February 11, 2015

FLORIDA STATE UNIVERSITY OPTIONS FOR DEMONSTRATING ENGLISH PROFICIENCY TO SATISFY NEW J-1 EXCHANGE VISITOR VISA REQUIREMENTS (revised February 5, 2015)

New regulations affecting the J-1 Exchange Visitor Program as of January 2015:

22 CFR 62.11(a) Selection of exchange visitors. Sponsors must establish and utilize a method to screen and select prospective exchange visitors to ensure that they are eligible for program participation, and that:

(1) The program is suitable to the exchange visitor’s background, needs, and experience; and

(2) The exchange visitor possesses sufficient proficiency in the English language, as determined by an objective measurement of English language proficiency, successfully to participate in his or her program and to function on a day-to-day basis. A sponsor must verify an applicant’s English language proficiency through a recognized English language test, by signed documentation from an academic institution or English language school, or through a documented interview conducted by the sponsor either in-person or by videoconferencing, or by telephone if videoconferencing is not a viable option.

The US Department of State expects Exchange Visitors to have a level of English proficiency that allows them to successfully perform their jobs or complete their academic programs, to navigate daily life in the United States, to read and comprehend program materials, to understand fully their responsibilities, rights, and protections, and to know how to obtain assistance, if necessary.

An Exchange Visitor can document the English proficiency requirements in several ways. The CGE will accept any one of the following types of documentation as evidence that the prospective Exchange Visitor meets the required spoken and written English language proficiency. The documentation must accompany the Request for DS-2019 forms submitted by departments to the Center for Global Engagement. Options for documenting spoken and written English proficiency are:

- Prospective EV is a citizen of a country where English is an official language (copy of passport biographical page required).

- Prospective EV attended a university at which English is the language of instruction, for at least one academic year (copy of diploma or transcript AND documentation confirming that English is the language of instruction if institution is not in a country where English is the official language required).

- Prospective EV has taught university level classes in English (letter from academic institution required – sample provided).

212 Westcott Building, Florida State University, Tallahassee, Florida 32306-1310 Telephone: 850.644.1816 Fax: 850.644.0172 http://provost.fsu.edu
- Prospective EV has attained an acceptable score on one of the following English proficiency tests (copy of score report required). Note: Scores are valid for two years.

  ibTOEFL: ≥61  
  Paper-based TOEFL: ≥500  
  Pearson Test of English: ≥50  
  IELTS: ≥6  
  MELAB: ≥69  
  TOEIC: ≥600 (Listening and Reading or Speaking and Writing)

- Prospective EV has demonstrated spoken and written proficiency in a video interview (e.g. SKYPE), or a recorded LikeLive interview. If the video interview does not demonstrate sufficient command of spoken English, the visitor will be required to submit one of the above test scores.

- In very limited cases, where the prospective EV is well-established in the academic or professional field and has demonstrated extensive use of spoken and written English, the department can complete the verification document (attached) to submit with the prospective EV’s CV for review by the Center for Global Engagement. If the documentation is not sufficient, the visitor will be required to submit one of the above alternative forms of documentation.

If an exchange visitor evaluated by video conferencing (Skype) does not have the English proficiency necessary to comprehend information and communicate during the required check in and orientation at the CGE, the sponsoring faculty member will be notified. Future exchange visitors invited by this faculty member will need to use an alternative method (excluding the video interviewing and department certification) of proving English proficiency.

ISSUE

The U.S. Department of State issued interim final regulations with changes to the J-1 Exchange Visitor Program. Most changes were effective on January 5, 2015. One significant change requires Florida State University to verify and document the English language proficiency of visiting scholars coming to the university in J-1 visa status. These scholars include postdoctoral researchers, visiting professors, and non-paid visitors conducting collaborative research at FSU.

The new regulation specifies how we must determine that the prospective J-1 exchange visitor has sufficient proficiency to not only participate in the program but also to “function on a day-to-day basis.” It also gives requirements for documenting how we make the determination of English proficiency.

BACKGROUND

The J-1 Exchange Visitor program was created as a result of the Fulbright-Hayes Act of 1961 and is managed by the U.S. Department of State. There are multiple categories of participants in the J-1 program, including au pairs, summer camp counselors, and others, in addition to the categories of exchange visitors who participate in programs at Florida State University in the research scholar, professor, short-term scholar, specialist, student, non-degree student, and student intern categories. While departments may not think of postdoctoral researchers, for example, as participants in a
“program,” they are participants in a program based on regulations stating, “The purpose of the Program is to provide foreign nationals with opportunities to participate in educational and cultural programs in the United States and return home to share their experiences, and to encourage Americans to participate in educational and cultural programs in other countries.” The Department of State wants to be sure that program participants are proficient enough in English to fully understand their rights and responsibilities as participants in a J program and that they can fully engage in their specific program.

Florida State University uses the J-1 program to bring between 200 and 300 new scholars (non-students) to campus each year, including postdoctoral researchers, non-paid visiting scholars, and short term (less than 6 months) visitors.

DEPARTMENT OF STATE COMMENTS

The Department of State made a deliberate decision to strengthen the English proficiency requirements in the J-1 regulations. After publishing proposed regulations in 2009, the State Department received comments suggesting that they retain the current regulations regarding English proficiency, and drop the proposal to require documented evidence. The Department of State’s response, as noted in the Federal Register, is “The Department believes that not only is an exchange visitor’s success in his or her particular program dependent upon sufficient English language capability, but good English communication skills are essential to ensure the health, safety, and welfare of exchange visitors. Moreover, the Department continues to find that too many exchange visitors lack sufficient English proficiency to perform their jobs or complete their academic programs; to navigate daily life in the United States; to read and comprehend program materials; to understand fully their responsibilities, rights, and protections; and to know how to obtain assistance, if necessary. Accordingly the Department adopts a modified version of the regulatory language governing the Trainee and Intern categories as the program-wide standard for determining the English language proficiency of exchange visitors. The Department reminds sponsors to retain evidence of how they measured applicants’ English language proficiency so that it may be made available to the Department upon request.”

APPROVED

[Signature]

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Date: 2-13-15