field as the proposed training outside of the U.S., or have five years of related work experience if he or she has no post-secondary degree. Maximum program duration for trainees is 18 months.
3. Once a candidate is approved as an intern, they cannot switch to the trainee category. Trainees also cannot switch to the intern category.
4. The content of the Exchange Visitor Program must correspond to the candidate's academic course of study, as well as his or her previous work experience, if any. The candidate's work experience and education must have taken place outside of the United States to qualify for trainee or intern.
5. The candidate must be proficient enough in English to function in an English-speaking professional environment. English language ability will be screened with an orientation interview conducted by the FACC-NY.
6. All Exchange Visitors and dependents must have valid health insurance for the duration of their stay in the United States. All VIE program participants will automatically have qualifying coverage through Business France. All other participants can purchase the FACC-NY's approved [Envisage Global Insurance Plan](#), which meets all U.S. Department of State requirements.
7. Exchange Visitors must have a foreign passport valid for the duration of the training, plus an additional six months.
8. Exchange Visitors are required to leave the United States after the completion of their program and, in accordance with FACC-NY policy, must agree to not accept U.S. employment for a minimum 90-day period after the completion of their program.

9. 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. Additional application materials and fees are required for a J-2 visa request.

II – Training/Internship Program and Host Company Requirements

1. The Host Company must have at least:
 - Three full-time permanent employees to host an intern
 - Five full-time permanent employees to host a trainee.

Two of these must be American citizens or permanent residents to ensure a true cultural immersion experience.

*Note if your company does not currently meet these requirements email: icdp@faccnyc.org to inquire if a potential exception can be made within U.S. Department of State regulations.

2. The company must expose the exchange visitor to cross-cultural activities. The program must be on a full-time basis (32-40 hours per week).
3. The Exchange Visitor is required to be at their training site, in person, at least 3 days per week. Fully remote or primarily remote work is not allowed.
4. Host Companies must fill out a DS-7002 Training/Internship Program Placement plan outlining the goals of the training, what new skills and competencies the Exchange Visitor will gain as a result of their training and how these skills and competencies will be taught and measured. The training plan should be in line with the Exchange Visitor's educational and professional development.
 - DS-7002 forms for interns can have only one phase, while DS-7002 forms for trainees must have at least two phases
5. Host Companies must assign a designated supervisor that will help the Exchange Visitor carry out the training described in the DS-7002. Supervisors must have expertise in the field of training and must have daily contact with their Exchange Visitor.
6. The Exchange Visitor must be paid at least minimum wage. The amount paid to the participant should be comparable to the amount paid to other individuals having similar education and experience. Additional benefits such as housing, transportation, meals, etc. may be used to

supplement this stipend, but may not be used in lieu of the stipend. All VIE program participants will automatically receive a qualifying stipend from the French parent company through Business France.

- Exchange Visitors should be prepared for the higher cost living in the U.S. and are recommended to arrive with at least \$10,000 worth in savings.
8. The Host Company must be a member of **one** of the FACC chapters for the duration of the program. Membership in additional FACC Chapters where Exchange Visitors are training is encouraged but not required.
 9. All Host Companies must agree not to hire the Exchange Visitor at any point during the training program or for a period of at least 90 days immediately following the Exchange Visitor Program.

III - Candidate Documentation

1. DS-2019 – CERTIFICATE OF ELIGIBILITY

This official document from the U.S. State Department is issued by the FACC-NY. It 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. DS-7002 – TRAINING/INTERNSHIP PLACEMENT PLAN (T/IPP)

This U.S. Department of State form must be completed by the Host Company to prove that the Exchange Visitor will participate in a bona fide, structured training program. It should be as detailed as possible and include specific information about what the exchange visitor will do at the host organization. The consular officer will review the DS-7002 when deciding to issue the J-1 visa. Any changes to the DS-7002 during the program must be immediately reported to the FACC-NY.

3. J-1 VISA

A candidate must apply for their J-1 visa at a U.S. embassy or consulate with a valid passport and a DS-2019 Certificate of Eligibility. Candidates must fill out the online Form DS-160 in order to schedule an appointment. Please note that the visa is an entry document only and does not always determine duration of stay.

4. RECORD OF ADMISSION (I-94)

Upon entry to the United States, U.S. Department of Homeland Security Customs & Border Protection (CBP) officials will record the Exchange Visitor's arrival in their government system. Most CBP Officials have ceased stamping the passport with an admission stamp. If applicable, this annotated stamp will indicate the exchange visitor's date of entry, class of admission, and duration of status (D/S).

Exchange Visitors will be able to access their Record of Admission (I-94) at www.CBP.gov/I94.

We urge all Exchange Visitors and Host Companies to pay careful attention to the validity of their visa, I- 94, and DS-2019 because they are not always granted for the same time period.

IV - Specific Exchange Visitor Program Regulations

1. DURATION OF STAY:

The length of the training or internship program is defined by the dates on box 3 of the DS-2019. The participant may stay until the end of this period, plus an additional 30 days (the “grace period”) for travel, tourism, and preparation to leave. Extensions may be granted upon written request of the Host Company to the FACC-NY, not to exceed the maximum duration of 18 months for trainees and 12 months for interns.

2. RE-ENTRY INTO THE UNITED STATES:

Participants must notify the FACC-NY 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. The travel validation signature is valid for 12 months.

Participants should email a high-quality pdf scan (double sided) of their original Forms DS-2019 for digital signature by FACC-NY. The travel validation signature will then be valid for one year from the date of signature and for multiple trips as long as the Exchange Visitor is still in good standing with the J-1 visa program.

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 they risk being denied entry or falling out of legal visa status.

3. CHANGES/ADJUSTMENTS IN STATUS:

Changing or adjusting J-1 status to a work visa or immigrant visa violates the non-immigrant, non-work intent of the J-1 Exchange Visitor Program and is a direct violation of the FACC-NY’s Exchange Visitor program regulations. If an Exchange Visitor applies for a change of status during their J-1 mission, the FACC-NY reserves the right to terminate the J-1 visa in the government system.

4. EXCHANGE VISITORS & THE PUBLIC:

With respect to the federal regulations that govern this program, we strongly recommend that the participants 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 only

his or her name should appear on the card without title or position.

5. PROGRAM TRANSFERS:

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.

6. TERMINATION OF PROGRAM:

If, for any reason, an Exchange Visitor violates the regulations of the J-1 Exchange Visitor Program and immigration status, his/her SEVIS record and J-1 visa may be terminated immediately. Terminated Exchange Visitors cannot apply for reinstatement, extensions of stay, changes of visa category, or any other benefit. They are required to leave the U.S. immediately, as their J-1 status is no longer valid. They are not entitled to the 30-day grace period.

The following are circumstances that may warrant the termination of an Exchange Visitor's program:

- Failure to disclose information, dishonesty or purposely falsifying documents as related to information relevant to participation in the Exchange Visitor Program either before or after selection for the program
- Conviction of a crime or disciplinary action
- Engaging in unauthorized employment
- Failure to engage in or pursue specified Exchange Visitor Program activities
- Failure to submit change of current address within 10 days
- Failure to report and request permission to travel outside the U.S. during program
- Failure to maintain health insurance for self and all J-2 dependents
- Failure to submit required program evaluations
- Failure to notify the FACC-NY of program changes
- Violation of Exchange Visitor Program regulations
- Violation of sponsor rules – FACC-NY and/or partner agency policies and regulations

V - Program Changes and Incidents

Report any changes to or issues with an Exchange Visitor Program immediately to the FACC-NY.

[**Click here to report a program change or issue**](#)

Below are some examples of changes/incidents that must be reported.

1. INCIDENT REPORTING:

Exchange visitors and host companies must report all incidents to the FACC-NY within 24 hours.

Examples of incidents that should be reported are:

- Incidents involving hospitalization, serious injury, or death of an exchange visitor
- Dangerous living conditions
- Harassment, violent behavior, bullying
- Incidents involving the criminal justice system
- Lost or stolen immigration documents (including passport or DS-2019)
- Inappropriate training activities

Failure to report an incident in a timely manner can result in the Exchange Visitor's J-1 program being terminated.

2. EXTENSIONS:

Extension requests must be submitted at least one month prior to the end of the original scheduled training period. In addition, the Host Company must submit the processing fee to cover administrative costs, as well as a new Form DS-7002 that provides justification for an extended program. Documented proof of medical insurance coverage during the period of the extension must also be submitted.

3. CHANGES IN PROGRAM LOCATION & ACTIVITIES:

Should the Host Company want to transfer the participant to another location, a request must be submitted to the FACC-NY prior to the date of transfer. The FACC-NY will determine whether the request complies with program regulations.

Beyond location, any training program changes not previously discussed with the FACC-NY 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-NY in writing for SEVIS updates using the form linked above.

4. EARLY END OF ASSIGNMENT:

The FACC-NY is required to report to DOS the date of training completion through the SEVIS tracking system. If the training or internship ends prior to the date indicated on the Form DS-2019, the Host Company must write to the FACC-NY with a brief statement indicating the intern or trainee's full name, date of completion, and reason for early departure. The program end date should be the last day that the Exchange Visitor spends on their training site.

If you have any questions concerning program regulations, please contact the ICDP Department by e-mail at icdp@faccnyc.org.

About the French-American Chamber of Commerce – New York

The French-American Chamber of Commerce – New York (FACC-NY) 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.

The FACC-NY 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-NY withdraws sponsorship, the exchange visitor must stop his or her program immediately and leave the United States.