

## **J-1 EXCHANGE VISITOR INCIDENT REPORTING OBLIGATIONS**

### **WHAT ARE THE REPORTING OBLIGATIONS?**

As an organization approved by the U.S. Department of State to sponsor J-1 exchange visitor visas, Harvard is required to comply with State Department regulations that govern the University's administration of its J-1 program.

One such regulatory obligation is the requirement to report the following to the State Department **within one business day**:

[A]ny investigations of an exchange visitor's site of activity or serious problem or controversy that could be expected to bring the Department of State, the Exchange Visitor Program, or the sponsor's exchange visitor program into notoriety or disrepute.

Failure to comply with this reporting requirement can be a basis for the State Department to begin a sanctions process that could lead, in the worst case, to revocation of Harvard's Exchange Visitor Program designation.

### **WHY IS THIS IMPORTANT?**

The J-1 program is operated by the State Department to encourage educational and cultural exchange. The State Department vets and designates organizations for approval to act as sponsors of the Exchange Visitor Program and sponsors must petition the government for "redesignation" of their programs every two years.

Harvard-sponsored J-1 visitors include enrolled students, fellows, post-doctoral researchers, and visiting students and scholars hosted at the University. In addition, Harvard may sponsor J-1 exchange visitors to engage in research at other organizations, including the Harvard-affiliated hospitals.

Because so many important international contributors to Harvard's teaching and research mission rely on J-1 visas to study and learn in the United States, maintaining compliance with the J-1 regulations, including the reporting obligations, is extremely important.

### **WHAT IS MY ROLE?**

The regulations require "the sponsor"—that is, Harvard—to report investigations or serious problems. While the reporting function is housed within the Harvard International Office, HIO can only report what it learns from elsewhere at Harvard.

Incidents occurring at Harvard may trigger a reporting obligation. Therefore incidents must be disclosed to HIO, so it can determine what, if any, reporting to State is required under the regulations.

## WHAT INCIDENTS SHOULD I REPORT?

Among other things, the regulations call generally for Harvard to report “investigations” or “serious problems or controversies” that “could be expected to bring [the State Department or J-1 program] into notoriety or disrepute.” The “could be expected” language suggests that sponsors should err on the side of reporting investigations or serious problems or controversies.

Moreover, State has provided guidance on what is reportable. Indeed, recently State updated its online “Incident Reporting Rubric,” the live version of which is posted [here](#) on the J-1 visa program website, to list a series of categories of events that reflect State’s view of what is reportable under the regulations.

Please review [the Rubric](#) and read the list of categories, so that **if you become aware of any incident involving an international student or scholar, you are able to report the matter promptly to the Harvard International Office.**

## WHAT INFORMATION SHOULD I PROVIDE, AND WHERE?

Please submit information to HIO using [this Qualtrics form](#). You should complete the form to the best of your knowledge and with all the information you have available. Given the short time period imposed by the J-1 regulations, it is better to send an incomplete form early than to wait for all the information requested on the form.