



U.S. AGENCY FOR
GLOBAL MEDIA

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J-1 VISAS AND THE HIRING OF FOREIGN NATIONALS

WHAT WAS FOUND

Michael Pack became the first Senate-confirmed CEO of the U.S. Agency for Global Media (USAGM) in June 2020. Immediately after beginning his three-year tenure, he issued a freeze on new spending requests to survey agency operations, which had long been the subject of criticism. The objective was to determine the validity of agency operations and take corrective action as needed to conform to statutory and regulatory requirements. Holds on outlays like the one carried out at USAGM are routinely undertaken by new leadership at both private-sector entities and nonprofit organizations for the very same reason: to ensure that resources are being used not only effectively and efficiently, but also legally. This was an essential action, not least because it is the American taxpayer who generously funds the agency's annual budget of around \$800 million.

When reviewing budgetary operations, new USAGM senior management learned that the agency was relying heavily upon the U.S. Department of State's [J-1 visa program](#) to fulfill what were considered to be journalistic and technical needs that could not be first met by U.S. citizens. This was deemed to be an improper use of J-1 visas, for USAGM is required to follow [Presidential Executive Order 13788 on Buy American and Hire American](#).

The U.S. Department of State, which is in charge of issuing visas, describes the J-1 visa program as an "exchange" program, [noting](#) that it is meant to provide foreign nationals with an opportunity to "experience U.S. society and culture and engage with Americans." Similarly, U.S. Citizenship and Immigration Services [points out](#) that the J-1 visa program is "designed to promote the interchange of persons, knowledge, and skills, in the fields of education, arts, and science." As examples of "exchange visitors" under the J-1 visa program, it lists professors or scholars, research assistants, students, trainees, teachers, specialists, au pairs, and camp counselors. Notably missing are journalists. That is

perhaps, at least in part, because there are visa avenues available specifically for foreign nationals who are journalists.

USAGM's new senior management was also concerned to discover that, in violation of many federal government security protocols and personnel practices, the agency was rubber stamping J-1 visa applications and renewal requests—that is processing them without any semblance of a systematic procedural review. In fact, upon request, the agency was entirely unable to determine the number of foreign nationals it was employing through the J-1 visa program, let alone supply vital biographical details of those individuals. Previous agency senior management and the Broadcasting Board of Governors, which before managed the agency, had not disclosed this issue.

Moreover, the use of J-1 visas was wrapped up in the severe security violations and deficiencies left unaddressed by previous agency senior management that were identified in multiple agency assessments conducted by the U.S. Office of Personnel Management (OPM) and the Office of the Director of National Intelligence over the course of ten years, from 2010 to 2020. There were major concerns that USAGM had long been improperly vetting individuals hired through the J-1 visa program. In August 2020, USAGM released [OPM's most recent assessment](#), which was completed the month before, in July 2020.

WHAT WAS DONE—AND WHY

At CEO Pack's direction, USAGM has been working tirelessly to cure this complex and challenging situation through the creation of a process that will support USAGM's mission, protect the agency and its employees, and safeguard U.S. national security.

WHAT SHOULD BE DONE MOVING FORWARD

USAGM contends that use of the J-1 visa program is inappropriate given the mission and work of the agency. The agency is required to follow Presidential Executive Order 13788 on Buy American and Hire American. USAGM must follow the law by placing initiatives aimed at prioritizing employment for American citizens at the forefront of staffing practices. The United States is the most diverse nation on earth. Given the cultural knowledge possessed and the range of languages spoken by American citizens and legal permanent residents (LPR), hiring through the J-1 visa program should be the exception, not the rule—as it was previously. Like USAGM's security protocols, its J-1 visa program was deteriorating and threatening the agency's capacity to promote journalistic excellence and to fulfill its legal mandate of advancing U.S. foreign policy. In the latter instance as well as the former, USAGM is well on its way to correcting course.

USAGM must also offer greater consideration to the use of the I-1 visa program, which, as the U.S. Department of State [notes](#), is specifically for “representatives of the foreign media, including members of the press, radio, film, and print industries, traveling temporarily to the United States to work in their profession engaged in informational or educational media activities, essential to the foreign media function.” USAGM further recommends that more journalists be employed through the agency’s own visa program, which has not been fully utilized in recent years. The [H-2B visa program](#) should also be considered, for it might too prove appropriate in certain cases.

Finally, during the past several months, it has been reported that several Voice of America journalists on J-1 visas feared the prospect of returning to their home countries. USAGM affirms that foreign nationals who have experienced past persecution or have a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion should apply for either refugee status under Section 207 of the Immigration and National Act (INA) if they are outside the United States, or asylum status under Section 208 of the INA, if they are already in the United States. If such a [credible fear](#) exists, then it should be expressed to appropriate officials at the moment entry is requested.