

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

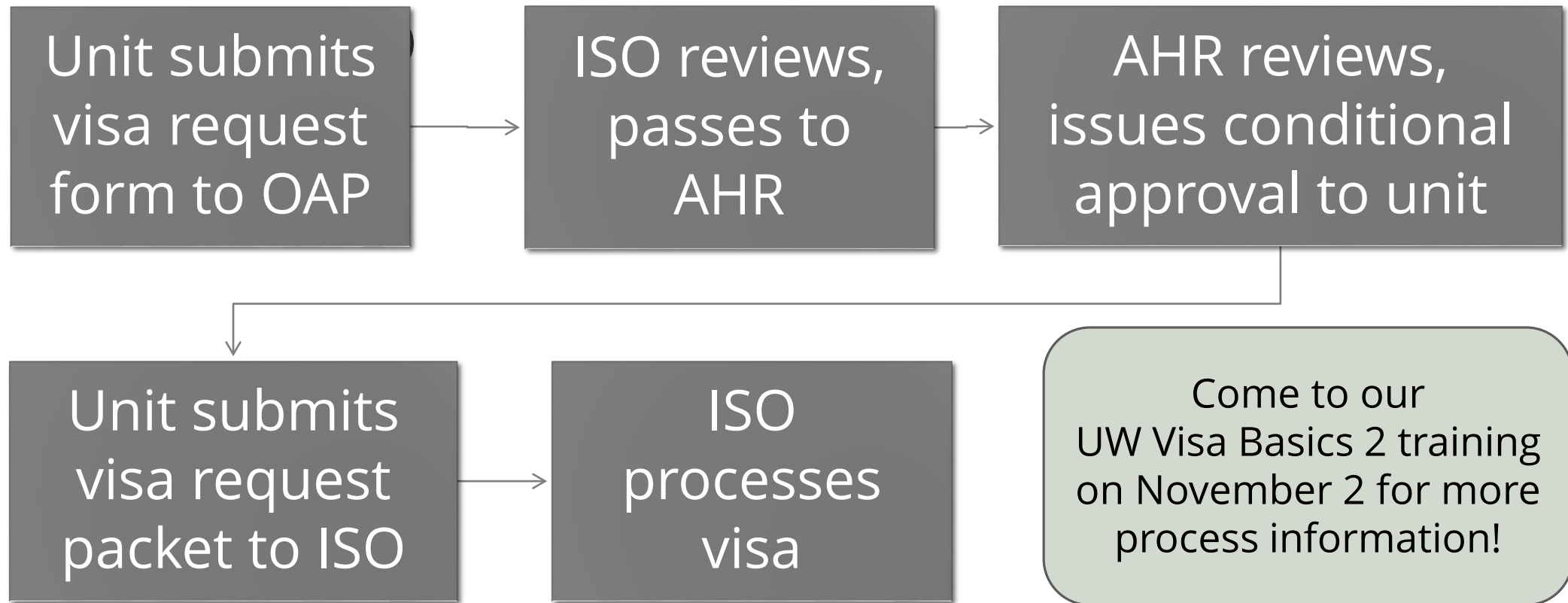
VISA ELIGIBILITY CAN DEPEND UPON:

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

Remember:

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

VISA REQUEST PROCESS



QUESTIONS

Q: Can you give a cost comparison of the visa types?

A: H-1Bs, TNs, and E-3s have USCIS filing fees, up to \$3460; J-1s don't have any USCIS fees. Both have \$300 ISO processing fee (now \$521), although this is calculated differently for J-1s. See our [Visa Fees](#) page for more information.

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

Q1: Who decides to use the J-1 program? Is it UW wide?

A1: OAP decides which visa type and category in accordance with UW policy. UW has a single J-1 program for the whole university.

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: You said an H-1B is the best visa for professorial hires, but it's not recommended for postdoctoral scholars coming from abroad. Can you explain?

A: An H-1B is most appropriate for professorial faculty since it is most compatible with green card sponsorship, so that helps us facilitate the permanent residence process asap. In contrast, generally the J-1 is the quickest, easiest way to get people here for temporary appointments, like postdoctoral scholar appointments.

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

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

QUESTIONS

Q: Why would someone do the E-3?

A: The key advantage of the E-3 is that it gets around some aspects of H-1B processing time, some of the time. If someone is coming from abroad & they're not eligible for J-1, the E-3 can get them here sooner. Another advantage is that E-3D dependents can get an EAD, which is harder for H-4 dependents.

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.**

QUESTIONS

Q: If an F-1 trainee in an academic personnel title is on regular OPT and not eligible for STEM OPT, can they go straight to an H-1B?

A: Correct, we will sponsor for an H-1B if they have exhausted their OPT eligibility.

Q: Can F-1 OPT holders work for the UW in their field, but outside the US borders (Study Abroad assistant or similar)?

A: In general, ISO focuses on employment inside the U.S., at UW, in person. We can't really speak to employment of foreign nationals outside of the U.S. If you want to employ any worker outside the U.S., you should contact the [UW Tax Office](#) for guidance.

RESOURCES

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