J Student Intern option:

Participant requirements:

To be eligible to participate as a J Student Intern, a participant must meet these conditions:

- Be currently "enrolled in and pursuing a degree at an accredited postsecondary academic institution outside the United States." [22 C.F.R. § 62.23(i)]
- The U.S. internship must "fulfill the educational objectives for his or her current degree program at his or her home institution." [22 C.F.R. § 62.23(i)]
- Have "verifiable English language skills sufficient to function on a day-to-day basis in the internship environment." [22 C.F.R. § 62.23(i)(i)] The sponsor must verify the student's English language ability "through a sponsor-conducted interview, by a recognized English language test, or by signed documentation from an academic institution or English language school." [22 C.F.R. § 62.23(i)(i)]
- Be "primarily in the United States to engage in a student internship program rather than to engage in employment or provide services to an employer." [22 C.F.R. § 62.23(i)(i)(ii)]
- Be "accepted into a student internship program at the postsecondary accredited academic institution listed on his or her Form DS-2019." [22 C.F.R. § 62.23(i)(i)(iii)] [22 C.F.R. § 62.23(d)]
- Be "in good academic standing" at his or her home institution outside the United States. [22 C.F.R. § 62.23(i)(i)(iv)]
- The student must return to his or her academic program outside the United States "and fulfill and obtain a degree from such academic institution after completion of the student internship program." [22 C.F.R. § 62.23(i)(i)(v)]
- Have "sufficient finances to support himself or herself and dependants for their entire stay in the United States, including housing and living expenses." [22 C.F.R. § 62.23(i)(i)(ii)]

Program sponsor requirements

Prior to issuing a Form DS-2019 to sponsor a student in the J Student Intern category, an exchange visitor program sponsor must:

- Be an accredited postsecondary academic institution designated in the J College and University Student category.
- Accept the student into its student internship program.[22 C.F.R. § 62.23(i)(i)(iii) ; [22 C.F.R. § 62.23(d)]
- Verify the student's English language ability, "through a sponsor-conducted interview, by a recognized English language test, or by signed documentation from an academic institution or English language school." [22 C.F.R. § 62.23(i)(i)]
- Secure a placement for the intern before issuing the DS-2019 [22 C.F.R. § 62.23(i)(i)(ii)]
- Complete and secure the requisite signatures on Form DS-7002 (T/IPP). The sponsor must then provide an executed copy of the Form DS-7002 to each signatory. [22 C.F.R. § 62.23(i)(7)]
- Develop procedures for evaluating all student interns. The program sponsor must conduct such evaluations for each Student Intern. All programs must do a concluding evaluation, and programs lasting more than six months must do a midpoint and concluding evaluation. The sponsor must retain these evaluations for at least three years following the completion of the student's internship program. [22 C.F.R. § 62.23(i)(5)]
- Ensure the student intern has sufficient finances to support self and dependants for the entire stay in the United States. [22 C.F.R. § 62.23(i)(ii)]
- Not involve in any way a "staffing/employment agency." [22 C.F.R. § 62.23(i)(iii)]
**Internship activity:**

The internship activity secured for the participant must conform to these requirements and prohibitions:

**Duration**

- The internship must be full-time; i.e., consist of a minimum of 32 hours per week. [22 C.F.R. § 62.23(i)(3)(i)(A)]
- Student interns may participate in a student internship program for "up to 12 months for each degree/major." [22 C.F.R. § 62.23(h)(3)] Extensions beyond 12 months are not possible.

**Focus and nature of activity**

- The internship does not have to be in the student's field of study, but it does have to "fulfill the educational objectives for his or her current degree program at his or her home institution." [22 C.F.R. § 62.23(i)]
- All tasks assigned must be "necessary for the completion of the student internship program." [22 C.F.R. § 62.23(i)(8)(iv)]
- A student may participate in an internship with or without wages or other compensation, and full-time employment is permitted, as outlined on the student's T/IPP. To be employed, however, the student needs the "approval of the exchange program's responsible officer and the student's home institution's dean or academic advisor." [22 C.F.R. § 62.23(i)(6)]
- The internship tasks may consist of no more than 20 percent clerical work. [22 C.F.R. § 62.23(i)(8)(iv)]
- The internship must expose the participant to "American techniques, methodologies, and technology," expand upon the participant's existing knowledge and skills, and "not duplicate the student intern's prior experience." [22 C.F.R. § 62.23(i)(2)(iii)]
- Internships cannot place a student intern in any position that involves the following [22 C.F.R. § 62.23(i)(8)(i)]:
  - Unskilled or casual labor
  - Child care or elder care
  - Aviation
  - "Clinical positions or engaging in any other kind of work that involves patient care or contact, including any work that would require student interns to provide therapy, medication, or other clinical or medical care (e.g., sports or physical therapy, psychological counseling, nursing, dentistry, veterinary medicine, social work, speech therapy, or early childhood education)"
  - Any "position, occupation, or business that could bring the Exchange Visitor Program or the Department into notoriety or disrepute." [22 C.F.R. § 62.23(i)(8)(ii)]

**Distinction between internships and regular employment**

- The internship cannot "serve to fill a labor need" [22 C.F.R. § 62.23(i)(3)(ii)(B)]
- The internship must exist "solely to assist the student intern in achieving the objectives of his or her participation in a student internship program." [22 C.F.R. § 62.23(i)(3)(ii)(B)]
- The internship must consist of "work-based learning," rather than "ordinary employment or unskilled labor." [22 C.F.R. § 62.23(i)(7)(i)]
- Not involve in any way a "staffing/employment agency." [22 C.F.R. § 62.23(i)(8)(iii)]
Worker protections

- The internship cannot displace "American workers" (including full or part-time, temporary or permanent). [22 C.F.R. § 62.23(i)(3)(i)(B)]
- If in the field of agriculture, the internship must meet all requirements of the Fair Labor Standards Act and the Migrant and Seasonal Agricultural Worker Protection Act. [22 C.F.R. § 62.23(i)(3)(ii)(C)]

(3) Student Intern. A student intern participating in a student internship program may be authorized to participate in the Exchange Visitor Program for up to 12 months for each degree/major as permitted in paragraph (i) of this section as long as the student intern is:

62.23(h)(3)(i)

(i) Engaged full-time in a student internship program sponsored by the post-secondary accredited academic institution that issued Form DS-2019; and

62.23(h)(3)(ii)

(ii) Maintaining satisfactory advancement towards the completion of his or her student internship program.

62.23(i)

(i) Student Intern. The student intern is a foreign national enrolled in and pursuing a degree at an accredited post-secondary academic institution outside the United States and is participating in a student internship program in the United States that will fulfill the educational objectives for his or her current degree program at his or her home institution. The student intern must meet the following requirements:

62.23(i)(1)

(1) Criteria.

62.23(i)(1)(i)

(i) In addition to satisfying the general requirements set forth in §62.10(a), a sponsor must ensure that the student intern has verifiable English language skills sufficient to function on a day-to-day basis in the internship environment. English language proficiency must be verified through a sponsor-conducted interview, by a recognized English language test, or by signed documentation from an academic institution or English language school.

62.23(i)(1)(ii)

(ii) The student intern is primarily in the United States to engage in a student internship program rather than to engage in employment or provide services to an employer;

62.23(i)(1)(iii)

(iii) The student intern has been accepted into a student internship program at the post-secondary accredited academic institution listed on his or her Form DS-2019;
62.23(i)(1)(iv)

(iv) The student intern is in good academic standing with the post-secondary academic institution outside the United States from which he or she is enrolled in and pursuing a degree; and

62.23(i)(1)(v)

(v) The student intern will return to the academic program and fulfill and obtain a degree from such academic institution after completion of the student internship program.

62.23(i)(2)

(2) Program requirements. In addition to the requirements set forth in Subpart A, a sponsor must ensure that:

62.23(i)(2)(i)

(i) It does not issue Form DS-2019 to a potential participant in a student internship program until it has secured a placement for the student intern and it completes and secures the requisite signatures on Form DS-7002 (T/IPP);

62.23(i)(2)(ii)

(ii) A student intern has sufficient finances to support himself or herself and dependants for their entire stay in the United States, including housing and living expenses; and

62.23(i)(2)(iii)

(iii) The student internship program exposes participants to American techniques, methodologies, and technology and expands upon the participants' existing knowledge and skills. A program must not duplicate the student intern's prior experience.

62.23(i)(3)

(3) Obligations of student internship program sponsors.

62.23(i)(3)(i)

(i) A sponsor designated by the Department to administer a student internship program must:

62.23(i)(3)(i)(A)

(A) Ensure that the student internship program is full-time (minimum of 32 hours a week); and

62.23(i)(3)(i)(B)

(B) Ensure that any host organization or other third party involved in the recruitment, selection, screening, placement, orientation, evaluation, or provision of a student internship program is sufficiently educated on the goals, objectives, and regulations of the Exchange Visitor Program and adheres to all regulations set forth in this Part as well as all additional terms and conditions governing Exchange Visitor Program administration that the Department may from time to time impose.
(ii) A sponsor must ensure that it or any host organization acting on the sponsor's behalf:

(A) Has sufficient resources, plant, equipment, and trained personnel available to provide the specified student internship program;

(B) Does not displace full- or part-time or temporary or permanent American workers or serve to fill a labor need and ensures that the position that the student interns fills exists solely to assist the student intern in achieving the objectives of his or her participation in a student internship program; and

(C) Certifies that student internship programs in the field of agriculture meet all the requirements of the Fair Labor Standards Act, as amended (29 U.S.C. 201 et seq.) and the Migrant and Seasonal Agricultural Worker Protection Act, as amended (29 U.S.C. 1801 et seq.).

(iii) Screening and vetting host organizations. A sponsor must adequately screen all potential host organizations at which a student intern will be placed by obtaining the following information:

(A) The Dun & Bradstreet identification number (unless the host organization is an academic institution, government entity, or family farm);

(B) Employer Identification Number (EIN) used for tax purposes;

(C) Verification of telephone number, address, and professional activities via advertising, brochures, Web site, and/or feedback from prior participants; and

(D) Verification of Workman’s Compensation Insurance Policy.

(iv) Site Visits. A sponsor must conduct a site visit of any host organization that has not previously participated successfully in the sponsor's student internship program, has fewer than 25 employees, or has less than three million dollars in annual revenue. Any placement at an academic institution or at a Federal, State, or local government office is specifically excluded from this requirement. The purpose of the site visit is for the sponsor to ensure that each host organization possesses and maintains the ability and resources to provide structured and
guided work-based learning experiences according to individualized T/IPPs, and that each host organization understands and meets its obligations set forth in this Part.

62.23(i)(4)

(4) Use of third parties. A sponsor may engage a third party (including, but not limited to a host organization, partner, local business, governmental entity, academic institution, or any other foreign or domestic agent) to assist it in the conduct of its designated student internship program. Such a third party must have an executed written agreement with the sponsor to act on behalf of the sponsor in the conduct of the sponsor's program. This agreement must outline the full relationship between the sponsor and third party on all matters involving the administration of its exchange visitor program. A sponsor's use of a third party does not relieve the sponsor of its obligations to comply with and to ensure third party compliance with Exchange Visitor Program regulations. Any failure by any third party to comply with the regulations set forth in this Part or with any additional terms and conditions governing Exchange Visitor Program administration that the Department may from time to time impose will be imputed to the sponsor.

62.23(i)(5)

(5) Evaluation requirements. In order to ensure the quality of a student internship program, a sponsor must develop procedures for evaluating all student interns. All required evaluations must be completed prior to the conclusion of a student internship program, and the student intern and his or her immediate supervisor must sign the evaluation forms. At a minimum, all programs require a concluding evaluation, and programs lasting longer than six months also require a midpoint evaluation. For programs exceeding six months' duration, at a minimum, midpoint and concluding evaluations are required. A sponsor must retain student intern evaluations (electronic or hard copy) for a period of at least three years following the completion of each student internship program.

62.23(i)(6)

(6) Employment, wages, or remuneration. A student intern is permitted to engage in full-time employment during the student internship program as outlined on his or her T/IPP, with or without wages or other compensation. Employment is not required for participation in the program. A student intern may be employed, however, only with the approval of the responsible officer and the student's home institution's dean or academic advisor.

62.23(i)(7)

(7) Training/Internship Placement Plan (Form DS-7002).

62.23(i)(7)(i)

(i) A sponsor must fully complete and obtain requisite signatures for a Form DS-7002 for each student intern before issuing a Form DS-2019. A sponsor must provide to each signatory an executed copy of the Form DS-7002. Upon request, a student intern must present his or her fully executed Form DS-7002 to a Consular Official during the visa interview.

62.23(i)(7)(ii)

(ii) To further distinguish between work-based learning for student interns, which is permitted, and ordinary employment or unskilled labor which is not, a T/IPP must:
(A) State the specific goals and objectives of the student internship program (for each phase or component, if applicable);

(B) Detail the knowledge, skills, or techniques to be imparted to the student intern (for each phase or component, if applicable); and

(C) Describe the methods of performance evaluation and the frequency of supervision (for each phase or component, if applicable).

(8) Program exclusions. A sponsor designated by the Department to administer a student internship program must:

(i) Not place a student intern in an unskilled or casual labor position, in a position that requires or involves child care or elder care, a position in the field of aviation, or, in clinical positions or engaging in any other kind of work that involves patient care or contact, including any work that would require student interns to provide therapy, medication, or other clinical or medical care (e.g., sports or physical therapy, psychological counseling, nursing, dentistry, veterinary medicine, social work, speech therapy, or early childhood education);

(ii) Not place a student intern in a position, occupation, or business that could bring the Exchange Visitor Program or the Department into notoriety or disrepute;

(iii) Not engage or otherwise cooperate or contract with a staffing/employment agency to recruit, screen, orient, place, evaluate, or train student interns, or in any other way involve such agencies in an Exchange Visitor Program student internship program;

(iv) Ensure that the duties of a student intern as outlined in the T/IPP will not involve more than 20 per cent clerical work, and that all tasks assigned to a student intern are necessary for the completion of the student internship program; and

(v) Ensure that all "Hospitality and Tourism" student internship programs of six months or longer contain at least three departmental or functional rotations.