The Office of International Affairs’ J-1 Student-Intern Category Policy

OIA will issue a Form DS-2019 in the Student Intern category under limited circumstances—namely if and when all of the following conditions have been met:

- The J-1 Exchange Visitor is coming to UChicago for an approved internship related to their ongoing degree and field of study at an institution of higher education abroad;
- The J-1 Exchange Visitor has a supervisor at UChicago who will closely work with and monitor the Student Intern’s progress, meeting with the Student Intern every 5 days;
- The J-1 Student Intern category is the most appropriate category; and
- The sponsoring UChicago unit can adequately support and monitor a J-1 Student Intern.

Drafted by OIA Assistant Director Dan Ashton, 04/22/2015

Approved by OIA Director Tamara Felden, 05/11/2015

Intern Criteria:

22 CFR 62.22.

“The Student Intern subcategory is available only to foreign students currently enrolled and pursuing a degree at a postsecondary academic institution outside the United States, whose U.S. internship will "fulfill the educational objectives for his or her current degree program at his or her home institution." Student interns may participate in a student internship program for up to 12 months for each foreign degree/major."

- The Student Intern must be accepted into a valid internship program at UChicago;
- The Student Intern must be currently pursuing an undergraduate or graduate degree outside of the U.S.;
  - The internship does not need to be in the student’s field of study, but it must fulfill the educational objectives of the degree program in some tangible way;
- The internship at UChicago must be full-time (minimum of 32 hours per week);
- The internship cannot involve more than 20% clerical work;
- The Student Intern must have a supervisor at UChicago who will work closely with the Student Intern based on the completed Training/Internship Placement Plan (Form DS-7002);
- The Student Intern and supervisor must complete and sign Form DS-7002 (see: http://www.state.gov/documents/organization/84240.pdf), the Training/Internship Placement Plan prior to issuance of the Form DS-2019;
• OIA will prepare the Form DS-2019 and finalize the Form DS-7002 and provide necessary copies or originals to all parties involved;
• The J-1 Student Intern must meet the minimum J-1 funding requirements (currently $2060 per month; see: https://internationalaffairs.uchicago.edu/page/cost-living-j-1-scholars-university-chicago); and
• The supervisor must complete the required Student Intern Evaluation of the Student Intern's performance in a timely fashion and submit to OIA:
  o If the internship is less than six months, at the end of the program;
  o If the internship is more than six months, an evaluation is required at the half-way point, and an evaluation is required at the end.

**Distinction between internships and regular employment**

• The internship cannot "serve to fill a labor need" [22 C.F.R. § 62.23(i)(3)(ii)(B)]
• The internship must exist "solely to assist the Student Intern in achieving the objectives of his or her participation in a student internship program." [22 C.F.R. § 62.23(i)(3)(ii)(B)]
• The internship must consist of "work-based learning," rather than "ordinary employment or unskilled labor." [22 C.F.R. § 62.23(i)(7)(i)]
• Not involve in any way a "staffing/employment agency." [22 C.F.R. § 62.23(i)(8)(iii)]

**Worker protections**

• The internship cannot displace "American workers" (including full or part-time, temporary or permanent). [22 C.F.R. § 62.23(i)(3)(i)(B)]
• The internship must meet all requirements of the Fair Labor Standards Act (FLSA) and the Migrant and Seasonal Agricultural Worker Protection Act. [22 C.F.R. § 62.23(i)(3)(ii)(C)]