

USING THE J-1 EXCHANGE VISITOR VISA TO SUPPORT U.S. COMPANIES IN THE STEM ECOSYSTEM

What is the J-1 exchange visitor visa and how can it help STEM businesses host international researchers?

Bottom Line Up Front:

The Department of State's Bureau of Educational and Cultural Affairs has long administered a BridgeUSA exchange visitor program across many categories of activity including J-1 visas for researchers. The State Department allows designated exchange programs to sponsor J-1 visa holders under existing statute and regulation to engage in STEM R&D with "[interested U.S.-based STEM host organizations "e.g., small and medium enterprises\)"](#) through the STEM Research Initiative, as explained by State Department [FAQs](#). Research has consistently been understood as an appropriate activity for the exchange visitor program because of the primacy of the exchange of ideas in research generally and in the science enterprise specifically, and is codified in the State Department's [regulations](#) (22 CFR 62.20). An educational [website](#) on the STEM Research Initiative (Researcherusa.com) explains how the J-1 program for researchers at companies works, along with a companion [matchmaking site](#) connecting US employers with international STEM talent (STEMtalentconnect.com).

How U.S. Firms can Utilize the J-1 Researcher Category:

Any foreign-born STEM professional who would be working to support scientific, technological, or engineering research or development at a U.S. business could be sponsored in the J-1 "Research Scholar" category as long as her activities in the U.S. were research oriented or part of the research process. The research does not need to be in a lab or a separate research facility, and instead can be research performed by any firm as part of its regular mission or business.

Individual firms, or local chambers (or innovation hubs or other consortia), can collaborate with the flagship state university in their state or their nearby research university for J-1 sponsorship of STEM experts to be placed at local firms. A university that doesn't want to administer a program for researchers off campus, is permitted by the State Department to collaborate with NGOs designated by the State Department as "umbrella programs" authorized to host J-1 researchers at host companies, like the Institute for International Education ([IIE](#)), Council on International Educational Exchange ([CIEE](#)), American Immigration Council ([AIC](#)), Cultural Vistas ([CV](#)) and Cultural Exchange Network ([Cenet](#)). Among others, these nonprofits are authorized to be sponsors of STEM experts engaging in research with host companies, and can also partner directly with host companies of any size.

J-1 Visa Basics:

In 1961, the United States enacted the Fulbright-Hays Act, with the goal of increasing the knowledge and understanding of the United States through a new J-1 visa classification for "foreign exchange visitors." Today, there are 15 different categories of J-1 exchange visitor activity, including research, which is one of the larger categories for J-1 visa holders. J-1 activities also include yearlong internships, or summer work, for individuals enrolled in degree-granting programs outside the U.S., international medical graduates completing residencies in the U.S., students in the U.S. earning degrees on Fulbright scholarships, camp counselors staffing the nation's summer camps, training programs when an individual has completed academic credentials abroad, and visiting professors, among others. Congress has not established a statutory numerical cap to annual J-1 visa issuance, either overall or by category. Instead the State Department's Bureau of Educational and Cultural Affairs regulates program administration, including annual numbers, by carefully designating academic and other private partners it authorizes as "designated programs" to sponsor the individual J-1 participants and issue certificates of eligibility on behalf of the U.S. Department of State, among other compliance responsibilities.

The J-1 STEM Research Initiative as applied to research, innovation, and economic development has three elements:

- (1) STEM experts who will be J-1 visa holders. The STEM Research Initiative, is available to individuals with Bachelors, Masters, or Doctoral STEM degrees although it is anticipated that most participants being hosted by STEM businesses will have graduate STEM degrees.
- (2) The host company where STEM R&D is being pursued. The research can include applied and experimental efforts tied to product development, and can be any business of any size in any geography across the U.S.
- (3) The designated programs authorized by the State Department to sponsor J-1 participants in the researcher category. These designated programs include all major research universities in America, and a handful of private sector "umbrella programs" designated by the State Department to act as an "umbrella" for host companies.

Context:

The J-1 exchange visitor program is widely used, by about 300,000 J-1 participants in the U.S. in most years, divided among 15 categories of participants, the vast majority of whom return home after their J-1 period of stay. Sometimes, 30% of all J-1 participants in a particular year are researchers – with about three-quarters of all J-1 researchers engaged in STEM activities. However, the J-1 category for researchers has been utilized very rarely by host companies.

By design, the State Department's J-1 program brings exchange visitors to the United States with an intent for participants to return home. Even though J-1 visa holders in the researcher category are permitted to remain in the country for up to five years, there is no direct or specific pathway from J-1 researcher to indefinite duration employment, which is commonly what companies may be seeking. Moreover, some J-1 participants from 45 countries are required to return home for two years before they can stay in the U.S. long term – these are individuals subject to the [Exchange Visitor Skills List](#) (which no longer includes India or China), where the United States believes it important to encourage countries' economic development. That said, there is no limitation or prohibition associated with a J-1 visa holder in the researcher category seeking a different visa status after completion of the exchange visitor program should intent change over a five-year period of research, with the exception of those subject to the Exchange Visitor Skills List who do not obtain a waiver of the two year home-country physical presence requirement.

Opportunity:

So far, U.S. industry —which funds and performs about 90% of America's experimental STEM R&D and just under 60% of America's applied STEM R&D — has barely tapped the tremendous potential of the J-1 visa program. Instead, the J-1 category for researchers, which allows up to five years of authorized stay in the U.S. and no per country limits, has been utilized almost exclusively by U.S. universities, hospitals, government, and major non-profit research institutions. But the State Department's STEM Research Initiative can connect already-designated exchange sponsors with U.S.-based STEM host businesses, including small and midsize STEM enterprises that may benefit from the global perspective added by a J-1 researcher. This seems to correlate nicely with the priorities for research, innovation, and American leadership in AI and other [critical and emerging technology fields](#).

Clusters of high intensity science and technology activity across the U.S. are, in part, built on an understanding that there is intrinsic value in bringing a diversity of thought to teams at various entities within the hub of activity. Adding a global perspective through J-1 researchers would integrate individuals who bring different lenses, different backgrounds, different perspectives — and so may therefore see possibilities that no one saw before, particularly relevant to STEM R&D whether basic, experimental, or applied.