

Employment For J Exchange Visitor Students

C.F.R. § 62.16

"An exchange visitor who engages in unauthorized employment shall be deemed to be in violation of his or her program status and is subject to termination as a participant in an exchange visitor program. The acceptance of employment by an accompanying spouse or minor child of an exchange visitor is governed by Immigration and Naturalization Service regulations."

C.F.R. § 62.23

"A student may be authorized to participate in academic training programs for wages or other remuneration during his or her studies or commencing not later than 30 days after completion of his or her studies if the time limitations, procedures, and evaluations listed below are satisfied:

- i. The student is primarily in the United States to study rather than engage in academic training;
- ii. The student is participating in academic training that is directly related to his or her major field of study at the post-secondary accredited educational institution listed on his or her form IAP-66;
- iii. The student is in good academic standing with the post-secondary accredited educational institution; and
- iv. The student receives written approval in advance from the responsible officer for the duration and type of academic training.

Time limitations

The exchange visitor is authorized to participate in academic training for the length of time necessary to complete the goals and objectives of the training, provided that the amount of time for academic training:

- i. Is approved by the academic dean or advisor and approved by the responsible officer
- ii. For undergraduate and pre-doctoral training, does not exceed 18 months, inclusive of any prior academic training in the United States, or the period of full course of study in the United States, whichever is less; except, additional time for academic training is allowed to the extent necessary for the exchange visitor to satisfy the mandatory requirements of his or her degree program in the United States.

Student employment

Exchange visitor students may engage in part-time employment when the following criteria and conditions are satisfied.

1. The student employment:
 - i. Is pursuant to the terms of a scholarship, fellowship, or assistantship
 - ii. Occurs on the premises of the post-secondary accredited educational institution the visitor is authorized to attend; or
 - iii. Occurs off-campus when necessary because of serious, urgent, and unforeseen economic circumstances which have arisen since acquiring exchange visitor status.
2. Exchange visitor students may engage in employment as provided in paragraph (1) of this section if the:
 - i. Student is in good academic standing at the post-secondary accredited educational institution;

- ii. Student continues to engage in a full course of study, except for official school breaks and the student's annual vacation;
- iii. Employment totals no more than 20 hours per week, except during official school breaks and the student's annual vacation; and
- iv. The responsible officer has approved the specific employment in advance and in writing. Such approval may be valid up to twelve months, but is automatically withdrawn if the student's program is terminated."

J exchange visitors may engage in two kinds of employment:

1. academic training positions directly related to the course of study [paid or unpaid]
2. part-time employment related to academic funding, on-campus work, or economic necessity

1. Academic training

- Academic training is work, training, or experience related to a student's field of study.
- A student's academic training must be approved in advance by the responsible officer and the student's academic dean or advisor.
- J exchange students may work under academic training for no more than 18 months or the length of their exchange program, whichever is shorter.
- A student must begin academic training no later than 30 days after completion of studies.
- The student's academic training must be done directly related to his or her major/field of study listed on the IAP-66 form and must be done with a specific employer or training site.
- The student must be in the United States primarily to study rather than engage in academic training.
- Any prior periods of academic training are considered full-time, even if the student engaged in academic training on a part-time basis.
- Students can be exempted from the full course of study requirement for academic training.

2. Part-time employment

- A student's part-time employment (including employment based on scholarships, assistantships, and fellowships) must be approved in advance and in writing by the responsible officer and the student's academic dean or advisor.
- Students must receive advanced, written approval from the responsible officer of the J visa program prior to beginning work.
- Employment authorization may be granted up to 12 months at a time.
- Students may work no more than 20 hours per week (except on holidays or school breaks).
- Students who have assistantships or fellowships considered to be equivalent to 20 hours per week are ineligible for additional on-campus employment.
- Students must continue to pursue a full course of study and be in good academic standing.
- Part-time employment must occur on campus unless the employment is for serious, urgent, and unforeseen economic circumstances that have resulted since acquiring exchange visitor status.
- Under special circumstances, a student may be authorized to participate in off-campus employment because of serious, urgent, and unforeseen economic circumstances that have resulted since acquiring exchange visitor status. This special work authorization includes the

Special Asian Student Relief provision for students from Indonesia, South Korea, Malaysia, Thailand, and the Philippines.

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