

International Student Resource Center

# Exchange Visitor Program: Termination of Program Participation, Extension of Program and Reinstatement to Valid Program Status

**Exchange Visitor Program:**
**Termination of Program Participation, Extension of Program and Reinstatement to Valid Program Status**

The Department of State (DOS) officially published this proposed rule on July 30, 2026. DOS will accept public comments on the proposed rule until September 28, 2026. Note that this is a proposed rule, which means that it is not yet final, and therefore it has not gone into effect. A proposed rule can only become final after the comment period closes and the agency has reviewed all comments and issued a final rule.

There are two ways to submit a comment:

1) *Online*: Go to www.regulations.gov. Enter Docket ID: DOS-2026-0859 in the search bar to locate this rule

2) *Email*: Send comments to JExchanges@state.gov. Include "RIN 1400-AF23" in the subject line of your email.

*FOR FURTHER INFORMATION CONTACT*:
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## Brief Summary

This proposed rule updates the Department of State's Exchange Visitor Program (J-1 visa) regulations in four main ways:

1. **Termination of Program Participation** – The rule clarifies when sponsors *must* terminate an exchange visitor's program and gives the Department new *discretionary* authority to terminate participation. It also creates a formal notification and appeal process for exchange visitors to challenge certain Department of State-initiated terminations.
2. **Extension of Program** – The rule streamlines and clarifies the extension process by integrating them with SEVIS functionalities and sets a new firm deadline: supporting documentation for extensions beyond the maximum program duration must reach the Department of State at least three months before the new extension period begins, with no exceptions for late submissions.
3. **Reinstatement to Valid Program Status** – The rule eliminates the distinction between "minor/technical" and "substantive" violations, requiring sponsors to fix

most SEVIS record errors within 30 days using the "Correct SEVIS Status" process, and reserving formal reinstatement applications for cases that fall outside that window or involve non-reinstatable violations.

4. **New Definitions and Au Pair Provision** – The rule adds formal regulatory definitions for "Unauthorized Employment" and "Valid Program Status," and eliminates the standalone extension rule for au pairs, folding their extension requests into the general 90-day process that now applies to all program categories.

**Detailed Breakdown**

- *Clarifies when a sponsor must terminate an exchange visitor program*

  The proposed rule provides an additional basis for which a sponsor **must** terminate an exchange visitor's participation in their exchange program (https://public-inspection.federalregister.gov/2026-15450.pdf. page 3-4)

  § 62.40 Termination of program participation.
  (a) A sponsor must terminate an exchange visitor's participation in his or her program when the exchange visitor:
  (1) Fails to pursue the activities for which he or she was admitted to the United States;
  (2) Is unable to continue the program unless otherwise exempted pursuant to these regulations;
  (3) Violates the sponsor's rules governing the program, if, in the sponsor's discretion after reviewing Department of State guidance, termination is warranted;
  (4) Fails to maintain the insurance coverage required under § 62.14 of these regulations; or
  (5) Falsifies or fails to provide full and truthful response, information, or documents as part of his or her application or ongoing program.
  https://public-inspection.federalregister.gov/2026-15450.pdf (Page 18)

- *Allows EVP to process a termination in certain circumstances*

  Under the proposed rule, the Department may terminate an exchange visitor's status when the Department or DHS has revoked or cancelled a visa with immediate effect. In such cases, the individual must immediately leave the country or risk removal. The proposed rule also provides that the Department may terminate an exchange visitor's program when an exchange visitor falsifies

or fails to provide a full and truthful response, information, or documents as part of his or her exchange visitor application or during the ongoing exchange program. For example, exchange visitors may be asked to provide proof of a U.S. address, educational qualifications, or attendance at the site of activity. A new procedure is also being proposed where an exchange visitor may challenge the Department's termination decision for unauthorized employment or falsifying information or documentation by submitting a statement in opposition within 10 business days of the Department's written notice. (https://public-inspection.federalregister.gov/2026-15450.pdf. page 4)

§ 62.40 Termination of program participation…
(b) The Department of State may terminate an exchange visitor's participation in his or her program when:
(1) The Department of State or the Department of Homeland Security has revoked or canceled the exchange visitor's visa with immediate effect;
(2) An exchange visitor engages in unauthorized employment; or
(3) An exchange visitor falsifies or fails to provide full and truthful response, information, or documents as part of his or her application or ongoing program.
https://public-inspection.federalregister.gov/2026-15450.pdf (Page 18)

- *Notification and appeal process*

    - § 62.40 Termination of program participation …
        - (c) Upon a finding of any of the acts set forth at paragraph (b)(2) or (3) of this section, the Office of Private Sector Exchange shall serve an exchange visitor with not less than thirty (30) days written notice of intent to terminate an exchange visitor's participation in his or her program. Such notice must specify the grounds for the proposed termination and its effective date, advise the exchange visitor that he or she may oppose the termination, and identify the procedures for submitting a statement of opposition thereto.
        - (d) Within ten (10) days after service of such written notice of intent to terminate, the exchange visitor may submit a statement in opposition to the proposed termination to the Deputy Assistant Secretary for Private Sector Exchange (Deputy Assistant Secretary). Exchange visitors may not appeal on the basis of hardship or other equitable considerations.

    - (e) The submission of such statement will stay the effective date of the proposed termination pending the decision of the Deputy Assistant Secretary.
    - (f) Upon consideration of such statement, the Deputy Assistant Secretary will issue a written decision confirming or withdrawing the proposed termination. The decision of the Deputy Assistant Secretary is not subject to administrative appeal. https://public-inspection.federalregister.gov/2026-15450.pdf (Page 19)

- *Changes extension of program regulations and SEVIS process*

  Consistent with existing regulations, if exchange visitors are seeking to extend beyond the permitted maximum duration, sponsors must obtain Department approval. This rule proposes to establish a deadline for submitting such extension requests. After submitting the electronic application for extension in SEVIS, the Department must receive the supporting documentation no later than three months prior to the new extension period. There will be no exceptions for late submissions. (https://public-inspection.federalregister.gov/2026-15450.pdf Page 5)

  § 62.43 Extension of program
  (a) Extension within the maximum duration.
  (1) Sponsors may extend an exchange visitor's participation in the Exchange Visitor Program through SEVIS up to the maximum permissible period of participation authorized for his or her specific program category.
  (2) A sponsor that extends an exchange visitor's program must:
  (i) Issue the exchange visitor a duly executed Form DS-2019 reflecting the extension; and
  (ii) Where the new program end date exceeds the exchange visitor's fixed period of admission, issue the Form DS-2019 before the exchange visitor applies for an extension of stay with the Department of Homeland Security.
  (b) Extension beyond the maximum duration.
  (1) The sponsor seeking a program extension on behalf of an exchange visitor in excess of that authorized for his or her specific category of participation must:

(i) Submit their extension request through SEVIS and email supporting documentation to the Department of State no later than three months prior to the beginning of the desired extension period for the exchange visitor;

(ii) Include proof of payment of the required non-refundable extension fee as set forth in § 62.17; and

(iii) Adequately document the reasons which justify such extension.

(3) Upon Department of State approval, a sponsor that extends an exchange visitor's program must:

(i) Issue the exchange visitor a duly executed Form DS-2019 reflecting the extension; and

(ii) Where the new program end date exceeds the exchange visitor's fixed period of admission, issue the Form DS-2019 before the exchange visitor applies for an extension of stay with the Department of Homeland Security.
https://public-inspection.federalregister.gov/2026-15450.pdf (Page 19-20)

- *Modifies reinstatement regulations and SEVIS process*

The proposed rule eliminates the distinction between minor or technical infractions and substantive violations, requiring that, within 30 days, sponsors fix an exchange visitor's record in SEVIS using the Correct SEVIS Status process for all but non-reinstatable violations.
(https://public-inspection.federalregister.gov/2026-15450.pdf (Page 6-7)

Sponsors may not use the Correct SEVIS Status action or submit a Reinstatement application to update an exchange visitor's record to Active status if the exchange visitor:

- Did not maintain their original program objective identified under their category in 22 CFR Part 62 Subpart B (Specific Program Provisions);
- Failed to maintain required insurance coverage required by 22 CFR § 62.14;
- Was involuntarily suspended or terminated by sponsor or host organization;
- Received a favorable waiver recommendation under INA § 212(e);

- Received DHS approval for a change of status to a different nonimmigrant class of admission; or
- Failed to pay the fee mandated by Public Law 104-208. https://public-inspection.federalregister.gov/2026-15450.pdf (Page 8)

(3) Sponsors must initiate the reinstatement application in SEVIS and, within 10 calendar days, email the Department of State the following:
(i) A signed statement on sponsor letterhead, including:
(A) That the exchange visitor is pursuing or intended to pursue their original activity;
(B) That the lapse was due to oversight, inadvertence, or circumstances beyond the control of the sponsor;
(C) That denial would cause unusual hardship to the exchange visitor;
(D) That no unauthorized employment occurred; and,
(E) The exchange visitor's accurate program end date.
(ii) A copy of the pay.gov receipt and I-901 repayment proof;
(iii) A copy of the exchange visitor's Form I-94, visa, and passport; and
(iv) Any other supporting documentation deemed necessary.
https://public-inspection.federalregister.gov/2026-15450.pdf (Page 22)

- *Amends definitions, including:*

"Unauthorized employment"
  - For purposes of this rule, unauthorized employment does not include activities that are normally approvable and appropriate for the visitor's category (e.g., honoraria for scholars giving lectures or consultations).
  - Unauthorized employment: Any service or labor performed for an employer within the United States by foreign nationals who are not authorized by the Immigration and Nationality Act or the U.S. Citizenship and Immigration Services to accept employment, or who exceed the scope or period of their employment authorization. This definition also applies to accompanying J-2 spouses and/or dependents who perform such labor without prior Department of Homeland Security authorization.

"Valid program status"
- The current and accurate status of an exchange visitor's SEVIS record from the time designated sponsors issue a Form DS-2019 through the visitor's active participation in an exchange program and including the

visitor’s final status upon completion, cessation, graduation, termination, or other program conclusion.
https://public-inspection.federalregister.gov/2026-15450.pdf (Page 17)