



Becki Young

**“It can make a huge difference both in terms of timing and ease of processing.”**

BY BECKI L. YOUNG

**A**lmost all of my hospitality clients have at one time sponsored a J-1 trainee, and many properties sponsor several J-1 trainees each year. The J-1 category was created “to enhance understanding between the people of the United States and the people of other countries through educational and cultural exchanges,” so the focus of this category is on providing genuine cultural exchange, as well as imparting critical job skills and knowledge that will serve the trainee upon her return to her home country.

Unlike most non-immigrant visa categories, which are administered by the Bureau of Citizenship & Immigration Services (BCIS, formerly

## The Benefits of Cultural Exchange

INS) at the Department of Homeland Security, the J-1 visa program is administered by the Bureau of Educational and Cultural Affairs at the Department of State, through private organizations known as “designated training program sponsors.”

While this distinction may not seem significant, in fact it can make a huge difference both in terms of timing and ease of processing. J-1 processing is significantly faster than processing of other training status requests (i.e. H-3, Q-1) that must be filed with BCIS. Also, if you need to modify or make a correction to a J-1 application, you can telephone the training program sponsor and obtain a modification/ correction with relative ease. Because BCIS has made it next to impossible to reach a live person, trying to obtain a modification or correction to an application filed with that agency is often a hopeless pursuit.

**EACH TRAINING PROGRAM** sponsor has its own policies and requirements, i.e. some only sponsor hospitality *management* training whereas others sponsor training without a management focus; some only sponsor high-end properties whereas others work with all types of properties. In addition, while J-2 dependent status is available for spouses and children of J-1 trainees, some training program sponsors are unwilling or hesitant to sponsor J-2 dependents.

Because J-1 is a training status, it is generally intended for young workers at the beginning of their careers in the hospitality industry; the vast majority of J-1 trainees are people in their 20s. To qualify for a hospitality-training program, an individual must have recently completed either a university degree in a hospitality field, or 2 years of employment in the field.

In order to sponsor a J-1 trainee, the property (“host site”) submits an application to the designated training program sponsor, which reviews the application and upon approval issues a Form DS-2019 (formerly Form IAP-66). The training program sponsor also enters the trainee’s information into SEVIS, the Student and Exchange Visitor Information System, an electronic system maintained by the Department of Homeland Security which tracks status and other information for foreign students and exchange visitors.

**THE MAXIMUM DURATION** of a J-1 training program is 18 months, and there is a lifetime limit of a single J-1 training program for each foreign national. Prospective trainees are advised to consider this lifetime limit carefully; if they complete a 6-month training program and then return home, they have exhausted their lifetime limit and will not be able to return to the U.S. later for a 12-month program.

Because J-1 is a nonimmigrant category, in order to qualify for a visa trainees will have to show evi-

dence of ties to their home country, such as (1) evidence of a residence in the home country (i.e. real estate, apartment lease, bank accounts); (2) evidence of family relationships in the home country; (3) evidence of current employment in the home country; and (4) evidence of ongoing activities in the home country demonstrating a commitment to return (i.e. membership in community clubs, membership in religious organizations, continuing educational pursuits).

In addition, some J-1 trainees may be subject to a two-year home residence requirement, meaning that at the conclusion of their training program they must return to their home country for at least two-years. J-1 trainees can be subject to this requirement on several grounds; however, practically speaking, the only ground on which hospitality trainees may be subject is that their profession is included on the “skills list,” a list of needed job skills provided by the home country to the U.S. Department of State.

The J-1 program has undergone significant changes in the past few years, but it remains a viable and attractive option for hospitality employers, and both J-1 trainees and U.S. staff benefit from the valuable cultural exchange opportunity it offers.

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