



## Summer Employment in the United States under the J-1 Work/Travel Program

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### How this Information Can Help

*Below you will find the answers to frequently asked questions and factors that Summer Work/Travel candidates must understand. We invite you to review this information and contact us if you have questions or need more information.*

#### 1. What do we mean by “J-1?”

- J-1 is a broad classification under US immigration law that includes many types of exchange programs. The Summer Work/Travel (SWT) program is specifically for foreign university students who come to the United States for a work and travel experience during their summer vacation periods.
- Each J-1 program must be approved by the US Department State. The approved program is called the “program sponsor.” It has authority to select program participants and to issue the very important Form DS-2019.
- Some J-1 participants can work, but others cannot. Each program is different. SWT students are entitled to work, under certain restrictions.

#### 2. What is the role of the “program sponsor”?

- The program sponsor is responsible not only for selecting participants and issuing documents, but for educating each participant about the terms and condition of the program in which he will participate and for monitoring each student’s progress and compliance with US law.
- The program sponsor is also responsible for keeping accurate records about its participants in the Student and Exchange Visitor Information System (SEVIS).

### **3. What is the SUMMER WORK/TRAVEL (SWT) program?**

- Through dozens of program sponsors approved by the US Department of State, thousands of foreign university students enter the United States each year for training.
- Since the program cannot interfere with a student's academic program at home, participation can be approved only during a student's summer vacation period.
- In general, the summer vacation period for students from the northern hemisphere is June through September. For students from the southern hemisphere, it is December through March. Although these months define the general period, the actual dates for each student depend upon his own academic schedule.

### **4. What kind of training is provided through an SWT program?**

- The term training is used very loosely.
- Basically, the concept of the SWT program is to give foreign students the opportunity to work in a market-driven economy and to travel freely through a country that is governed according to democratic principles.
- The experience is called training because it provides each participant with a firsthand point of view about the economy and culture of the United States.
- It also gives each participant experience with following employment rules, living in a different culture, managing money, traveling freely as funds permit, and communicating in a foreign language (unless English is the native language).

### **5. How do SWT participants find their US jobs?**

- Most SWT participants sign up with foreign representatives of the SWT program in their home countries.
- In most cases, the foreign representatives arrange the US employment and are responsible for matching SWT students to the US jobs.
- In rare cases, students who have already identified jobs in the United States come to the foreign representatives and ask to have their jobs qualified for the SWT program.

- In very few cases, students are interested in internships rather than jobs. Although regular jobs can qualify as internships, most internships that constitute a professional experience in the student's field of study are unpaid.
- The foreign representative may be willing to find internships for SWT participants in the United States, but in those cases the students must have the means to support all costs of their programs as well as subsistence in the United States during the internship period.

#### **6. What restrictions apply to J-1 SWT participants?**

- All SWT participants must have prearranged jobs in the United States that are acceptable to the program sponsor.
- After arriving in the United States, the SWT participant must undergo mandatory training and travel to the employment site. Once the US employer confirms that the student is working, it will notify the program sponsor and the program sponsor will record the student in the SEVIS.
- If the student does not show up for the prearranged job, the student will be recorded in SEVIS as a "no show." If and when this happens, the student will have breached and lost his US immigration status.

#### **7. May a SWT participant change jobs or work in extra jobs?**

- The program sponsor's rules control SWT employment.
- If there is a good reason to change the job and the program sponsor agrees, job change is possible. Without the program sponsor's agreement, changing jobs is a violation of the terms and conditions of the program.
- SWT students may take 2nd and even 3rd jobs if they have time and if the program sponsor approves.

#### **8. Does a J-1 SWT student get a work permit?**

- The basic answer is no. *Work Permit* is the popular (but unofficial) term for an Employment Authorization Document (EAD) that permits an alien to work for a temporary period of time without restriction as to employer or type of job.

- Under US law, only very specific categories of aliens are entitled to obtain EADs. The US system is unlike the systems of many other countries that provide procedures for foreign persons to apply for and receive *work permits*.
- Unlike aliens who have EADs, the work authorization of J-1 SWT participants is restricted to the employment approved by the program sponsor.

## 9. What kind of US jobs do SWT students typically get?

- Most employers of SWT students have seasonal businesses or greater/different needs in one season of the year than in another. Accordingly, most SWT jobs from June - Sept are in summer resort areas and most SWT jobs from Dec - March are in winter resort areas.
- Common SWT positions are cashiers, retail clerks, waiters/waitresses, housekeepers, receptionists, general maintenance, childcare, and “fast food” service. However, SWT students with special skills may serve in specialized positions such as instructors, guides, or performers.

## 10. Where can SWT students work?

- Each year, SWT students from dozens of different countries work all over the United States.
- No SWT student is restricted to a particular region or state of the United States.
- Students who wish to work in specific places or with specific types of employers should discuss this with their in-country representatives (like Imerica Consulting in Romania).
- Students should identify the cost of living in their areas of interest and factor those costs into their employment decisions.

## 11. Who qualifies? *Standards for SWT students (including English)*

- Any student who meets training, experience, language proficiency, and other requirements of the seasonal employment is potentially eligible.

- English language proficiency is important for SWT students. Each candidate should be able to read, write, and speak English at least at the medium level. Better English speakers obviously qualify for a wider variety of job opportunities than students with lower English proficiency.
- The academic records of SWT candidates, particularly those from developing countries, is very important in the selection process. This is because students without serious academic records are often not motivated to return home to resume their programs after the SWT experience.

## 12. SWT Wages and Working Conditions

- US employers pay the same wages and overtime to SWT students that they pay to US workers.
- Accommodations for lodging and subsistence of SWT students are not dictated by US law. Some employers offer both at no cost, some offer one or the other at reduced cost, and some offer no assistance with either lodging or subsistence. **This is a very important job selection factor!**

## 13. What about cost?

- The US program sponsor always charges a processing fee to SWT participants. This fee can vary widely.
- Some employers choose US agents to handle processing and recruitment of workers. Many such agents charge no fees to the employer and collect their fees from the workers through foreign agents who actually recruit and select the workers. US agent fees also vary greatly.
- Fees for the local representative's services are paid by the SWT participants. It is very important to find out about these fees and -- even more importantly -- what services will be provided for the money paid!
- Visa, transportation, and mandatory insurance costs are paid by SWT participants.
- ***Contact us to learn about specific fees!***

#### **14. Can SWT students recover their program costs through working in the United States?**

- Most SWT students cannot afford to participate unless the money earned in the United States is sufficient to cover their program costs.
- By choosing the foreign representative and US employer wisely, students can usually make the program work for them. This includes not only choosing an employer that pays good wages, but selecting a job location where the cost of living is affordable to the student and where, if necessary, there is a possibility of working in extra jobs.
- For example, a wage of \$8/hour, without overtime, can be expected to yield about \$2700 of US income after taxes for 10 weeks of employment. In a job where the employer provides housing and meal assistance and extra jobs are possible, an average SWT student can usually cover all program costs and even save a little money.
- However, travel in the United States is extra and comes out of the SWT student's own pocket.

#### **15. Can an SWT student work in the United States for more than one summer?**

- The basic answer to this question is yes. However, the student must have an excellent record from the first SWT program and remain eligible under all criteria applying to the SWT program and to issuance of US visas.
- A student who has finished his academic program is no longer eligible for an SWT program unless he is enrolled in a new or higher level degree program for the semester following the SWT summer.

#### **16. J-1 SWT Process: General Description** *(three basic steps)*

- **STEP ONE:** The student applies to an in-country representative of a J-1 SWT program. The student is evaluated for program participation, English proficiency, and visa eligibility. Students who meet the basic requirements are matched with available US jobs.
- **STEP TWO:** Once the in-country representative qualifies a candidate and matches that candidate with a US job, the candidate and job placement are presented to the program sponsor for approval. In some cases, the program sponsor will send a representative to the country to interview

candidates. Once a candidate and job placement have been approved, the program sponsor issues the candidate a Form DS-2019.

- **STEP THREE:** Candidates who have Forms DS-2019 and have been prepared by their in-country representatives apply to US consulates in their home country for J-1 visas (see below). Consular officers will screen candidates very carefully to ensure that they meet all SWT program and visa requirements. Successful candidates will get J-1 visas stamped into their passports.

### **17. Understanding “Visas”** *(a commonly misunderstood term!)*

- A visa is a travel document issued by a US consulate in an alien’s home country. It allows the visaholder to board a common carrier (usually an airplane) bound for the United States and to apply for admission to the United States under the classification of the visa.
- There are dozens of different temporary visa classifications, of which J-1 is one (other examples are B-2, H-1b, TN, and P-3). Each classification has its own rules and procedures.
- Once a visaholder enters the United States, his visa is irrelevant unless he has to travel outside the United States and return. However, it is extremely important that a SWT participant understand and follow all requirements of their programs and US immigration law in order to remain eligible for future visas.

### **18. How is a visa different from a Form I-94?**

- If a visaholder is admitted to the USA, he is issued a **Form I-94** Arrival-Departure Record by the US immigration inspector at the port of entry. This document, which is typically stapled into the passport, is endorsed with a temporary classification such as J-1.
- Once the foreign person enters the United States, his visa is irrelevant for purposes of his US immigration status. The expiration date of the visa may be the same or different as the expiration date on the **Form I-94**. Many legal aliens don’t have visas at all.

- The **Form I-94** is also the worker's proof of US immigration status. The dates on the **Form I-94** define the time period over which the person may remain and work in the United States as long as he complies with the conditions of his immigration status.
- The **Form I-94** is also the SWT student's proof of J-1 employment authorization, along with the Form DS-2019 issued by the program sponsor. However, if it used outside the terms and conditions of the SWT program, the student may be recorded in the SEVIS as a violator. If violations of the program are recorded in the SEVIS, the student is generally disqualified from legally changing status, changing employment, or extending his stay in the United States.

### **19. What about a Social Security Card?**

- Somehow, many foreign persons have become confused about US Social Security cards. **Social Security Cards are not work authorization documents. Social Security Cards are not US identification documents either!**
- Social Security Cards, which have a 9-digit number issued by the US Social Security Administration, are not even required for employment. Their only purpose is to track every payee's income tax obligations and payments.
- For convenience, each person who is authorized to work in the United States is issued a number so that the system can match that person to his tax records.
- SWT participants are eligible for Social Security numbers (SSNs) because they are authorized to work. Persons who cannot prove that they are authorized to work do not need SSNs and are not eligible to get them. Issuance of SSNs now involves a long confirmation process that can take from two weeks to many months.
- Foreign persons with unrestricted work authorization, such as naturalized US citizens or foreign citizens with *green cards*, may use their Social Security cards as work authorization documents. However, Social Security cards issued to SWT participants bear the restriction *Valid Only with DHS Authorization* and are only relevant for tax-related purposes.



**20. End of the SWT Experience:**  
*Returning home... or not?*

- J-1 is a temporary classification. According to US law, a person applying for a J-1 visa must intend to return home and a person who has finished an SWT program is expected to do so.
- Some SWT students want to remain in the United States after their programs are over by changing to another immigration status such as student, or working illegally. A decision to take one of these options should be made with extreme caution and with careful consideration of both the short-term and long-term consequences of the decision.
- Unfortunately, most people (including Americans) do not understand that immigration law governing immigration status in the United States has different standards than consular law governing US visas. They also do not understand that the consequences of a bad decision affect not only the individual who made the decision, but the future US immigration opportunities of the members of that person's family at home.
- SWT students who are interested in remaining in the United States must take care to get information and advice from **extremely reliable sources!**

**21. WARNING**  
*Be careful about information!*

- A great deal of dangerously inaccurate information circulates to foreign persons visiting and working in the United States. Even American friends can seriously misunderstand US immigration law. Mistaken reliance on information from unofficial sources can result in the same serious consequences as intentional violations of the law. Even "customer service" hotlines operated by US authorities have limited reliability for three reasons:
- The answers to most immigration questions depend upon application of facts to the law. Customer service attendants are trained to provide information rather than advice.
- Getting accurate information in response to a question depends upon the question that is asked. Persons who are not trained in US immigration law typically do not understand what questions to ask.
- Customer service personnel typically answer questions in English or Spanish. Persons who speak other languages must rely upon translators or translations that can unintentionally change legal meaning.

## **22. WARNING**

*Do not rely upon the experiences of others!*

- There are hundreds of reasons why one case is different from another. Reasons that cause a certain outcome for one person may be totally unknown to another person seeking the same outcome. Although it is true that at one time it was possible for a foreign person who had entered the United States illegally -- or stayed illegally -- to eventually obtain legal status, things have changed. There are at least two reasons for this:
- It was possible until five years ago to adjust status to permanent resident of the United States even if the applicant was illegal at the time of application. This is because an exception to the general rule expired in April 2001, was not extended by the US Congress, and is not expected to be extended.
- “9/11” changed the opinions of many Americans about immigration. Since September 11, 2001, the US public and legislators have become extremely conservative about foreign persons visiting as well as studying and working in the United States.

## **23. About Imerica Consulting**

- Imerica Consulting (IC) is a foreign agent with a license in Romania to recruit Romanian citizens for US jobs. IC complies fully with all requirements of Romanian law governing placement of Romanians in foreign jobs.
- IC operates in a close-knit team of highly educated English-speaking professionals who work together to recruit and select workers for US jobs, teach English at all proficiency levels, provide a variety of general and customized training, arrange insurance and transportation for all of its clients, and design tours of Romania for its US clients to experience Romanian culture and interview workers (if desired).

## **24. Role of Imerica Consulting**

- IC matches qualified employees directly with its US employer clients' needs. Since IC works directly with US employers, no US agent is involved or necessary.
- IC meticulously interviews applicants, identifies those who best fit the employers' needs, and develops/conducts custom training to meet the US client employer's needs.

- ICs careful recruitment and selection process is carefully designed and conducted to weed out candidates who might leave the US jobs and violate US immigration status.
- IC offers one-stop-shopping if desired by its US employer clients -- including all J-1 processing -- in cooperation with its US attorney partner.

## **25. IC's Expertise**

- IC has placed over 200 workers and is planning to place Romanians in over 150 more US jobs in spring and fall of 2006.
- US employer clients of IC use IC's services year after year because they are pleased with both IC selectees and IC services.
- IC's Romanian staff is managed by Romanian attorneys personally trained in the United States in US immigration law. A highly experienced US immigration lawyer provides constant support and assistance to IC, IC client workers, and IC client employers.
- IC's services are so expert and meticulous that the visa refusal rate of IC selectees is less than 5%.

## **26. Importance of Communication**

- Imerica Consulting is committed to excellent communication with its client workers and employers.
- Since the consequences of misunderstandings and violations are so serious, it is extremely important to IC for all parties to know and comprehend the details of their US employment and US immigration status. IC is aware that the "grapevine" provides misinformation that can be harmful to both J-1 SWT program participants and their US employers.
- IC maintains close communication with both SWT participants and their employers throughout the employment periods and is always available to help resolve misunderstandings, problems, and emergencies.
- IC also maintains close communication with US authorities. It provides the US consulate in Bucharest with comprehensive updates about SWT participants and sends information to the Department of Homeland Security if and as necessary.