

## Interns Program Regulations

**Purpose:** The purpose of the BACC J-1 Visa program (P-3-6124) is to expose Belgian interns to American business practices and culture, corporate organization and substantive occupational experiences, as well as America's social culture and history. In addition to learning business and social skills and improving English speaking and writing ability, the experience of living in a different country results in tremendous personal growth. In turn, employees of the host company gain the valuable experience of working with someone from a different cultural background, benefiting from the intern's education and experience overseas as well as their understanding of the business culture of foreign companies with whom the host company might do business in the future.

The Belgian-American Chamber of Commerce (BACC) has been granted the authority by the State Department of the U.S. Government to sponsor practical internship programs for Belgian interns working on practical assignments for a maximum of 12 months. If they are scheduled for less than 12 months, they may, upon request, be extended up to the 12-month limit.

### Program Eligibility Requirements

1. Interns must be at least 18 years of age, must have completed at least two years of study in a field related to the training and be registered full time at a university, college or superior school or graduated from such an institution no more than 12 months prior to their exchange visitor program start date to participate in an internship program.
2. The content of the internship must correspond to the trainee's academic course of study.
3. Interns must be proficient enough in English to function in an English-speaking environment.
4. Interns must be Belgian nationals.
5. The company sponsor must provide the interns with pre-arrival information and an orientation upon arrival. During the internship, the company should assist the intern in being exposed to cross-cultural activities. Additionally, the company must submit to the BACC an evaluation of the intern at the mid-point and end of the training program. If the internship program is under three months, only the end evaluation is needed.
6. The company sponsor must provide the intern with an allowance to cover living expenses. The amount paid to the participant should be comparable to the amount

paid to other individuals having similar education and work experience. In all cases, the company must pay at least the minimum wage as defined by the United States Department of Labor. Fringe benefits such as housing, meals, etc. may be used to supplement the minimum wage but may not be used in lieu of payment of the minimum wage. If payments are made by a third party in lieu of payment by the company, suitable payment must be cleared by the BACC with the U.S. Department of State (DOS). The amount of stipend and any benefits due to the intern must be stated in writing, and a copy must be provided to the intern.

7. The corporation providing the internship program must be a member of one of the BACC chapters. If it is not a BACC member, the company may become eligible by joining the BACC and paying membership dues covering the full calendar year of the internship program.

**Regardless of the company's chapter affiliation, the Exchange Visitor Program (Visa J-1) is managed and administered by the New York Chapter of the BACC. Any correspondence concerning the Exchange Visitor program (Visa J-1) should be sent directly to the New York Chapter.**

### Interns Documentation

Through the BACC Student Program, interns receive the following documentation:

1. DS-2019 CERTIFICATE OF ELIGIBILITY: This official document from the DOS is issued by the Belgian-American Chamber of Commerce. The BACC processes the certificate based on information it receives from the sponsoring company and the trainee. The certificate allows the intern to apply for a J-1 Visa at a U.S. Consulate/Embassy. The DS-2019 Certificate of Eligibility determines the exact duration of the internship. At the U.S. port of entry, the intern must present all three parts of the DS-2019 and his/her passport to the immigration inspector who will keep two parts of the DS-2019 and return one part to the intern. The intern must keep that copy, and take it whenever he/she travels outside the U.S. and must present it, along with the J-1 Visa, for all future entries.
2. J-1 VISA: Interns are eligible for J-1 Visa status (J-2 Visa for spouse and dependents). J Visas are granted by a U.S. Consulate/Embassy. Consular procedures for obtaining a J-1 Visa may vary slightly, so the intern should contact the appropriate Consulate/Embassy for general application instructions. Generally speaking, however, interns must report to a U.S. Consulate/Embassy with a valid passport, 2 passport photographs and a DS-2019 Certificate of Eligibility.

The intern must complete Form DS-156 and all males (and females from certain countries) between the ages of 18 and 45 must complete a Form DS-157. In all cases, an MRV fee

must be paid, although different consulates have different payment procedures, and, in all cases, the intern will need to demonstrate to the consular official his/her non-immigrant intent in order to obtain the visa. Please note that the visa will be valid only when accompanied by a DS-2019.

3. I-94 ARRIVAL/DEPARTURE RECORD: Upon entry into the United States, Immigration and Naturalization (INS) officials issue the intern an I-94 Arrival/Departure Record reflecting that the intern has been admitted into the U.S. with J-1 status and that the intern is authorized to remain in the United States for the length of time specified on the DS-2019 plus 30 days after the expiration of the DS-2019.

**We urge all interns and host companies to pay careful attention to the validity of these three documents because they are not always granted for the same time period.**

### Specific J-1 Regulations

a) DURATION OF STAY: The length of internship is defined by the dates on the DS-2019 in box #3. The intern may stay until the end of this period, plus an additional 30 days. These extra days are for travel, tourism, and preparation to leave the country.

b) RE-ENTRY INTO U.S.: Interns should have the DS-2019 endorsed by the BACC responsible officer before leaving the United States to indicate good standing. Upon re-entry, he/she must show a valid J-1 Visa and the DS-2019 to immigration officials. The intern must not, under any circumstances, re-enter the U.S. on a tourist visa or any other visa since this would automatically cancel the advantages of J-1 status and make it illegal for the intern to continue his internship.

c) LIMITATION ON J-1 TRAINEE STATUS/HOME RESIDENCE REQUIREMENT: The J-1 intern visa permits an individual to participate in one or more professional internship programs that do not exceed a total cumulative amount of time of 12 months. In addition, certain interns may be subject to the two-year "home country residence requirement," which means that they must return to their home countries following the exchange program and remain there for two years before being eligible to change non-immigrant status in the U.S. or to obtain immigrant status. For J-1 interns, the home country residence requirement applies where (i) the exchange visit was financed directly or indirectly by the U.S. or a foreign government, or (ii) the exchange visitor is engaged in a field designated by his or her government as being in short supply in that country (these fields are designated by the U.S. Department of State on the "skills list"). Accordingly, it is important for each prospective intern to know whether the proposed training program field is on the skills list for his or her particular country. If so, the intern will be subject to the two-year home country residence requirement, and, following the training program, will have to return to his or her home country for two years prior to seeking to obtain U.S. non-immigrant or immigrant status, or obtain a waiver of the home country residence requirement by applying to the Department of State.

- d) HEALTH AND ACCIDENT COVERAGE: All interns and dependents must be insured for the entire duration of their stay in the United States. Program regulations permit interns and dependents to subscribe to either the host company's insurance program, or another insurance policy from Belgium or the United States. The BACC recommends an insurance carrier for interns that is specifically designed to cover the needs of interns during their stay in the U.S. Regardless of their insurance plan, it is incumbent upon the company and trainee to ensure that the selected coverage meets the DOS minimum requirements listed on the "Insurance Information" page.
- e) CHANGES IN INTERNSHIP LOCATION & ACTIVITIES: Once the intern enters the U.S., he or she is placed immediately under the jurisdiction of the District Office of the INS for the area where he or she is performing on-the-job internship. Should the company want to transfer the intern to another training location, a request must be submitted to the BACC prior to the date of transfer. The BACC will determine whether the request complies with program regulations. Beyond internship location, any internship program changes not previously discussed with BACC representatives must be immediately reported.
- f) INTERNS AND THE PUBLIC: With respect to the spirit of our program, we strongly recommend that the intern always identify him/herself as such in any dealings with the public. In principal, business cards should not be issued to the intern. If they are necessary, then only the intern's name should appear on the card without title or position.
- g) INTERN EVALUATIONS: Interns must be evaluated at the mid-point of their internship and when they conclude the program. For internship programs of less than three months, the intern need only be evaluated upon completion of the internship program. The BACC will provide the host company with the evaluation form. The evaluation form should be signed by the intern and his/her immediate supervisor.
- h) TERMINATION OF ASSIGNMENT: In accordance with U.S. Government regulations, the BACC is required to report to the DOS the date of internship completion. If the internship is terminated prior to the date indicated on the DS-2019, the host company must write to the BACC in New York a brief statement indicating the intern's full name, date of termination and reason for early departure. In addition, the intern must return the DS-2019 to the BACC and immediately exit the country unless the INS has authorized him/her to stay under another status. Any requests for change of status should be submitted to the INS at least 15 to 60 days prior to the last day of work.
- i) EXTENSIONS: Host companies wishing to extend an internship must submit a request prior to the end of the scheduled period. If approved, the BACC issues a new DS-2019 Certificate of Eligibility and forwards a copy to DOS for their information.

For all intern's extensions, companies must pay a **\$150 processing fee** to cover administration costs.

- j) DEPENDENTS: The intern's spouse and children are eligible for J-2 Visa status over the same period of time as the interns. If the intern's family members accompany the intern to the U.S, only one DS-2019 Certificate of Eligibility is needed. If family members wish to arrive in the U.S separately from the intern, they will need a second DS-2019 Certificate of Eligibility. A **fee of \$100 must be paid** for the issuance of this second DS-2019.
- k) REFUNDS: Refunds will be granted only if the DS-2019 form has not yet been issued. If the DS-2019 has been issued and the intern is refused a visa, then the BACC will keep \$100 of the initial fee. If a intern leaves before the end of his/her term, if he/she is terminated, etc., the BACC will issue no refund.

**The Chamber can withdraw sponsorship if any of the conditions of the internship program are altered without its permission. If the Chamber withdraws sponsorship, the intern must exit the country immediately.**

If you have any questions concerning program regulations or specific arrangements, please contact Tamara Zouboff, Responsible Officer at [info@belcham.org](mailto:info@belcham.org).