

9 FAM 41.62 Procedural Notes

(TL:VISA-472; 10-09-2002)

9 FAM 41.62 PN1 Description and Execution of Form IAP-66, Certificate of Eligibility for Exchange Visitor J-1 Status

9 FAM 41.62 PN1.1 Description and Control of Form IAP-66, Certificate of Eligibility for Exchange Visitor J-1 Status

(TL:VISA-377; 03-29-2002)

Form IAP-66, *Certificate of Eligibility for Exchange Visitor J-1 Status*, is a four-page, four-color Department document, printed on NCR (No Carbon Required) paper. Each Form IAP-66 is assigned a number by the Department and there is strict accountability for the forms.

9 FAM 41.62 PN1.2 Responsible Officer Given Signing Authority

(TL:VISA-377; 03-29-2002)

The only person authorized to sign a Form IAP-66, *Certificate of Eligibility for Exchange Visitor J-1 Status*, is the Responsible Officer (or designated alternate) whose name has been recorded with the Department. The Responsible Officer must take whatever measures are necessary to safeguard supplies of this form and to ensure that it is not executed by unauthorized individuals.

9 FAM 41.62 PN1.3 Incomplete Form Unacceptable for Visa Application

(TL:VISA-377; 03-29-2002)

Page 1 of Form IAP-66, *Certificate of Eligibility for Exchange Visitor J-1 Status*, provides necessary details about the exchange visitor program. The title is printed on the front of all copies. Consular officers shall not accept a Form IAP-66 in which there are omissions in items 1 through 5. J-1 visas shall be issued only when all the items of information required by the form have been completed.

9 FAM 41.62 PN1.4 Certificate Regarding 2-Year Home Country

(TL:VISA-472; 10-09-2002)

a. On the reverse of copy 1 of Form IAP-66, *Certificate of Eligibility for Exchange Visitor J-1 Status*, is a certificate which all exchange visitors, unless personal appearance has been waived by the consular officer under 22 CFR 41.102(a), must read and sign at the time of visa issuance. The certificate indicates that the visa applicant understands all conditions of the stay in the United States in J status and understands also that a consular or immigration officer will make a preliminary determination as to whether the applicant is subject to the 2-year home country physical presence requirement. The applicant agrees to comply with that requirement if it is determined to be applicable.

b. A consular or immigration officer makes the preliminary determination regarding the applicability to the alien of the 2-year home country physical presence requirement after a personal interview with the alien. The consular or immigration officer then signs Part II, Page 1 of Form IAP-66 indicating the determination made by the officer. (The Department reserves the right to make the final determination.)

c. *See also 9 FAM 41.63 Notes.*

9 FAM 41.62 PN2 Handling and Disposition of Form IAP-66, Certificate of Eligibility for Student Status (Vocational)

9 FAM 41.62 PN2.1 Ultimate Distribution of Form IAP-66, Certificate of Eligibility for Exchange Visitor J-1 Status

(TL:VISA-377; 03-29-2002)

The ultimate distribution of each copy of Form IAP-66, *Certificate of Eligibility for Exchange Visitor J-1 Status*, is:

- (1) Copy 1 (white) to INS;
- (2) Copy 2 (yellow) to the Department;
- (3) Copy 3 (pink) retained by the participant for reentries into the United States; and
- (4) Copy 4 (green) retained by sponsoring organization.

9 FAM 41.62 PN2.2 Three Unseparated Copies for Visa Application

(TL:VISA-377; 03-29-2002)

When Form IAP-66, *Certificate of Eligibility for Exchange Visitor J-1 Status*, has been completed by the program sponsor and signed by the Responsible Officer (or alternate), the sponsoring organization detaches copy 4 for its records. Copies 1, 2, and 3 are forwarded to the exchange visitor, who must present all three copies when applying for a visa or an extension of stay. The exchange visitor must not separate these copies.

9 FAM 41.62 PN2.3 Disposition of Form IAP-66, Certificate of Eligibility for Exchange Visitor J-1 Status, at Port of Entry

(TL:VISA-472; 10-XX-2002)

INS will collect copies 1 and 2 of Form IAP-66, *Certificate of Eligibility for Exchange Visitor J-1 Status*, at the port of entry or when the participant's extension or transfer is approved, retaining copy 1 and forwarding copy 2 to *the Department*. The immigration inspector will indicate the authorized length of stay on copy 3 and return it to the visitor for use in readmission to the United States after a temporary visit abroad.

9 FAM 41.62 PN3 Application for J-1 Visa to Continue Exchange Program

(TL:VISA-472; 10-09-2002)

A new J-1 visa may be issued in order to allow an exchange visitor to re-enter the United States to continue in an exchange program. The alien must present to the consular officer the third (pink) copy of the current Form IAP-66, *Certificate of Eligibility for Exchange Visitor J-1 Status*, endorsed by an immigration inspector or the responsible officer of the exchange program. The endorsement shall contain the date of expiration of the alien's previously authorized period of stay. The consular officer *must* not issue a new J-1 visa for an alien who has already been in the United States in J-1 status for a period up to, or in excess of, that permitted in 9 FAM 41.62 N7 without the prior approval of the Department.

9 FAM 41.62 PN4 Preliminary Report on Eligibility of Alien for Exchange Visitor Visa

(TL:VISA-151; 09-05-1996)

A cultural affairs officer who is responsible for selecting exchange visitor program participants, shall request a consular officer to conduct a local security investigation on the applicant. The consular officer, without communicating with the alien, shall make the results of the preliminary confidential report available to the cultural affairs officer on the alien's eligibility to receive a visa. Such cases shall receive priority consideration by the consular officer.

9 FAM 41.62 PN5 Biographic Data Statement for Exchange Visitor Family Members

(TL:VISA-377; 03-29-2002)

a. When a family of an exchange visitor accompanies the participant, the program sponsor must provide a statement on letterhead stationery. The following information on each family member must be included in the statement:

- (1) Name;
- (2) Date of birth;
- (3) Place of birth;
- (4) Relationship; and
- (5) Nationality.

The submission of such family information by the program sponsor indicates the sponsor's approval of the family members proceeding to or remaining in the United States.

b. The statement by the program sponsor shall be attached to the exchange visitor's Form IAP-66, Certificate of *Eligibility for Exchange Visitor J-1 Status*, unless the family is traveling separately from the exchange visitor. If this is the case, the statement shall be attached to the exchange visitor's family travel form [see 9 FAM 41.62 N10].

c. Every alien seeking a nonimmigrant visa, including every applicant for a J-1 or J-2 visa, is required to apply in person before a consular officer, unless waived pursuant to 22 CFR 41.102(a). The requirement of personal appearance may be waived by the consular officer in the case of any alien who is:

(1) Within a class of nonimmigrants classifiable under the visa symbol J-1 and qualified as a leader in a field of specialized knowledge or skill and also the recipient of a U.S. Government grant, and such an alien's spouse and children qualifying for J-2 classification; or

(2) A nonimmigrant in any category provided the responsible consular officer determines that a waiver of personal appearance in the individual case is warranted in the national interest or because of unusual circumstances, including hardship to the visa applicant.

9 FAM 41.62 PN6 Waiver of MRV Fee

(TL:VISA-377; 03-29-2002)

J visa applicants participating in the Department or USAID-sponsored and funded educational and cultural exchanges are exempt from the MRV fee. The Department-sponsored applicants must possess a Form IAP-66, *Certificate of Eligibility for Exchange Visitor J-1 Status*, which will contain a G-1 program number, designating the applicant as part of the program. USAID-sponsored applicants must possess a Form IAP-66, which will contain a G-2 program number. All other J visa applicants, including those with other U.S. Government sponsorships, are subject to the MRV processing fee.