

Trainees Program Regulations

- **Purpose:**

The purpose of the BACC J-1 Visa program (P-3-11777) is to expose Belgian trainees 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 trainee'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 training programs for Belgian trainee working on practical assignments for a maximum of 18 months. If they are scheduled for less than 18 months, they may, upon request, be extended up to the 18-month limit

- **Program Eligibility Requirements**

1. Trainees must be at least 18 years of age, have completed their studies with a university or superior school degree and have at least two years of professional work experience in a field related to the training. If they do not have a degree, they must have five years of professional work experience in a field related to the training.
2. The content of the training must correspond to the trainee's academic course of study.
3. Trainees must be proficient enough in English to function in an English-speaking environment.
4. Trainees must be Belgian nationals.
5. The company sponsor must provide the trainee with pre-arrival information and an orientation upon arrival. During the training, the company should assist the trainee in being exposed to cross-cultural activities. Additionally, the company must submit to the BACC an evaluation of the trainee at the mid-point and end of the training program. If the training program is under three months, only the end evaluation is needed.
6. The company sponsor must provide the trainee 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 trainee must be stated in writing and a copy must be provided to the trainee.

7. The corporation providing the training 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 training program.

- **Trainee Documentation**

Through the BACC Trainee Program, trainees 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 trainee 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 training. At the U.S. port of entry, the trainee must present the DS-2019 and his/her passport to the immigration inspector. The trainee must keep it 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: Trainees 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 trainee should contact the appropriate Consulate/Embassy for general application instructions. Generally speaking, however, trainees must report to a U.S. Consulate/Embassy with a valid passport, 2 passport photographs and a DS-2019 Certificate of Eligibility. The trainee 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 trainee 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 trainee an I-94

Arrival/Departure Record reflecting that the trainee has been admitted into the U.S. with J-1 status and that the trainee 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 trainees 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 training is defined by the dates on the DS-2019 in box #3. The trainee 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.: Trainees 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 trainee 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 the J-1 status and make it illegal for the trainee to continue training.
- c) LIMITATION ON J-1 TRAINEE STATUS/HOME RESIDENCE REQUIREMENT: The J-1 trainee visa permits an individual to participate in one or more professional training programs that do not exceed a total cumulative time of 18 months. In addition, certain trainees 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 trainees, 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 trainee to know whether the proposed training program field is on the skills list for his or her particular country. If so, the trainee 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 trainees and dependents must be insured for the entire duration of their stay in the United States. Program regulations permit trainees 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 trainees that is specifically designed to cover the needs of trainees 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 TRAINING LOCATION & ACTIVITIES: Once the trainee 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 training. Should the company want to transfer the trainee 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 training location, any training program changes not previously discussed with BACC representatives must be immediately reported.
- f) TRAINEE AND THE PUBLIC: With respect to the spirit of our program, we strongly recommend that the trainee always identify him/herself as such in any dealings with the public. In principal, business cards should not be issued to the trainee. If they are necessary, then only the trainee’s name should appear on the card without title or position.
- g) TRAINEE EVALUATIONS: Trainees must be evaluated at the mid-point of their training and when they conclude the program. For training programs of less than three months, the trainee need only be evaluated upon completion of the training program. The BACC will provide the host company with the evaluation form. The evaluation form should be signed by the trainee and his/her immediate supervisor.
- h) TERMINATION OF ASSIGNMENT: In accordance with U.S. Government regulations, the BACC is required to report to **DOS** the date of training completion. If the training 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 trainee’s full name, date of termination and reason for early departure. In addition, the trainee must return the pink form of 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 a traineeship 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 extensions, companies must pay a **\$150 processing fee** to cover administration costs.
- j) DEPENDENTS: The trainee’s spouse and children are eligible for J-2 Visa status over the same period of time as the trainees. If the trainee’s family members accompany the trainee 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 trainee, 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 trainee is refused a visa, then the BACC will keep \$100 of the initial fee. If a trainee 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 training program are altered without its permission. If the Chamber withdraws sponsorship, the trainee 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