

# Frequently Asked Questions

## Exchange Visitor Summer Work/Travel Program

### Introduction: Some information about the Exchange Visitor Program

#### Purpose

The purpose of the Exchange Visitor Program is to provide foreign nationals with opportunities to participate in educational and cultural programs in the United States and return home to share their experiences, and to encourage Americans to participate in educational and cultural programs in other countries.

*[22 CFR §62.1(a) formerly 22 CFR §514.1(a)]*

The Exchange Visitor Program includes 13 different exchange program categories, of which the Summer Work/Travel program is one. Designated sponsoring organizations facilitate the entry of foreign nationals into the United States for the purpose of completing the objectives of one program category. At the conclusion of their program, participants are expected to return to their homes. Individuals interested in the Exchange Visitor Program should contact sponsors administering programs appropriate to their objectives in order to obtain information on their programs and application process.

#### Reciprocity

In the conduct of their exchange programs, sponsors shall make a good faith effort to achieve the fullest possible reciprocity in the exchange of persons.

*[22 CFR §62.8(c)]*

#### General Program Provisions

The regulations set forth in Subpart A are applicable to all sponsors. Please refer to the regulations regarding Definitions *[22 CFR §62.2, formerly 22 CFR §514.2]*, General Program Requirements *[22 CFR §62.8]*, General Obligations of Sponsors *[22 CFR §62.9]*, Program Administration *[22 CFR*

Notification Requirements [22 CFR §62.13], Insurance [22 CFR §62.14] and Annual Reports [22 CFR §62.15]. Sponsors are required to maintain compliance with these regulations.

In addition, each program category is governed by specific regulations organized into individual sections set forth in Subpart B. Current regulations governing the Summer Work/Travel Exchange Visitor Program are found at [22 CFR §62.32]. These regulations supersede the *Statement of Policy of March 28, 1996* and the earlier regulations published on March 19, 1993, and found at [22 CFR §514.8 Subpart G].

#### **What is the J-1 Summer Work/Travel Exchange Visitor Program?**

The Summer Work/Travel program provides foreign post-secondary students the opportunity to work and travel in the United States for a four-month period during their summer vacations.

[22 CFR §62.32(a)]

#### **How long does the Summer Work/Travel program last?**

The Summer Work/Travel program is a four-month program. Program dates entered in block 3 of the IAP-66 form define the program duration, a period of time up to but not exceeding four months. Participants may not work at any other time except during the period indicated on the IAP-66 form. Extensions are not permitted.

[22 CFR §62.32(a)]

#### **May participants work beyond the program end date if they enter the United States after the start date printed on the IAP-66 form?**

Should participants enter the United States after the start date stated on their IAP-66 forms, an amended IAP-66 form to correct the program dates may be issued. The adjusted start date is the date of entry indicated by the INS stamp on the pink copy of the IAP-66 form. This amendment is not an extension: the adjusted end date **may not** exceed four months from the date of entry. Keep in mind that this period must be concurrent with the student's summer vacation, and may not extend beyond the first day of the following term at the college or university at which the student is enrolled for courses. Yellow copies of IAP-66 forms issued to amend program dates are to be submitted to the Department of State. The address is:

Exchange Visitor Program  
Bureau of Educational and Cultural Affairs  
State Annex - 44, Room 734

### **What is the 30-Day Grace Period?**

The Immigration and Naturalization Service (INS) provides all J-1 program participants a 30-day travel status period to follow the completion of their program. This period is NOT to be included in the program dates entered on the IAP-66 form. The grace period allows participants to travel domestically and/or to prepare for and depart from the United States. It is not to be used for any other purpose.

Program participants who travel beyond the boundaries of the United States during the grace period may not be permitted by the INS to re-enter as they are no longer in valid J-1 status during this time. Participants who have an interest in visiting either Canada or Mexico at the end of their stay should be prepared to return directly home from either country. Alternatively, according to the INS, they may return to their US exit port in transit, as TROV (transit without visa), for the purpose of return travel to their home country. More information on this procedure may be obtained from INS.

### **When may students participate in a Summer Work/Travel program?**

Foreign nationals who are full-time college or university students in their home countries may participate in the Summer Work/Travel program only during their summer vacation. It is inappropriate for students to participate in this program during time periods other than their summer vacations.

[22 CFR §62.32(a)]

### **How do sponsors screen and select program participants?**

Sponsors are required to conduct a personal interview, and they must ensure that the program is suitable to the exchange visitors' background, needs and experience. Sponsors must also ensure that participants meet the eligibility criteria defined below.

[22 CFR §62.10(a)(1-2)] and [22 CFR §62.32(b)(1-3)]

#### Student Status

Eligible program participants are *bona fide* post-secondary school students actively pursuing a degree or a full-time course of study at an accredited educational institution. Students must also be enrolled in an accredited educational institution and registered for a full-time course load for the semester following their participation in a summer work/travel program.

[22 CFR §62.32(b)(2)] and *Program Policy cleared and signed on June 25, 1996*

#### English-Language Proficiency

Prospective exchange visitors must possess sufficient proficiency in the English language to participate

in their programs.

*[22 CFR §62.10(a)(2)]*

### Repeat Participation

Limited repeat participation is allowed so long as applicants meet all eligibility requirements. A sponsor may facilitate the entry of no more than 10 percent of the number of participants sponsored during the previous year as 'repeaters' for a second or subsequent program. For example, if an organization sponsored 100 participants last year, only 10 may be 'repeaters' this year. Please note: Students are repeating the program if they participated in **ANY** summer work/travel program previously, regardless of which organization was the sponsor.

*[22 CFR §62.32(b)(3)]*

### **Are Summer Work/Travel program participants required to have medical insurance?**

Yes. In fact, all exchange visitors, regardless of their program category are required to have medical insurance. Sponsors shall require each exchange visitor to have insurance in effect that covers the exchange visitor for sickness or accident during the entire period of time that an exchange visitor participates in the sponsor's exchange visitor program. Minimum coverage shall provide:

1. Medical benefits of at least \$50,000 per accident or illness
2. Repatriation of remains in the amount of \$7,500
3. Expenses associated with the medical evacuation of the exchange visitor to his or her home country in the amount of \$10,000
4. A deductible not to exceed \$500 per accident or illness.

*[22 CFR §62.14(a)(1-4)]*

The insurance policy, plan, or contract secured to fulfill the above requirements must meet other standards specified in the Exchange Visitor Program regulations.

See *[22 CFR §62.14 (b)(1-3), (c)(1-4), (d), (e), (f) and (g)]*.

Exchange visitors who willfully fail to maintain the insurance coverage set forth in the regulations while participating in exchange visitor programs or who make material misrepresentations to the sponsor regarding such coverage are deemed to be in violation of the regulations and are subject to termination from the program. Sponsors shall terminate an exchange visitor's participation if the exchange visitor or accompanying spouse and/or dependents fail to remain in compliance with the regulations governing insurance coverage.

*[22 CFR §62.14(h,i)]*

### **Are sponsors required to provide orientation materials and sessions to their participants?**

Sponsors are required to provide both pre-arrival information and an orientation session to all summer work/travel program participants. The regulations published on April 13, 1999, distinguish between participants who enter the United States with pre-arranged employment and those who enter without pre-placement. The requisite pre-arrival materials for each group are described below. Requirements for the arrival orientation follow.

**What information should program participants receive before they leave for the United States?  
(Pre-arrival Information)**

The following information must be provided to participants who have secured employment (are pre-placed) before their departure for the United States:

1. The name and location of the employer
2. Any contractual obligations related to acceptance of paid employment in the United States

*[22 CFR §62.32(c)(1-2)]*

The following information must be provided to participants without pre-arranged employment. Items 1 and 2 must be provided prior to their departure for the United States. Item 3 may be given to participants when they arrive (i.e., at the orientation session) in the United States.

1. How to seek employment in the United States
2. How to secure lodging in the United States
3. A roster of bona fide job listings equal to or greater than the number of non pre-placed participants for whom the sponsoring organization facilitated entry to the United States

*[22 CFR §62.32(d)(1-4)]*

ALL participants are to receive the following information before their departure for the United States:

1. The purpose of the Exchange Visitor Program
2. Home-country physical presence requirement
3. Travel and entry into the United States
4. Housing
5. Fees payable to the sponsor
6. Other costs that the exchange visitor will likely incur (e.g., living expenses) while in the United States
7. Health Care and insurance
8. Other information that will assist exchange visitors to prepare for their stay in the United States

*[22 CFR §62.10(b)(1-8)]*

**What information is included in the orientation session once participants arrive in the United States?  
(Orientation)**

Program regulations require sponsors to offer appropriate orientation for all exchange visitors. Orientation shall include, but not be limited to, information on:

1. Life and customs in the United States
2. Local community resources (e.g., public transportation, medical centers, schools, libraries, recreation centers, and banks) to the extent possible
3. Available health care, emergency assistance, and insurance coverage
4. A description of the program in which the exchange visitor is participating
5. Rules that the exchange visitors are required to follow
6. Address of the sponsor and the name and telephone number of the responsible officer
7. Address and telephone number of the Exchange Visitor Program Office, Department of State, and a copy of the Exchange Visitor Program brochure outlining the regulations relevant to the exchange visitors.

*[22 CFR §62.10(c)(1-7)]*

**Must all program participants have pre-arranged employment before entering the United States?**

No. The final rule published on April 13, 1999 allows a sponsoring organization to facilitate the entry of up to 50 percent of its participants (based on the previous year's figures) without pre-arranged employment. This means, for example, if a sponsor facilitated the entry of 100 students last year (both summer and winter seasons combined), that sponsor may facilitate the entry of up to 50 participants to the United States this year without pre-arranged employment (summer and winter programs combined).

*[22 CFR §62.32(d)]*

Students entering the United States without pre-arranged employment must have sufficient financial resources to support themselves during their search for employment. Sponsors are required to undertake reasonable efforts to secure suitable employment for participants who have not found suitable employment within one week of commencing their job search.

*[22 CFR §62.32(d)(1,4)]*

**Are there any restrictions on the kind of employment a program participant may hold?**

Yes. Participants may not be employed as domestic employees in U.S. households or in positions that require them to invest their own monies to provide themselves with inventory for the purpose of door-to-door sales.

*[22 CFR §62.32(l)]*

### **How are participants remunerated?**

Summer Work/Travel participants are to receive the same pay and benefits as U.S. citizens in the same or similar positions. Program participants are to be informed about the Federal Minimum Wage requirements.

*22 CFR §62.32(e)*

---

7

---

### **Are participants monitored?**

Sponsors are required to ensure that the activity in which their participants are engaged is consistent with the category and activity listed on the exchange visitor's Form IAP-66. Sponsors are also to monitor the progress and welfare of their participants, as well as maintain their current addresses and telephone numbers.

*[22 CFR §62.10(e)(1-4)]*

Sponsors must provide to all participants telephone numbers through which they may have 24-hour immediate contact with your organization. Sponsors also required to provide appropriate assistance to program participants on an as-needed emergency basis.

*[22 CFR §62.32(f)(1-2)]*

### **What are the sponsor's reporting requirements to the Department of State?**

#### Placement Reports

Placement reports are due semi-annually. They are to be submitted to the Department by July 31 for the summer program and by January 30 for the winter program, and should reflect placements for the previous six months. The placement report is to include the following information:

1. Name of participant and country of origin
2. Name and location of employment
3. Number of times participant has participated in a Summer Work/Travel program
4. Length of time it required non pre-placed participants to secure employment

Sponsors should provide totals for participants, country of origin, previous participation, entry to the United States with/without pre-arranged employment (separate figures for pre-arranged and non pre-arranged) and length of time non pre-placed participants required to secure employment.

*[22 CFR §62.32(h)]*

#### Annual Report

The annual report is due by COB January 31. Please submit the current annual report form along with your narrative. A copy of the form is enclosed for your convenience.

*[22 CFR §62.15]*

---

---

**How are IAP-66 Forms properly used and stored?**

Blank forms are to be stored securely by the designated officers, and must be under their control at all times. Blank or partially completed forms may not be sent abroad. All forms must be completely filled out and signed by the Responsible or Alternate Responsible Officer before they are distributed to participants. Blank forms may not be transferred to another sponsor or other person unless written authorization to do so is received from the Department of State. Serial numbers of lost or stolen IAP-66 forms are to be reported to the Department immediately. The Department may issue "replacement" forms for voided or destroyed IAP-66 forms. Forms to be replaced may either be returned to the Department of State, or alternatively, destroyed and their serial numbers reported.

Only the Responsible Officer and designated Alternate Responsible Officer(s) may have access to or sign the IAP-66 form. IAP-66 forms may be issued to program participants who are starting a new program or to amend or replace lost or stolen forms. Before a completed and signed form is issued to the program participant, the Responsible and/or Alternate Responsible Officers must verify that the participant is qualified for and has been accepted into the program; and that the participant possesses adequate financial resources to complete his or her program.

*[22 CFR §62.12]*

**May sponsors use third parties to administer their programs?**

Sponsors may use a third party to provide orientation, U.S. hosting, placement, and/or other support services for program participants. However, the sponsors shall closely oversee the provision of these services provided by the third party(ies), and remain responsible to the Department of State for full compliance with the program regulations by the third party. This means that sponsors are required to take all reasonable steps to ensure that the third party knows and complies with the Exchange Visitor Program regulations at all times. The sponsor may be subject to sanctions for violations incurred by the third party.

*[22 CFR §62.32(g)]*

---