

J-1 Exchange Visitor

A Checklist for the UNH Sponsoring Department to Complete

Documents required for initial and extension requests – all immigration classifications

☐ **Form A:** completed and signed by department

☐ **Letter of Invitation:** signed by the Sponsor and Dean/Chair/Director, indicating exact start and end date, research/job responsibilities, work site location/s and financial compensation

☐ **Certification of English Language Proficiency**

☐ **Form B:** completed and signed by the prospective Scholar

☐ **Supporting Documentation from Scholar** (see “A Checklist for the International Scholar”)

☐ **Financial Documentation:** Attach invitation letter with funding information if the prospective scholar will be paid by UNH.

☐ **Export Control Attestation**

Note: UNH does not provide visa sponsorship to scholars funded solely by personal or family funds. Personal funds may supplement but not substitute for institutional, governmental or agency funding.

UNH Department Form A

Request for Visa-Related Documents for an International Scholar (Visitor or Employee)
To be Completed by Department (Refer to checklist for additional documents required)

Office of International Students & Scholars	G15 Thompson Hall, 105 Main Street	Durham, New Hampshire	03824
Telephone: (603) 862-1288	oiss@unh.edu	www.unh.edu/oiss	Facsimile: (603) 862-0844

A. UNH Department Information

College:	Campus:
Department:	Department Mail Code:
Department Address: (include building, room number, and street address)	
Department Contact Name:	
Department Contact Title:	
Department Contact Phone:	Department Contact Fax:
Department Contact E-mail:	

Host / Supervisor Information

UNH Host / Supervisor Name:	
UNH Host / Supervisor Title:	
UNH Host / Supervisor Phone:	UNH Host / Supervisor Fax:
UNH Host / Supervisor E-mail:	

B. Requested Visa Classification (please select one)

☐ **J-1** ☐ Short-term Scholar ☐ Research Scholar ☐ Professor ☐ Specialist

☐ **J-1 EXTENSION**

C. Scholar Name (as it appears in the passport) and other information

Family Name / Surname:	First/Given Name:	Middle Name(s), if any:
Date of Birth (mm/dd/yy):	Gender: <input type="checkbox"/> Female <input type="checkbox"/> Male	UNH ID #, if applicable:
Is the scholar currently in the U.S.? <input type="checkbox"/> No <input type="checkbox"/> Yes. In what immigration (visa) status? <input type="checkbox"/> J-1 <input type="checkbox"/> H-1B <input type="checkbox"/> F-1 <input type="checkbox"/> Other _____		SSN #, if applicable:

Name of Scholar / Employee: _____

D. Academic Appointment Information

University of New Hampshire Personnel Title:	Proposed Appointment Start Date:	Proposed Appointment End Date:
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Field of Specialization: _____

Will the Scholar Work Off Site? <input type="checkbox"/> No <input type="checkbox"/> Yes	Off Site Address where the Scholar will work (street, city, state, zip): _____
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All addresses where this Scholar will work (if employed) or engage in activity (if not employed). If more than one location, use separated sheet. Include complete address (street, city, state, zip)

Brief, non-technical description of research / teaching / job responsibilities:

What type of work will the job involve? <input type="checkbox"/> Teaching <input type="checkbox"/> Research <input type="checkbox"/> Both <input type="checkbox"/> Other _____	Does the position require a state license or other certification? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, type: _____
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Total annual salary and/or other funding:	Appointment: <input type="checkbox"/> Full-time (40hrs/wk) <input type="checkbox"/> Part-time: hrs/wk _____	If part-time, percent of full-time: _____%	If part-time, rate per hour: \$ _____ per hr
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The salary will be paid by: <input type="checkbox"/> UNH <input type="checkbox"/> Other – Please explain: _____	<input type="checkbox"/> If J-1, the department has reviewed the financial documents of this scholar and the scholar has sufficient funding.
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Tenure status: <input type="checkbox"/> Non-tenured <input type="checkbox"/> Tenure Track <input type="checkbox"/> Tenured	Is this position covered by AAUP? <input type="checkbox"/> Yes <input type="checkbox"/> No	Will this scholar receive benefits? <input type="checkbox"/> Yes <input type="checkbox"/> No
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E. Handling Instructions (please select one)

☐ E-mail department contact for pick up. ☐ Express to scholar using department mail code

Note: Scholars who are also employees who are extending their status will be required to pick up their new documents at the OISS office so a new I-9 can be completed.

F. Source of Financial Support Must be Completed for Duration of Appointment

University of New Hampshire salary (if any):	U.S.\$
U.S. Government Agency: (NSF, NASA, USAID, Etc.)	U.S.\$
International Organization(s):	U.S.\$
The exchange visitor's government:	U.S.\$
The bi-national commission of the visitor's country:	U.S.\$
All other organizations providing support (please specify):	U.S.\$
Personal Funds:	U.S.\$
Total Funding:	U.S.\$

Please Continue on Next Page (Signatures Required)

Name of Scholar / Employee: _____

WE CERTIFY THE FOLLOWING

1. We have read all of the information on both sides of this form as well as on the corresponding Supplement form (Supplement, H or TN) and it is, to the best of my knowledge, true and correct.
2. All nonimmigrant petitions (i.e. H, TN) must be channeled through the Office of International Students and Scholars (OISS); and all immigrant petitions (i.e., permanent residence, also known as “green card”) require approval of the Provost.
3. If the terms of this scholar’s employment (or activity, if not employed) change in any way, or if the scholar ceases to be employed before the expiration of the approval documentation, we will immediately notify the OISS in writing.
4. Timing of requests: We understand that this department must submit requests for initial appointments, extensions, and changes in the scholar’s employment / activity in accordance with the OISS’s processing timelines. We understand that failure to comply with the timeline specific to this scholar’s immigration status (visa type) could result in one of the following (NOTE: this is particularly important for time-sensitive petitions such as TN and H-1B.)
 - a. A significant delay in beginning employment / activity.
 - b. A period of time in which the scholar must stop employment / activity without any possibility of compensation (retroactive payments are not permitted).
 - c. Require the scholar (and her / his dependents) to travel to her / home country.
5. We understand that the visa category petitioned for is determined by the Office of International Students and Scholars (OISS) in accordance with University policy and government regulations.
6. We understand that other provisions and restrictions may apply before employing / hosting the scholar based upon the prospective employee’s individual circumstances and visa history. For example: individuals who are currently or have been recently in the U.S. in “J” nonimmigrant status may be subject to a home country physical presence (“residence”) requirement which may prevent a change of status.
7. We understand that noncompliance with federal and state regulations to which we are attesting through this and other documentation we have and will submit can result in significant fines and will jeopardize UNH’s ability to sponsor international scholars in the future.
8. Change in date of arrival: if the scholar will not arrive by the appointed start date, we understand that we are required to report this to the OISS immediately as it may require additional immigration processing.
9. If the scholar will obtain H-1B status, this department attests to the following:
 - a. Employment of this individual will not adversely affect the working conditions of workers similarly employed. Further, this employee will be afforded working conditions on the same basis, and in accordance with the same criteria, as offered to similarly employed U.S. workers.
 - b. The department will pay at least the higher of either the actual wage to be paid by the department to all other individuals with similar experience and qualifications for the specific employment in question or, the prevailing wage as determined by the Department of Labor for those in similar occupations in the region. (NOTE: OISS will seek a determination of the prevailing wage from the Department of Labor.)
 - c. If the H-1B employee is terminated by the University of New Hampshire prior to the expiration date of the approved petition, the department will pay the reasonable travel expenses necessary for the employee to return to her / home country.
 - d. There is no strike or work stoppage in the department at the time of signing this form.
 - e. The H-1B employee will not be placed on unpaid leave or any type of non-pay status at any time without OISS approval.
10. We understand that we may not make the following changes unless the OISS files a new or amended petition and receives approval (retroactive payments are not permitted) pursuant to U.S. law and related procedures:
 - a. Promotion or other change in job title or rank.
 - b. Substantial changes in job duties / responsibilities.
 - c. Any decrease in salary / benefits.
 - d. A substantial increase in salary / benefits.
 - e. Change in location of work.

Certification

Department Sponsor/Host			
Department Chair			
Dean			
	<i>Signature</i>	<i>Print Name</i>	<i>Date</i>

Certification of English Language Proficiency

Federal regulations 22 C.F.R. § 62.11(a)(2) require prospective J-1 exchange visitors to possess "sufficient proficiency in the English language as determined by an objective measurement of English language proficiency, to successfully to participate in his or her program and to function on a day-to-day basis."

Name of Exchange Visitor:

Date:

Name and Title of UNH Sponsor:

Indicate how the UNH sponsor assessed the English language skills of the prospective Exchange Visitor (check one):

☐ Certification based on test scores from a recognized testing agency such as TOEFL or IELTS (attach copy of test score). Acceptable minimum scores:

- TOEFL: 500 (paper-based), 173 (computer-based), 61 (internet-based)
- IELTS: overall band score of 6

☐ Certification by an academic institution or English Language School. Attach Letter:

- Verifying that the individual possesses English language proficiency to be successful in an exchange program and to function daily within the UNH position and the local U.S. community
- Issued on letterhead in English
- With signature from school official

☐ Certification based on an Interview

Name of Interviewer: _____

Date of Interview: _____ Length of Interview: _____ hr. _____ min.

The Interview was conducted: ☐ In person ☐ By Videoconference ☐ By Phone

Interview Notes (required): _____

I have interviewed the prospective exchange visitor and verify that his/her English language proficiency is sufficient to "perform his/her job or complete his/her academic program; to navigate daily life in the United States; to read and comprehend program materials; to understand fully their responsibilities, rights, and protections; and to know how to obtain assistance, if necessary." [79 FR 60294, 60301]."

Signature of Interviewer: _____

University of New Hampshire Export Control Attestation

Export control regulations govern the release of information in the United States as well as the shipment of certain information, technologies, and commodities overseas.

In general, an entity proposing to engage a foreign visitor should ensure that it has:

- (1) Reviewed the Export Administration Regulations (EAR) and the International Traffic in Arms Regulations (ITAR), and
- (2) Made a determination as to whether a license is required prior to releasing any controlled technology or technical data to a foreign national.

Certification Regarding the Release of Controlled Technology or Technical Data to Foreign Persons in the United States

Check Box 1 or Box 2:

With respect to the Technology or technical data that the sponsor will release or otherwise provide access to the visiting scholar, the sponsor certifies that they have reviewed the Export Administration Regulations (EAR) and, understanding the controls that apply to the technology and technical data that the visiting scholar will require access to as part of their visit, have determined that:

- ☐ 1. A license is not required in order to release this technology and/or technical data to the visiting scholar; or
- ☐ 2. An export license is required to release this technology and/or technical data to the visiting scholar and the sponsor will prevent access to the technology and/or technical data until such time as a license or other forms of authorization is secured.

Signatures Read the information on penalties in the instructions before completing this section.

Employee/Scholar Name: _____

I certify, under penalty of perjury that the information provided is true and correct to the best of our knowledge. Should this Employee/Visiting Scholar's work assignment change, we agree to notify the UNH Contact and Export Controls Office and the Office of International Student and Scholars to determine if Export Controls are applicable and to take appropriate steps.

Department Sponsor	_____	_____	_____
Department Chair	_____	_____	_____
Dean / Director	_____	_____	_____
	<i>Signature (in blue ink)</i>	<i>Print Name</i>	<i>Date</i>

Director of Sponsored Programs Administration Signature

Print Name

Daytime Phone Number

Signature (in blue ink)

Date (mm/dd/yyyy)

Export Control Attestation

It is presumed that most research conducted within the University of New Hampshire is “fundamental research” and therefore exempted from export control requirements. Fundamental research includes basic or applied research in science and/or engineering at an accredited institution of higher learning in the U.S. where the resulting information either is ordinarily published and shared broadly in the scientific community or where the resulting information has been or is about to be published. Nonetheless, the Dean, Principal Investigator, Director and or Supervisor is required to affirm whether a license is required.

If you have questions about whether an export license is required please refer to:

www.unh.edu/research/export-controls

www.bis.doc.gov/complianceandenforcement/index.htm

www.access.gpo.gov/bis/ear/ear_data.html#ccl

<http://www.bis.doc.gov>

Additional Information

U.S. Export Controls on Release of Controlled Technology or Technical Data to Foreign Persons. The Export Administration Regulations (EAR) (15 CFR Parts 770-774) and the International Traffic in Arms Regulations (ITAR) (22 CFR Parts 120-130) require U.S. persons to seek and receive authorization from the U.S. Government before releasing to foreign persons in the United States controlled technology or technical data. Under both the EAR and the ITAR, release of controlled technology or technical data to foreign persons in the United States—even by an employer—is deemed to be an export to that person’s country or countries of nationality. One implication of this rule is that a U.S. company must seek and receive a license from the U.S. Government before it releases controlled technology or technical data to its nonimmigrant workers employed as H-1B, L-1 or O-1A beneficiaries.

Requirement to Certify Compliance with U.S. Export Control Regulations. The U.S. Government requires each company or other entity to certify that it has reviewed the EAR and ITAR and determined whether it will require a U.S. Government export license to release controlled technology or technical data to the beneficiary. If an export license is required, then the company or other entity must further certify that it will not release or otherwise provide access to controlled technology or technical data to the beneficiary until it has received from the U.S. Government the required authorization to do so.

Controlled Technology and Technical Data. The licensing requirements described above will affect only a small percentage of petitioners because most types of technology are not controlled for export or release to foreign persons. The technology and technical data that are, however, controlled for release to foreign persons are identified on the EAR’s Commerce Control List (CCL) and the ITAR’s U.S. Munitions List (USML).

The CCL is found at 15 CFF Part 774, Supp. 1. See <http://www.bis.doc.gov/index.php/regulations/export-administration-regulations-ear>.

The USML is at 22 CFR 121.1. See http://www.pmddtc.state.gov/regulations_laws/itar.html.

The EAR-controlled technology on the CCL generally pertains to that which is for the production, development, or use of what are generally known as “dual-use” items. The ITAR-controlled technical data on the USML generally pertains to that which is directly related to defense articles.

The U.S. Department of Commerce’s Bureau of Industry and Security administers the CCL and is responsible for issuing licenses for the release to foreign persons of technology controlled under the EAR. The U.S. Department of State’s Directorate of Defense Trade Controls (DDTC) administers the USML and is responsible for issuing licenses for the release to foreign persons of technical data controlled under the ITAR.

Information about the EAR and how to apply for a license from BIS are at www.bis.doc.gov.

Specific information about EAR’s requirements pertaining to the release of controlled technology to foreign persons is at <http://www.bis.doc.gov/index.php/component/content/article/14-policy-guidance/deemed-exports/110-regulatory-information>.

Information about the ITAR and how to apply for a license from DDTC are at <http://pmddtc.state.gov/licensing/>. Specific information about the ITAR’s requirements pertaining to the release of controlled technical data is at http://www.pmddtc.state.gov/faqs/license_foreignpersons.html.

J Exchange Visitor Overview

Purpose: This handout is designed to provide a general overview of the J-1 Exchange Visitor classification. It will provide information for department faculty and staff to invite international scholars to the United States to teach, conduct research or perform other academic activities at the University of New Hampshire. This handout does not address the J-1 student classification at the University of New Hampshire.

The J Exchange Visitor Classification: The J Exchange Visitor Program is administered by the U.S. Department of State. The program was founded in 1961 to invite international students and scholars to the U.S. on a temporary basis in the interest of cultural, scientific and educational exchange.

The University of New Hampshire has been designated as a program sponsor to facilitate non-clinical research and educational exchange. As a J Exchange Visitor Program sponsor, UNH is required to comply with all program regulations and procedures. There are several categories of J Exchange Visitors. UNH has been approved by the Department of State to sponsor students, professors, research scholars, short-term scholars and specialists. Professors and research scholars must be appointed for a minimum of three (3) weeks up to a maximum of five (5) years. A short-term scholar may be appointed for a maximum of six (6) months; there is no minimum stay required.

J-1 Exchange Visitors are limited to employment at UNH. Occasional lectures and short-term consultations at other institutions may be approved with advanced written authorization from the Office of International Students and Scholars (OISS).

J Exchange Visitor Eligibility: The J Exchange Visitor classification is designed to invite international professors and researchers who qualify for temporary, non-tenure track academic appointments. Please consult the UNH Faculty Handbook for a description of these titles and positions. UNH will sponsor instructors and researchers that have attained the academic equivalent of a U.S. master's degree. The exchange visitor must demonstrate sufficient financial support for the duration of his/her academic appointment.

If the prospective scholar is outside the United States, he/she must be eligible for the J Exchange Visitor classification according to the grounds of admissibility to the United States determined by the U.S. Department of Homeland Security and the Department of State. If the scholar is currently in the United States, he/she must be eligible for a change to, or extension of, J immigration classification. Please contact the OISS for more information.

J Exchange Visitor Application Process: The academic department should contact the OISS as soon as they identify a prospective exchange visitor to discuss the eligibility and appropriate visa classifications. The department and the prospective scholar must submit the documents requested on the Department Checklist - International Scholar Processing and the International Scholar Checklist. We recommend that the department submit the J-1 application packet at least 60 days prior to the projected start date of the appointment as processing times at the U.S. embassy or consulate vary and could take several weeks.

The OISS will review the application packet and, provided all of the information is complete, prepare and issue a SEVIS Form DS-2019 *Certificate of Eligibility for Exchange Visitor (J-1) Status* to the prospective scholar. If the prospective scholar is not in the United States, he/she must take the SEVIS Form DS-2019 form to the nearest U.S. embassy or consulate to apply for a J-1 visa stamp in his/her passport. Once the J-1 visa has been issued, he/she can then travel to the United States. If the prospective scholar is in the United States, he/she should contact the OISS to discuss further immigration status processing.

Scholar Orientation: Federal regulations require that all J-1 exchange visitors report their arrival to the OISS. Furthermore, the Department of State also requires that all J-1 exchange visitors attend an orientation upon arrival. The OISS will schedule an orientation with the new scholar upon arrival. During Scholar Orientation, the OISS certifies the J-1 Exchange Visitor's arrival, provides information about immigration and insurance regulations, and informs the scholar about UNH and the surrounding community.

Please note that all scholars who receive a salary from UNH must also complete Form I-9 *Employment Eligibility Verification* at the OISS prior to the end of their third day of employment. The OISS will review and verify the I-9 form during Scholar Orientation.

Extensions: If the initial appointment is less than the maximum stay allowed in the J-1 exchange visitor's category, the department may request an extension of the exchange visitor's immigration status. There is no limit to the number of extensions allowed within the maximum period of stay.

Once the new SEVIS Form DS-2019 is produced, the OISS will distribute it as instructed by the department. If the J-1 Exchange Visitor is on the University's payroll, he/she must also complete an I-9 form at the OISS to extend the scholar's employment eligibility. Please note that this extension process and the updated I-9 form must be completed prior to the expiration of the current SEVIS Form DS-2019. Extension request should be submitted to the OISS at least two weeks prior to the expiration of the current SEVIS Form DS-2019.

Health Insurance Requirement: All exchange visitors are required to maintain health insurance in accordance with guidelines determined by the Department of State. Non-compliance will result in failure to maintain proper immigration status and could result in program termination.

J-2 Dependents: A dependent of a J-1 exchange visitor is defined as a spouse, or child under the age of 21. A J-1 exchange visitor may request a separate SEVIS Form DS-2019 for each dependent to enable them to apply for a J-2 visa stamp at a U.S. embassy or consulate. The dependents may accompany the J-1 exchange visitor to the U.S. or follow to join the scholar later in the program. The J-1 exchange visitor must submit financial documentation to demonstrate support for the dependents for the duration of his/her academic program.

All J-2 exchange visitors must also be covered by health insurance that meets the minimum criteria determined by the Department of State. Finally, a J-2 dependent who is at least 16 years old may apply to U.S. Citizenship and Immigration Services for work authorization after they arrive in the United States. The J-1 exchange visitor should contact the OISS for more information.

Two-Year Home Residence Requirement: Since the J Exchange Visitor Program was designed to promote temporary, academic exchange, some J-1 and J-2 exchange visitors are required to return home to fulfill a two-year home residence requirement. This requirement varies depending on country of citizenship and source of funding. This regulation prohibits them from obtaining U.S. permanent residence and from applying for other non-immigrant classifications such as H or L, unless they fulfill the two-year home residence requirement or obtain an official waiver from the U.S. Citizenship and Immigration Services. Please contact the OISS for more information.

Studying at the University of New Hampshire: A J-1 or J-2 exchange visitor is allowed to register for part-time classes provided he/she has met all department and program obligations. The J exchange visitor is required to pay all registration and tuition fees unless he/she qualifies for UNH tuition remission as a full-time employee with benefits. Please contact UNH Human Resources for more information.

University of New Hampshire Scholars Sponsored by Other Agencies: Occasionally, an academic department may wish to invite a scholar who may already have a sponsor for J exchange visitor status. Since UNH will not need to issue a SEVIS Form DS-2019 to this scholar, the department must contact the OISS and forward a letter of appointment so the OISS can maintain a file for the scholar. In addition, the scholar must report his/her arrival to the OISS. If the scholar will be paid from the University payroll, the scholar will also need to complete an I-9 (Employment Eligibility Verification Form) within the first three days of employment.

Estimate of Expenses: In order for the OISS to issue a DS-2019 Certificate of Eligibility for Exchange Visitor (J-1) Status, the scholar and/or the host department must demonstrate financial support to meet or exceed minimum funding requirements for the full period of the scholar's academic appointment. These minimum funding requirements are reviewed by the OISS annually. Please contact the OISS for current estimates.

UNH salary, per diem, stipends, grants and other non-salary funding should be reflected in the appointment letter and on the scholar's Form B. If funding from other sources is to be considered (e.g., private or family sponsor, ministry of the scholar's government, scholar's savings), original documentation must be submitted to the OISS. All documents must be **translated into English** and figures **converted to US dollars**.

1. "Student and Exchange Visitor Information System." The U.S. Department of Homeland Security database used to produce visa-related documents and to track international student and scholars.

Office of International Students and Scholars
105 Main Street, Thompson Hall Room G15
Durham, NH

Tel: (603) 862-1288
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