Maintaining J1 Student Status

Definitions: Students must be admitted to a degree program at an "accredited educational institution" for a "full course of study" or be engaged full time in a no-degree "prescribed course of study." By definition students may be enrolled in degree programs, English language training, and other non-degree study preparatory to entrance into a degree program or some other non-degree program with a predetermined educational objective. [22 CFR 514.2]

Full Course of Study: "Full course of study means enrollment in an academic program of classroom participation and study, and/or doctoral thesis research at an accredited educational institution.... College and university students shall register for and complete a full course of study as defined by the accredited educational institution in which the student is registered, unless exempted in accordance with regulations. [22 CFR 514.2]

Prescribed Course of Study: "Prescribed Course of study means a non-degree academic program with a specific educational objective. Such course of study may include Intensive English Language training, classroom instruction, research projects, and/or academic training" to the extent permitted by regulations. [22 CFR 514.2]

Selection criteria: Students may be sponsored as exchange visitors only if the sponsor ensures that they have academic credentials sufficient for admission, are in fact admitted [22 CFR 514.23(d)], and will be funded or involved in an exchange in a way acceptable to the Agency. The 1993 regulations included funding and exchange criteria that had previously been recommended but not required. Significant in these criteria is exclusion from exchange visitor eligibility of any student who is completely self-funded, unless the student is participating in an exchange agreement as described below.

Students are eligible for the Exchange Visitor Program only if at any time during their college studies in the United States:
(1) the student or their program are financed directly or indirectly by the United States Government, the government of the student's home country, or an international organization of which the United States is a member by treaty or statute;
(2) the programs are carried out pursuant to an agreement between the United States Government and a foreign government;
(3) the programs are carried out pursuant to a written agreement between American and foreign educational institutions, between an American educational institution and a foreign government, or between a state or local government in the United States and a foreign government; or
(4) the exchange visitors are supported substantially by funding from any source other than personal or family funds. [22 CFR 514.23(c)]
The US Department of State has appropriately declined to specify the parameters of these agreements. This permits the institution to accommodate some situations that might otherwise exclude a student from J-1 sponsorship. A common example is the self-funded doctoral student at a foreign university who undertakes part of the doctoral research at a U.S. institution. The advising professor at the foreign school and the U.S. school have a written agreement as to the student's research at the U.S. school and the applicability of that research to the requirements at the home school.

Another example is the self-funded student who has government connections in the home country. A representative of the foreign government might write to the U.S. institution expressing an interest in the student's future and confirming that certain fields of study would prepare the student for government service after graduation. The school might agree to admit the student to a particular department or field of study. Both of these arrangements fall within the regulatory language.

In criterion four above, "substantial" may be interpreted to mean significant or important funding, rather than primary or major source or amount. Sources of funding may include scholarships, fellowships, assistantships, tuition waivers, and similar support from the school. Students are eligible "if at any time" their funding or exchange arrangement meet the requirements. This permits students who enter as exchange visitors under the criteria to continue their exchange visitor programs if circumstances change. For example, a student funded by the home government for the first year and funded by family funds for the remaining years could continue in exchange visitor status. During the transition period students who hold J-1 class, regardless of funding, may continue in J-1 class. [22 CFR 514.23(c)]

Exceptions to full course of study: In addition to the general requirements for maintaining status, a student must continue in a full course of study except in the following circumstances:

1. "During official school breaks and summer vacations if the student is eligible and intends to register for the next term. A student attending a school on a quarter or trimester calendar may be permitted to take the annual vacation during any one of the quarters or trimesters instead of during the summer."

2. "If the student is compelled to reduce or interrupt a full course of study due to an illness or medical condition and the student presents to the responsible officer a written statement from a physician requiring or recommending an interruption or reduction in studies."

3. "If the student is compelled to pursue less than a full course of study for a term and the student presents to the responsible officer a written statement from the academic dean or advisor recommending the student to reduce his or her academic load to less than a full course of study due to an academic reason."

4. "If the student is engaged full-time in a prescribed course of study in a non-degree program of up to 24 months duration conducted by a post-secondary accredited educational institution."

5. "If the student is participating in authorized academic training in accordance with academic training regulations."

6. "If the student needs less than a full course of study to complete the academic requirements in his or her final term." 122 CFR 514.23(e)1