

UW VISA BASICS 1

Overview – Visa Types

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TODAY'S TOPICS

- Introduction to UW Visas
- J-1 Exchange Visitors
- H-1B Temporary Workers
- TN Canadian & Mexican Professionals
- E-3 Australian Professionals
- F-1 & J-1 Student Trainees
- EADs & LPRs
- Resources & Q&A

BEFORE WE BEGIN...

- Not everyone *needs* visa sponsorship
- Not everyone *is eligible* for visa sponsorship
- Not all appointments *qualify* for visa sponsorship
- If sponsorship is needed, OAP chooses the visa type
- **All** UW-sponsored visas are processed by UW
- If you have visa questions, you can always [contact ISO](#)

IS VISA SPONSORSHIP NEEDED?

You may ask:

- “Are you legally authorized to work in the U.S?”
- “Can you provide evidence within three business days after the start date that you are eligible to work in the U.S?”
- “Will you now or in the future require UW sponsorship for a visa or green card?”

Don't *promise* a visa or green card—agree only to *consider for possible sponsorship* of a visa in accordance with UW policy

SPONSORED VS. NON-SPONSORED VISAS

Sponsored by UW through ISO:

- J-1 Exchange Visitor
- H-1B Temporary Worker
- TN and E-3 Treaty Workers
- Legal Permanent Residence for some faculty members

Sponsored by schools (UW or other):

- F-1 Optional Practical Trainees
- J-1 Academic Trainees

Non-sponsored:

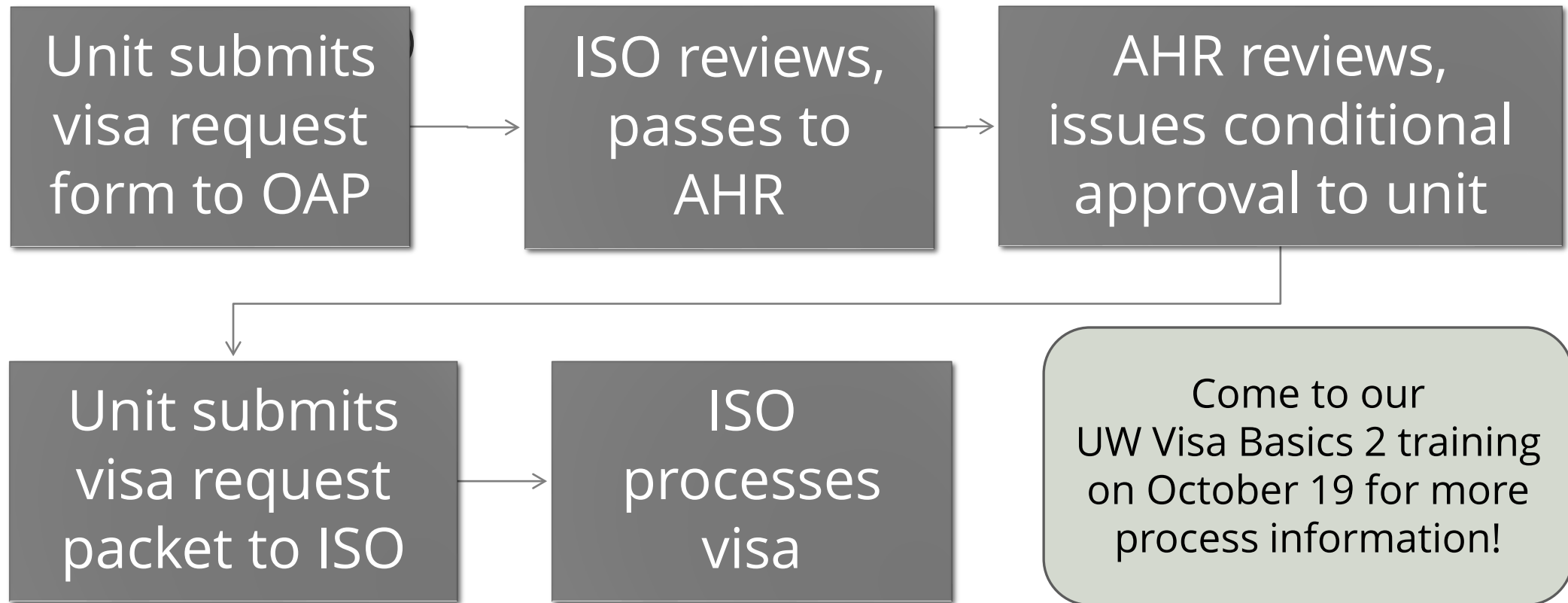
- EAD Holders
- Legal Permanent Residents

VISA ELIGIBILITY CAN DEPEND UPON:

- Scholar:
 - Country of origin
 - Whether they're in the U.S.
 - Current visa status
 - Previous visa history
 - Highest degree
 - Source of funding
- Academic appointment:
 - Rank
 - Track
 - Minimum requirements
 - Paid or unpaid
 - FTE
 - Duties

**UW only sponsors visas for full-time academic personnel titles.
Generally, visa sponsorship dates must match appointment dates.**

VISA REQUEST PROCESS



J-1 EXCHANGE VISITORS

WHAT IS A J-1?

Exchange Visitor in the U.S. to *engage in academic exchange* through research, teaching, observation, consultation, or demonstration of special skills

Must be *sponsored by designated J-1 program sponsor*, who administers their record through the Student and Exchange Visitor Information System (SEVIS)

[More information about J-1 Exchange Visitors](#)

ELIGIBLE TITLES

- Postdoctoral Scholar
 - Acting Instructor
 - Visiting titles
-
- Tenured or tenure-track employment not allowed
 - Clinical titles or duties not allowed
 - Not compatible with green card sponsorship

UNIQUE FEATURES OF J-1 STATUS

- Expectation of return to home country
- J-1s must have:
 - Health insurance
 - English proficiency
 - Adequate funding
 - Cultural exchange plans
- Easy and quick to issue, update, extend
- No USCIS processing times or filing fees
- J-2 dependent may apply for work authorization

LIMITATIONS OF J-1 STATUS

- Sponsor-, activity-, category- & location-specific
- No reductions in FTE or salary
- Payment for outside activities permitted **only** if authorized by ISO in advance
- Absences from U.S. of 30+ days should be [reported to ISO](#) if scholar has
 - Approved International Remote Work Request from UW Tax Office
 - Approved protected leave request from OAP

LIMITATIONS OF J-1 STATUS - Time

- New/arriving J-1 exchange visitors must
 - Arrive to the U.S. on or before DS-2019 start date
 - Check in with ISO within 30 days of DS-2019 start date
- Period of stay: up to 5 years
- 12 & 24 month bars on repeat participation in some J-1 categories
- Possible 2-year home residence requirement preventing change of status or return to U.S. on H, L, or permanent resident visas (212(e))

QUESTIONS

Q: How do we time J visa requests for visiting scholars; should we submit the visa request to ISO before issuing the invitation letter?

A: We generally expect that you'll have issued an offer/decided terms of appointment before you submit the visa request, and then we match the visa sponsorship to the appointment. We'd suggest submitting your J visa request at least 3 months ahead of time for someone coming from outside the United States. More information on processing times and process steps will be provided in Visa Basics 2 in October.

QUESTIONS

Q: Can someone who holds a J-1 change from one visa to another, or do they have to leave and come back?

A: It's complicated; some can change status from J-1 to H-1B, but some may have to do additional work.

Q: What is the 2-year home residence requirement?

A: <https://ap.washington.edu/ahr/visas/admin-resources/j1/finishing-a-j1-exchange-program/home-country-residence/>

QUESTIONS

Q: Is there a drop-dead date for J-1 visa requests?

A: It depends; if there's flexibility in the start date that's helpful. It also depends on where they're coming from; different consulates have different processing times. The scholar should check <https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/wait-times.html> to see what their consulate is doing.

H-1B SKILLED WORKERS

WHAT IS AN H-1B?

“Temporary Worker in a Specialty Occupation” requiring a post-secondary degree

Must be sponsored by a specific employer, and the terms and conditions of their employment must be reported to the Department of Labor (DOL) and to U.S. Citizenship and Immigration Services (USCIS)

[More information on H-1B temporary workers](#)

ELIGIBLE TITLES

- Postdoctoral Scholars (if currently in the U.S.)
 - F-1 OPT or J-1 holders must exhaust that eligibility before changing status to H-1B
- Acting Instructors
- Residents/Fellows ([by exception only](#))
- Lecturers Full-Time Temporary
- Professorial appointments, including
 - Research or Teaching tracks
 - Acting or Clinical

UNIQUE FEATURES OF H-1B STATUS

- Primary purpose is employment
- Position must:
 - Require bachelor's degree or higher in a relevant field
 - Pay salary at or above both “prevailing wage” (assigned by DOL) and “actual wage” (paid to similar workers)
- More expensive, harder to obtain, update, extend
- H-4 spouse may seek employment authorization in *limited circumstances*

LIMITATIONS OF H-1B STATUS

- Employer-, title- & location-specific
- No reductions in FTE or salary
- No outside employment permitted
- Early termination requires that the sponsoring unit pay the “reasonable costs of return transportation”
- Period of stay: up to 3 years, renewable for total of 6 years (with some exceptions)

QUESTIONS

Q: How long does it take to process an H-1B?

A: 9+ months for non-CBA titles, 2-3 months for CBA titles.

TN CANADIAN & MEXICAN PROFESSIONALS

WHAT IS A TN?

A Canadian or Mexican national entering as a professional under the U.S./Mexico/Canada Agreement (formerly NAFTA).

Can be processed directly at the border (for Canadians) or the U.S. consulate (for Mexicans) OR filed with USCIS.

Filing with USCIS requires a visa request to ISO, but processing at the border or consulate does not.

[More information on TN professional workers](#)

TN ELIGIBLE TITLES

- No “dual intent” (not compatible with green card, so not appropriate for professorial appointments)
- Best for temporary appointments:
 - Postdoctoral Scholar
 - Acting Instructor
 - Lecturer Full-Time Temporary
 - Acting Assistant Professor
- Doesn't allow patient care

UNIQUE FEATURES OF TN STATUS

- TN status is employer- and job-specific
- Does *not* require a prevailing wage determination or Labor Condition Application
- Does not require a petition to USCIS (except in-country changes of status or extensions)
- Position must be a NAFTA occupation
- Period of stay: Up to 3 years, renewable indefinitely
- TD spouse not eligible for work authorization

QUESTIONS

Q: You said that patient care isn't allowed on TNs, but isn't it allowed for dentists?

A: Good catch! Dentists are allowed, as are some medical staff positions; but physicians providing patient care aren't. It's always best to check the [NAFTA occupations list](#) to confirm eligibility.

E-3 Australian Professionals

WHAT IS AN E-3?

An “Australian Treaty Worker” requiring a post-secondary degree.

A lot like H-1Bs: Must be sponsored by a specific employer, and terms and conditions of employment must be reported to the DOL and (sometimes) USCIS

[More information on E-3 treaty workers](#)

E-3 ELIGIBLE TITLES

- No “dual intent” (not compatible with green card, so not appropriate for professorial appointments)
- Best for temporary appointments:
 - Postdoctoral Scholar
 - Acting Instructor
 - Lecturer Full-Time Temporary
 - Acting Assistant Professor

UNIQUE FEATURES OF E-3 STATUS

- E-3 status is employer, location- and job-specific
- Requires Prevailing Wage Determination and Labor Condition Application, but no petition to USCIS (except in-country changes of status or extensions)
- Can be processed at U.S. consulate abroad instead of through USCIS
- Period of stay: Up to 2 years, renewable indefinitely
- E-3D spouse may apply for work permit
- Change of employer is harder with E-3 than with H-1B

F-1 & J-1 STUDENT TRAINEES

ELIGIBLE TITLES FOR TRAINEES

- No “dual intent” (not compatible with green card, so not appropriate for professorial appointments)
- Best for temporary appointments:
 - Postdoctoral Scholar
 - Acting Instructor
 - Lecturer Full-Time Temporary
 - Acting Assistant Professor

REMEMBER:

- **Professorial ranks** must change to H-1B as quickly as possible
- **All other employees** must exhaust trainee eligibility before changing to H-1B

[More information on F-1 and J-1 Trainees](#)

UNIQUE FEATURES OF F-1 “OPTIONAL PRACTICAL TRAINING”

- Available to F-1 students graduating from U.S. schools
- Processed through international students office and USCIS, **NOT ISO**
- Initial OPT up to 12 months; STEM OPT up to another 24 months
- Evidence of OPT is an EAD card
- Employment must provide training in the student's field of study
- For STEM OPT, employer must complete an I-983 Training Plan

UNIQUE FEATURES OF J-1 “ACADEMIC TRAINING”

- Available to J-1 students graduating from U.S. schools
- Processed through international students office and SEVIS, **NOT ISO**
- Evidence of AT is a modified DS-2019 and letter from the school
- Academic Training is not processed through USCIS; students do not receive an EAD card
- Initial academic training up to 18 months; postdoctoral academic training up to an additional 18 months
- Does not allow clinical activities

EMPLOYMENT AUTHORIZATION DOCUMENTS (EADs)

- Certain foreign nationals may apply for an EAD
- Most EADs provide unlimited employment authorization within the validity dates on the card
- EAD holders may include, but are not limited to:
 - Asylees/refugees
 - Temporary Protected Status (TPS)
 - J-2 dependents of J-1 Exchange Visitors
 - Applicants for adjustment of status
 - Many other classifications



PERMANENT RESIDENCE

- UW sponsors most professorial faculty for permanent residence
- Once approved, permanent residence is documented by a “green card”
- Provides unlimited authorization to work in the U.S. in position or field of choosing



➤ **If ISO receives visa request for a position eligible for permanent residence sponsorship, we will contact you to start the process.**

RESOURCES

- [ISO webpage](#)
- [Visa content on OAP blog](#)
- [COVID-19 blog post](#)
- ISOcontacts mailing list
- OAP mailing list
- acadvisa@uw.edu

QUESTIONS

Q: Is there a preference on how to reach out to ISO to discuss difficult timelines?

A: Always feel free to [send us an e-mail](#) or call and we'll discuss. Contact information is listed on [our website](#).