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MAINTAINING LAWFUL J-1 STATUS

What is J-1 status?

U.S. immigration law divides all persons coming to the United States into two categories: *immigrants* and *non-immigrants*. *Immigrants* are persons who hold legal permanent residence in the U.S. They are commonly referred to as “green card” holders or “resident aliens.” *Non-immigrants* are persons coming to the United States for a temporary stay to accomplish a specific objective *and then return home*. **J-1 Exchange Visitor** is the classification assigned to non-immigrants coming to the United States to participate in a program of educational exchange. You are participating in the J exchange program in the student category since you are a student at your home university. Other categories of J visitors at Suffolk University include researchers and professors.

As a J-1 student, you will have interactions with two branches of the U.S. government. The Department of State operates the U.S. consulates and embassies overseas and issues visas to individuals who meet the criteria for student status. Officers of U.S. Citizenship and Immigration Services (USCIS) interview potential students upon arrival, grant admission to the country, and monitor non-immigrants in the U.S. You will report to both USCIS and the Department of State while you are a student in the U.S. USCIS is one agency within the Department of Homeland Security.

Due to the large number of students studying in the U.S., the government has assigned partial responsibility for your immigration monitoring to university officials known as *responsible officers*, or RO's. An RO is a campus immigration advisor for students at Suffolk. Immigration advisors are located at the CIE, or Center for International Education, at 73 Tremont Street. CIE immigration advisors serve as the liaison between you, the student, and the two governmental agencies involved in student immigration matters. It is essential for you to work with the campus immigration advisors in order to avoid any problems with your student immigration status.

How does CIS monitor my activities in the U.S. ?

USCIS uses an electronic database called **SEVIS** to monitor the activities of J-1 students in the U.S. SEVIS, or Student and Exchange Visitor Information System, contains all of the program information listed on your DS-2019 as well as address, enrollment and employment information on each student using J-1 status to study in the U.S. Suffolk University continually updates all student records through uploads from the Registrar's database in the colleges and the Law School. Incidents such as course withdrawals, change of address and employment authorization are reported to SEVIS by the university as required by law. USCIS officers monitor the information that is submitted to the database. Officers interview students upon arrival and when benefits are requested to verify the information listed in SEVIS. Consular officers at the U.S. embassies verify information in SEVIS before issuing a student visa. CIS officers use SEVIS to locate students who fail to meet the criteria for maintaining J-1 status, and these students will face serious consequences.

I have entered the U.S. in J-1 Status; how long can I stay in the U.S.?

J-1 immigration documents can be confusing, because there are many different dates listed on the forms. The visa sticker in the passport contains an expiration date. The form DS-2019 contains an expiration date. The I-94 card contains the notation “D/S,” indicating that students are admitted to the U.S. for “Duration of Status”.

Duration of Status is a term that indicates that once you have been admitted to the U.S. in J-1 status, you may remain in J-1 status as long as you comply with all of the laws regarding J-1 students or until you have completed your academic program. While this is an open-ended period of stay in the U.S., you do need to make certain that the form DS-2019 does not expire. If you complete your program as planned, you have a 30 day grace period after the end date on your DS-2019 to leave the U.S. or transfer to another J-1 program. If you will need additional time for your studies, you must request a new DS-2019.

What do I have to do to comply with the U.S. immigration laws regarding students?

To remain eligible for J status, be sure to complete each of the following actions:

- ***Enroll at the School Which Issued Your DS-2019 Form***

You were admitted to the United States to attend the school which issued your DS-2019 form. The name of that school is listed on your J-1 visa. Using a form from one school to gain admission to the United States to attend another school is a violation of U.S. immigration law.

- ***Keep a Valid DS-2019 at All Times***

If your exchange agreement is extended to allow you to remain at Suffolk after your current DS-2019 expires, you must come to the CIE to request a program extension **BEFORE** the end date on the form. Please note that this date is different from the expiration date on the J-1 visa sticker in the passport. While your visa sticker may expire without jeopardizing your J-1 status, the DS-2019 must be valid at all times.

- ***Report Every Change of Address to CIE***

J-1 students must always furnish their current residential and mailing address to the university. Students who arrive in the U.S. and find an apartment for the first time or who later move to a new residence have **10 days** to report the new address to the Center for International Education and to the Registrar for their school. The university will update the address information in SEVIS. Please note that students arriving in the U.S. for the first time cannot be registered in the SEVIS database until they provide current local U.S. addresses to the immigration advisor. The address must be the actual residential location where you live. Do not submit the address of a friend or relative if you are not residing at that location.

- ***Enroll in and Maintain a Full-Time Course Load Every Semester***

J-1 students are required by law to maintain a full-time course load as defined for the program of study:

Level of Study and Program	Full-Time Enrollment Criteria	
Undergraduate students, all majors	12 credits	
Graduate students, Computer Science	9 credits	
Graduate students, MSF program*	6 credits	*please note that the MSF program is on a quarter system, so summer is NOT an automatic vacation term.
Graduate students, all other majors	12 credits	
Law School students, JD	12 credits	
Law School students, LLM	9 credits	

There are only a few limited times when you can consider enrolling for less than a full-time course load. If you are considering dropping a class or enrolling less than full-time, you must obtain approval from an immigration advisor BEFORE dropping any class. The university provides continuous updates to SEVIS regarding student enrollment in courses. Any course withdrawal that you make will be automatically submitted to SEVIS and will jeopardize your immigration status. The university is required by law to report in SEVIS any student who withdraws from the university or who receives a grade of “L” for lack of attendance.

- ***Make Satisfactory Progress Towards the Completion of Your Program***

Because you were admitted to the United States for the specific purpose of engaging in academic studies, USCIS expects that the majority of your time will be spent on your studies. If you make poor grades or receive academic probation, you can jeopardize your ability to stay in the U.S. in J-1 status. If you are having any academic difficulties, be sure to see your academic advisor or an immigration advisor as soon as possible so that the advisors can assist you in resolving the problem.

- ***Obtain the Appropriate Authorization for Any and All Employment***

J-1 students are allowed to work only in very limited circumstances. Before attempting to locate ***employment of any kind***, you should consult the CIE. Employment includes internships, co-op placements, clerkships, practicums, student jobs on-campus (student assistants, fellowships, teaching fellowships) and any type of work off-campus, whether the work involves the academic major or positions such as working in a shop, restaurant or home (house cleaning and babysitting). You must visit CIE to obtain a written work authorization before beginning any type of work. Not all proposed employment will be eligible for authorization; the immigration advisor will assess your request according to the provisions in the regulations and the terms of the exchange agreement with your home university. Approved employment will be documented in an employment letter, and students must note the start and end dates of the authorization. Remember to obtain a new authorization letter each semester, and do not work past the end date on the letter. Self-employment is not permitted for J-1 students. Please note that exchange students paying tuition at their home university are not eligible for on-campus employment at Suffolk University.

What happens if I fail to comply with any of the immigration laws regarding J-1 students?

If you fail to comply with the regulations regarding J-1 students, you will be considered “*Out of Status*” by USCIS and the Department of State. The university must report that information to USCIS via SEVIS. Students who have fallen out of status are ineligible for any kind of student employment; cannot transfer from one U.S. school to another; and may be refused re-admission to the United States upon attempting to return from a trip abroad.

How do student typically fall out of status?

Students can violate the J-1 status regulations by doing any one of the following:

- Allowing the form DS-2019 to expire
- Withdrawing from a course without approval
- Failing to register for and pay for a full-time course load
- Receiving a grade of “W” or “L” in a course
- Failing to report a change of address to CIE within 10 days of moving
- Failing to visit CIE to process a transfer or change of academic level
- Working without authorization
- Working past the end date on an employment authorization letter

If I fall out of status, how do I regain my J-1 status?

There are limited provisions for a student to regain J-1 status without leaving the U.S., seeking a new visa in the home country and then re-entering the U.S. Clearly, these new regulations make it essential for all students to follow the requirements of the regulations, since a violation can mean that a student may not be able to remain in the U.S. or return to the U.S. to complete the academic objective. In some cases where the student can document that the violation was due to circumstances beyond his or her control, the Department of State may consider a petition for **reinstatement** to student status.

What happens if I work without authorization?

USCIS will not reinstate students who work without proper authorization. Illegal employment in the United States is a serious offense. Do not accept any employment without proper authorization. Always contact the CIE ***before*** seeking ***any type of employment***.

What happens if I lose my DS-2019?

Your DS-2019 is a very important immigration document. You should keep your form in a safe place. You should not give it to anyone except: 1.) a U.S. Department of State Consular Official, 2.) a U.S. Immigration/Customs Officer or 3.) the CIE staff. If your I-20 becomes lost or stolen, report this fact to the CIE ***immediately*** in order to obtain a replacement.

What happens when I want to travel outside the U.S. and re-enter as a J-1 student?

Students who are maintaining J-1 status need 4 items to re-enter the U.S. after a brief trip abroad:

1. Valid passport
2. Valid J-1 visa sticker in the passport
3. Valid DS-2019 signed in the lower right corner by a CIE immigration advisor
4. Proof of Funding (Certification of Finances)

If you are planning a trip outside of the U.S., please visit CIE about 2 weeks before your proposed trip. An immigration advisor will review your documents, verify that you are maintaining valid J-1 status and place a “travel signature” on your DS-2019. If you see that your visa sticker has expired while you were in the U.S., you must plan to visit the U.S. embassy in your home country to apply for a new visa sticker while you are outside of the U.S. The visa sticker in your passport must be valid when you are seeking re-entry to the U.S. The sticker may expire while you are in the U.S., and your status will not be jeopardized. However, it must be valid when you are travelling. It is not possible to obtain a new visa sticker from any agency in the U.S. Due to lengthy processing times at embassies, be sure that the length your trip will allow you sufficient time to obtain the new visa. Please note that **citizens** of Canada do not need to obtain a visa sticker. Immigrants to Canada who are not yet citizens are required to obtain a visa sticker.

In some circumstances, it may be possible for you to visit Canada, Mexico and the contiguous islands of the Caribbean even if your visa sticker has expired. Please see an immigration advisor to discuss **automatic visa revalidation**.

Where should I go if I have other questions regarding my J-1 student status?

This packet contains an overview of the most important aspects of maintaining J-1 status. Please visit CIE any time you have a question about the regulations. The laws are revised on a continuous basis, so it is important for you to read the newsletters distributed by CIE to both your Suffolk email account and your residence. See an advisor whenever you have an immigration concern. Walk-in advising is available at CIE from 10 am – 2 pm on Mondays and from noon – 4 pm Tuesdays and Thursdays. CIE is located on the 6th floor of 73 Tremont Street.