



Opportunities to Fill Seasonal Positions with Foreign Students

What you might want to know about the J-1 Summer Work/Travel Program (SWT)

How this Information Can Help

Below you will find the answers to frequently asked questions and factors that employers of SWT students 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 (this form is important to employers because it is part of the student’s proof of work authorization).
- 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 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 to experience US culture and its market economy. They work in all states and regions of the United States in a wide variety of jobs.

- 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.

3. Must a US Employer "Sponsor" a SWT Student?

- The basic answer is **no**.
- Actually, SWT students are "sponsored" by programs approved by the US Department of State.
- The program sponsor that Imerica Consulting represents in Romania is the YMCA International.

4. What kind of work is appropriate for SWT students ?

- 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.

5. 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 (Imerica Consulting takes this very seriously!).

6. Who qualifies?
Standards for J-1 SWT employers

- Any US employer can employ an SWT student. No specific qualifications apply. Although most jobs offered to SWT students are seasonal, this is not a requirement.
- To meet current legal requirements for SWT students, a US employer must provide each student with a bona fide seasonal job offer.

7. How many J-1 SWT students can be hired?

- A US employer may hire as many SWT students as are needed. No particular requirements or conditions apply as long as the job offers are serious and fair.

8. SWT Wages and Working Conditions

- An SWT employer pays the same wages to SWT students as it pays to US workers in the same jobs.
- The working conditions of SWT students workers should also be the same as the employer provides to US workers in the same jobs.
- If a US employer is required to pay overtime to US workers, it must pay overtime to SWT students at the same rate.
- 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.

9. Are Fees Involved?

- No fees are involved for US employers who hire SWT students.
- Fees for foreign agent services who recruit the workers and match them to available US seasonal jobs are typically paid by the students.

10. 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 notifies the program sponsor and the program sponsor records the student's legal status in the Student and Exchange Visitor Information System (SEVIS) maintained by the Department of Homeland Security.
- 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.

11. 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. The program sponsor will always consult with the original employer before change of employment is considered. 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.

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

- 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. Each SWT participant is issued documents that satisfy the employer's *Employment Eligibility Verification* requirements (Form I-9).
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13. J-1 SWT Process: General Description (three basic steps)

- **STEP ONE:** The student applies to an in-country representative such as Imerica Consulting 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.

14. How is a visa different from a Form I-94?

- If a visa holder is admitted to the United States, 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, these documents may not be used outside the terms and conditions of the SWT program.

15. What about Social Security Numbers?

- Many foreign persons and US employers are confused about Social Security cards.
 - **Social Security Cards are not work authorization documents for SWT students!**
 - **Social Security Cards are not US identification documents!**
 - **Social Security Cards are not required in order for SWT students to start US jobs!**

- 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. The only purpose of Social Security Numbers (SSNs) is to track every payee's income tax obligations and payments. The only purpose of Social Security Cards is to remind the holder of the correct SSN.
- 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.

16. 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).

17. 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 - in cooperation with its US attorney partner.

18. IC's Expertise

- IC has placed over 200 temporary workers in the United States 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. This includes answering questions on important aspects of US law regarding employment eligibility verification (Form I-9) and nonresident alien taxation (new rules will apply to the Form W-4 for summer 2006).
- IC's services are so expert and meticulous that the visa refusal rate of IC selectees is less than 5%.

19. Why Romanian Workers?

- Romania is located in Eastern Europe: east-west between the Black Sea and Hungary and south-north between Serbia/Bulgaria and Moldova/Ukraine. Its culture and language are quite different from its neighbors.
- Romania has a beautiful mountainous countryside in which the prize-winning US movie *Cold Mountain* was filmed. The famous Danube River flows through Romania, which also features the Carpathian Alps.
- Romanian culture and language are similar to those of France, Italy, and Spain. Most Romanians speak at least one foreign language and together comprise one of the most multilingual populations in the world.

- Romanian people generally have a high level of English proficiency and commonly speak English with very little accent.
- Romanians have a very high educational level - its students consistently achieve top world ranking in math, science, computer engineering, and languages.

20. Typical Romanian Workers

- Since Romania is scheduled to join the European Union in January 2007, prices and land values are rising rapidly. However, wages and salaries in Romania remain very low. Romania is now an important US ally.
- Many Romanians seek US jobs because of the opportunity to earn wages that will help them buy property, start businesses, and educate their children at home.
- Since highly educated young and single Romanians who speak good English are quite likely to prefer to stay in the United States than to return home, IC generally chooses to place workers who leave their families at home during the seasonal assignments. These people send their wages home to support and enhance the living standard of their families and help themselves get ahead.
- Typical workers vary in English proficiency, according to employer needs, but are reliable and hardworking.
- Because of their positive work ethics and attitudes, it is common for Romanian SWT student workers to be invited to return to the same seasonal employment in successive summers.

21. 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 the H-2b workers and their US employers.

- IC maintains close communication with both H-2b workers and 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 students and sends information to the Department of Homeland Security if and as necessary.