

Operating Procedures for J-1 Visa Sponsorship to the University's Exchange Visitor Program

Operating procedures for J-1 visa sponsorship to the university's **non-clinical** Exchange Visitor Program is necessary to ensure compliance with U.S. Federal Regulations and University Policies. The CWRU's Office of Immigration and HR Services (IHRS) has the responsibility and authority to require that the policy shall be executed.

General Procedures Campus-wide

- A. Any exchange visitor (EV) requesting that CWRU sponsor a J-1 visa must meet the criteria in accordance with federal laws and regulations as determined in the sole discretion of CWRU. CWRU may approve J-1 visa sponsorship for an exchange visitor to perform research that are funded through CWRU, CWRU affiliates, an EV's home institution, an EV's home government, the U.S. government or personal funds. The maximum initial appointment period will be for a period of one year. Extensions may be granted in one year increments provided initial appointment conditions remain. Total maximum period for an EV in the Research Scholar category is five years. This period cannot be extended under any circumstances pursuant to Department of State Regulations.

EV Sponsorship Applicable to School of Medicine, School of Dentistry, School of Nursing, and MSASS

1. If the EV visa holder will be involved in human subject research, the research activities must not pose a greater than minimal level of risk as determined by the relevant Institutional Review Board (IRB). Risk assessment may include a review by CWRU of all IRB and IACUC approval and protocol documentation of any project EV visa holder may be included in. If one or more of the projects involves an unacceptable level of risk, **and/or unacceptable level of clinical activity** as determined by CWRU, then the request for CWRU sponsorship will be denied. In this case, the PI may appeal the denial by dropping the EV visa holder from projects that include the unacceptable activity. When an exception is granted, the maximum visa term that CWRU will support for an EV visa holder working on multiple projects will be for a period of one year. The one year period will coincide with the most recent approved IRB or IACUC approval date for a project on which the EV visa holder will be working. EV visa holder sponsorship may be renewable on a case by case basis for a period that will be no greater than, but may be less than, one year.

2. In addition, the EV visa holder must not be involved in more than a minimum degree of incidental patient/clinical activity. Incidental patient/clinical activity has been defined as no more than 20% effort. Incidental patient/clinical activity also requires approval by the SOM's Dean and the visa document must be appended with the referenced approval (see: <https://case.edu/hr/system/files/2019-03/J-1%20FMG%20Attestation.pdf>). The Dean's certification must be attached to Recommendation for J-1 Exchange Visitor Form and forwarded to IHRS. Further, if the EV visa holder is a foreign physician performing research, teaching, observation, and consultation, the EV visa holder's visa document must be appended with the appropriate sample letter provided in the link above. This letter must also accompany the recommendation form as well.
3. The Dean, SOM and the Exchange Visitor Program's Responsible Officer may charge an administrative fee to be paid by UH or affiliates for each J-1 visa application submitted. The fee will be used to cover the appropriate share of CWRU's administrative overhead.