



**NAFSA: Association of  
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July 1, 2014

Robin J. Lerner  
Deputy Assistant Secretary for Private Sector Exchange  
Bureau of Educational and Cultural Affairs  
U. S. Department of State  
Washington, DC 20522-0505

RE: Public Notice 8723  
Certificate of Eligibility for Exchange Visitor Status (J-1 Visa)

Via Federal e-Rulemaking Portal: <http://www.regulations.gov>

Dear Secretary Lerner:

I write today on behalf of NAFSA: Association of International Educators with respect to Public Notice 8723, published at 79 *Fed. Reg.* 26801 (May 9, 2014), requesting public comments on Form DS-2019, the Certificate of Eligibility for Exchange Visitor Status (J Visa). NAFSA is the world's largest nonprofit association for international education professionals, with nearly 10,000 members at approximately 3,500 colleges and universities throughout the United States and around the world. Our membership includes many Responsible Officers (ROs) and Alternate Responsible Officers (AROs) who administer Exchange Visitor Programs at higher education institutions and advise Exchange Visitors. For this reason, NAFSA is well situated to comment on the effectiveness of Form DS-2019 and proposed revisions and recommend improvements to the form.

While we appreciate the revision of the parenthetical information in the title of the form, we recommend eliminating any reference to "visa" or "status" in order to avoid confusion. We also recommend that the Department further improve and update the form by expanding the "Subject/Field Code Remarks" area of field 4 and eliminating field 8, the transfer release statement of the Responsible Officer. The Department should also improve the instructions (on page 2) by clarifying which program sponsors must supply e-mail addresses of Exchange Visitors and by clarifying who should sign a DS-2019 issued for a J-2 dependent. We further recommend that, in order to avoid causing the form to conflict with

the regulations, the Department reconsider its plan to collect a physical address even for Exchange Visitors who cannot receive mail at their address. These recommendations are explained in detail below.

### **Further Revise the Title of the Form**

We applaud the Department's plan to revise the title of the form. Since the form is used not only by J-1 Exchange Visitors, but also by their J-2 dependents, eliminating the reference to "(J-1) STATUS" is an important improvement. However, rather than substituting "(J VISA)," as proposed, we recommend substituting "(J NONIMMIGRANT)" since the form is also used by aliens exempt from the visa requirement (such as Canadian citizens). This terminology more accurately indicates purpose and use of the form.

### **Expand the "Subject/Field Code Remarks" Area of the Form**

The "Subject/Field Code Remarks" area of section of field 4, "Exchange Visitor Category," should be expanded. Many ROs and AROs have noted that this area is too small to contain a useful remark. Many have also noted that field 5, "financial support," rarely contains more than a handful of characters and is, therefore, much larger than necessary. The Department could consider reducing the size of field 5 and using the space gained by doing so to expand the "Subject/Field Code Remarks" area of section of field 4.

### **Eliminate the Transfer Release Statement of the Responsible Officer**

Field 8, "Statement of Responsible Officer for Releasing Sponsor (*FOR TRANSFER OF PROGRAM*)," should be eliminated. Since the implementation of the Student and Exchange Visitor Information System (SEVIS) in 2003, transfers of Exchange Visitors have been accomplished in SEVIS rather than by notification on Form DS-2019. Immediately after the implementation of SEVIS this field remained useful for "non-SEVIS to SEVIS" transfers of Exchange Visitors, but—eleven years after the implementation of SEVIS—such transfers no longer occur. Rather, the transferring-out RO accomplishes the transfer by "releasing" in SEVIS the record of the transferring Exchange Visitor to the transferring-in RO. As certification by the RO on Form DS-2019 has become unnecessary, this field should be eliminated.

### **Clarify Which Program Sponsors Must Supply Exchange Visitor E-mail Addresses**

The information collection notice states that Form DS-2019 will be changed to make "E-mail Address as a required field at the time of validation for all exchange visitors coming to the U.S. under the auspices of designated private sector exchange program sponsors." The Department should specify which sponsors it considers "designated private sector exchange program

sponsors” for this purpose. For example, does this requirement apply to all program sponsors who fall under the jurisdiction of the Private Sector Programs Division, but not to sponsors under the jurisdiction of the Academic and Government Programs Division, or does it apply to all sponsors except those with a “G” (government) in their program designation number? The Form DS-2019 instructions should be revised to clarify the application of this requirement.

### **Clarify Who Signs DS-2019s Issued for J-2 Dependents**

Although a spouse or child of a principal J-1 Exchange Visitor must be issued his or her own Form DS-2019 in order to apply for a J-2 visa (unless exempt) and for admission to the United States in J-2 nonimmigrant status, neither the form nor its instructions clearly indicate who should sign the "Exchange Visitor Certification" on page 1 of a DS-2019 issued to a J-2 dependent. Some sponsors instruct Exchange Visitors to have each dependent sign his or her own DS-2019, except in the case of unmarried children under age 14. Others instruct the J-1 principal to sign, since the explanation of the “Exchange Visitor Certification” section on page 2 indicates that the certification is made by the principal Exchange Visitor.

The question of whether the principal J-1 Exchange Visitor or the J-2 dependent must sign the dependent’s DS-2019 has remained unresolved since the implementation of SEVIS and the practice of issuing DS-2019s to dependents. Prior to this, a program sponsor simply attached an addendum, on the sponsor’s letterhead and listing the dependents, to the principal Exchange Visitor’s DS-2019 (or IAP-66), and it was clear that only the J-1 was required to sign the form. Although a DS-2019 is now issued to each J-2 dependent, the form and its instructions have not been updated to recognize this change in procedure, and the form still includes certification language that seems to apply to the principal Exchange Visitor. We recommend that the Department take this opportunity to clarify which party should sign the "Exchange Visitor Certification" on page 1 of a DS-2019 issued to a J-2 dependent.

### **Reconsider Collecting Physical Addresses for Exchange Visitors**

The Department proposes changing the electronic DS-2019 field in SEVIS now labeled “Current U.S. Address” to “Physical Address.” However, the Department’s regulations require a “mailing address” to be placed in SEVIS for an Exchange Visitor who cannot receive mail at his or her physical address (for example, one who resides in an on-campus dormitory and receives mail at a central mail facility elsewhere on campus). The pertinent regulation, 22 CFR 62.70(b), states the following regarding addresses in SEVIS (emphasis added):

(b) *Current U.S. address.* Sponsors shall ensure that the actual and current U.S. address of all sponsored participants is reported to SEVIS. Sponsors shall update the actual and current U.S. address information for participants within 21 days of being notified by a participant of a change in his or her address. A sponsor's failure to update the actual and

current U.S. address information within 21 days of receipt may be grounds for revocation of their Exchange Visitor Program status. **Sponsors shall report a U.S. mailing address, i.e., P.O. box address, in those limited circumstances where mail cannot be delivered to the current and actual U.S. address.** If a U.S. mailing address is reported to SEVIS, sponsors shall also maintain a record of the actual and current U.S. address, e.g., dorm, building and room number, for that exchange visitor."

The SEVIS system is properly designed, pursuant to the regulations, to collect mailing addresses. If the Department is interested in having each Exchange Visitor's actual physical address appear in SEVIS in all cases, either the regulation must be changed to require sponsors to place only actual physical addresses in SEVIS, or SEVIS must be changed to allow sponsors to enter both the mailing address and actual physical address (if different than the mailing address).

Thank you for the opportunity to submit these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Judy Judd-Price". The signature is fluid and cursive, with the first name "Judy" and last name "Judd-Price" clearly distinguishable.

Judy Judd-Price  
Deputy Executive Director  
Leadership and Professional Development Services  
NAFSA: Association of International Educators