

# UW VISA BASICS 1

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Overview - Visa Types



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# TODAY'S TOPICS

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- 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...

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- 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 in house

# IS VISA SPONSORSHIP NEEDED?

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## 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

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Sponsored by UW through ISO:

- J-1 Exchange Visitor
- H-1B Temporary Worker
- TN and E-3 Treaty Workers

Sponsored by schools (UW or other):

- F-1 Optional Practical Training
- J-1 Academic Training

Non-sponsored:

- EAD
- Legal Permanent Residence

# VISA ELIGIBILITY CAN DEPEND UPON:

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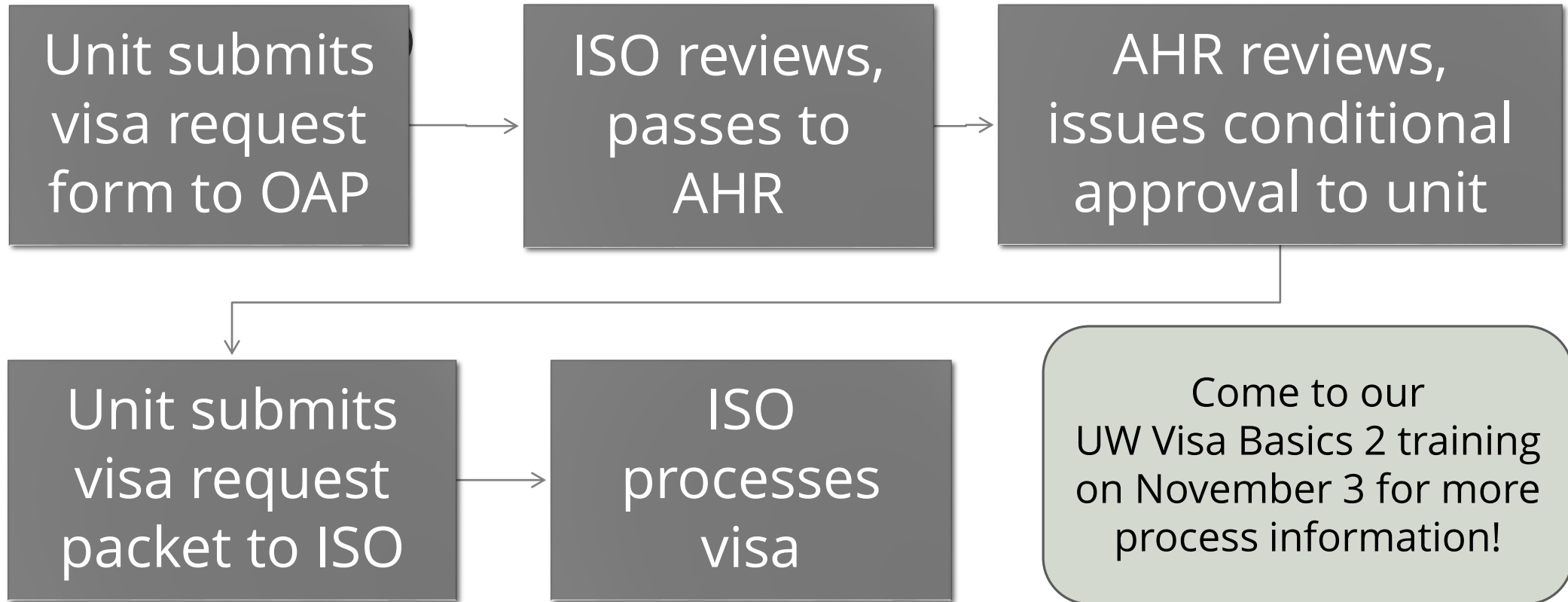
- The scholar:
  - Country of origin
  - Whether they're in the U.S.
  - Current visa status
  - Previous visa history
  - Highest degree
  - Source of funding
- The academic appointment:
  - Rank
  - Track
  - Paid or unpaid
  - FTE
  - Eligibility for green card sponsorship

## **Remember:**

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

# VISA REQUEST PROCESS

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# J-1 EXCHANGE VISITORS



# WHAT IS A J-1?

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Exchange Visitor in the U.S. to *perform academic exchange* through research, teaching, observation, or consultation

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

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- Postdoctoral Scholar
  - Acting Instructor
  - Visiting titles
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- 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

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- 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 (for now)
- No USCIS processing times or filing fees
- J-2 dependent may apply for work authorization

# LIMITATIONS OF J-1 STATUS

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- Sponsor-, activity-, category- & location-specific
- Payment for outside activities permitted only if authorized by ISO in advance
- Time limitations:
  - Scholar must 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 (1 OF 2)

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Question: Does the 30-day check-in requirement for J-1s apply for new appointments or all appointments?

Answer: It only applies for new/arriving J-1 exchange visitors; but note that extensions and changes of unit/title require a new J visa request to ISO, but no check-in.

# QUESTIONS (2 OF 2)

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Question: What is the average time it takes to file a J-1 visa?

Answer: Depends on how long it takes the unit to provide the supporting documents to ISO; once ISO receives packet of supporting documents, we usually have it ready within two weeks; can take a little longer with everyone working remotely. Note that scholar still has to receive the new DS-2019 and apply for visa stamp, which can take much longer recently.

# H-1B SKILLED WORKERS

# WHAT IS AN H-1B?

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“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

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- 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
- Lecturers Full-Time Temporary
- Allows green card sponsorship, so good for professorial appointments, including
  - Research or Teaching tracks
  - Acting or Clinical

# UNIQUE FEATURES OF H-1B STATUS

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- Primary purpose is employment
- Must have:
  - Bachelor's degree or higher in a relevant field
  - Salary higher of "prevailing wage" (assigned by DOL) or "actual wage" (paid to similar workers)
- Period of stay: Up to 3 years, renewable for total of 6 years
- More expensive, harder to obtain, update, extend
- H-4 spouse may seek employment authorization in *limited circumstances*

# LIMITATIONS OF H-1B STATUS

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- 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”

# TN CANADIAN & MEXICAN PROFESSIONALS

# WHAT IS A TN?

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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 does not.

[More information on TN professional workers](#)

# TN ELIGIBLE TITLES

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- 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
- Doesn't allow patient care

# UNIQUE FEATURES OF TN STATUS

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- 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 extensions)
- Position must be a NAFTA occupation
- Period of stay: Up to 3 years, renewable indefinitely
- TD spouse not eligible for work authorization

# QUESTIONS

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Question: On the limitation on clinical patient care in TN status: Is that new? We used to use TNs for Dental Residents when I was there, and for Research Coordinator positions in Oncology.

Answer: To clarify, “no clinical care” is really about academic personnel positions; TN doesn’t allow physicians, so no clinical faculty or faculty with patient care duties. We’re aware that there are staff with patient care duties on TNs at the Medical Center and other places, but ISO doesn’t process or advise on those.



# E-3 AUSTRALIAN PROFESSIONALS

# WHAT IS AN E-3?

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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

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- 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

# UNIQUE FEATURES OF E-3 STATUS

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- 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 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

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Question: Is the E-3 also for New Zealand?

Answer: No, Australians only.

# F-1 & J-1 STUDENT TRAINEES

# ELIGIBLE TITLES FOR TRAINEES

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- 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

**REMEMBER:**

→ **Professorial ranks** must change to H-1B as quickly as possible

→ **All other employees** must exhaust trainee eligibility before changing to H-1B

# UNIQUE FEATURES OF F-1 “OPTIONAL PRACTICAL TRAINING”

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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”

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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)

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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
- Aliens in Temporary Protected Status (TPS)
- J-2 dependents of J-1 Exchange Visitors
- Applicants for adjustment of status
- Many other classifications



# PERMANENT RESIDENCE

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- UW sponsors most professorial faculty for permanent residence
- 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 green-card-eligible faculty, we will contact you to start the process.**

# QUESTIONS

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Question: In light of the proposed Duration of Status Rule, would a J-1 Research Scholar still have to exhaust J-1 eligibility before moving to an H-1B?

Answer: For context, the proposed Duration of Status Rule would make it so that when J-1 exchange visitors extend their appointment and get a new DS-2019, they would also have to extend their J-1 status by filing an I-539 Application to Extend Status with USCIS. This rule is expected to go into effect sometime in the next 100 days, but we don't know exactly when. We do not plan to change the requirement that J-1s exhaust their J-1 eligibility before moving to an H-1B, as even under the proposed rule H-1Bs are still the higher-compliance and higher-cost visa.

# RESOURCES

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