

March 14, 2005

OFO:IPP:CB

MEMORANDUM FOR: DIRECTORS, FIELD OPERATIONS
DIRECTOR, PRECLEARANCE OPERATIONS

FROM: Acting Executive Director
Immigration Policy and Programs

SUBJECT: Processing J-2 Nonimmigrants

It has come to our attention, that instructions in the Inspector's Field Manual (IFM) do not specifically state that the SEVIS-generated DS-2019 issued to J-2 Exchange Visitor Dependent is to be endorsed with an admission stamp and the class of admission and authorized period stay recorded in the space provided. However, various training materials do emphasize this requirement. The purpose of this memorandum is to advise the ports-of-entry of this requirement as well as, update the IFM.

Chapter 15.4 (2) Classification: J-2 Spouse and children of aliens classified J-1 is revised to read:

Qualifications: Must have the necessary relationship to the principal exchange participants (J-1) provided by 22CFR 62.2. All nonimmigrant grounds of inadmissibility apply.

- Terms of admission: Admit J-2 for duration of status (D/S), unless the principal alien's stay as been limited. The dependent's status is derived from the principal alien.

Documents required: Passport valid for 6 months beyond the date of admission, unless exempt; non-immigrant visa (J-2), unless exempt.

The eligible spouse and minor children of an exchange visitor must individually present an original SEVIS-generated Form DS-2019 issued by a SEVIS authorized program sponsor in the name of each dependent. The form will contain the biographical information of both the principal and the dependent.

Upon initial admission, review the form for completeness and the signatures of both the program sponsor (blue ink) and the dependent of the exchange visitor.

(i) If the dependent of the exchange participant is admissible, endorse the SEVIS-generated Form DS-2019 in the following manner:

- Place an admission stamp in Box 6 entitled "U.S. Department of State/INS Use or Certification by Responsible Officer That A Notification Copy Of This Form Has Been Provided To The U.S. Department of State (Include Date)".
- Record the class of admission and period of authorized "J-2 D/S", unless the principal alien's stay as been limited to a specific date. The dependent's status is derived from the principal alien.

(ii) On the Non-immigrant visa (NIV):

- Endorse the NIV with the admission stamp in a manner that will include a portion of the stamp overlapping the NIV.
- Record the SEVIS ID Number on the visa page, if not already annotated.

(iii) Notations on Form I-94: J-2, D/S, unless stay is limited to a specific date. Same as J-1 principal. However in box 18 (occupation) identify dependent as spouse or child, as appropriate.

(iv) Upon completion, affix the Form I-94, Departure Record to the exchange visitor's passport, if not exempt. The SEVIS-generated Form DS-2019 and the passport containing the Form I-94 are to be given to J-2 nonimmigrant.

Special notes:

(A) May accompany or follow to join J-1. If the J-1 has not been admitted to the United States, the dependent is not eligible for J-2 status. SEVIS may be searched to determine the principal's J-1 status.

(B) Dependent J-2 aliens seeking employment under 8 CFR 214.2(i)(1)(v) may apply for an Employment Authorization Document (EAD) with U.S. Citizenship and Immigration Services (USCIS). [See 8 CFR 274a.12(c)].

Please ensure that all CBP Officers assigned to passenger processing are aware of and adhere to these requirements.

/S/

Michael J. Hrinyak