UW VISA BASICS 2

**Process and Tools
October 25, 2024**

AGENDA

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INTRODUCTION

WHAT IS A VISA REQUEST?

– A **web form** on the Office of Academic Personnel (OAP) website.
– **The process** by which a UW academic unit initiates UW visa sponsorship for an international scholar.
– **The process** by which OAP makes sure that visa sponsorship is (1) feasible and appropriate and (2) consistent with University employment/appointment policies.
– **One part** of the larger process of getting a visa.

VISA REQUEST PROCESSES (GENERALLY)

Pre-Request	Visa Request	Post-Request

Pre-Request
- Unit gathers sponsorship information on the **Visa Intake Form** along with supporting documentation
- Unit discusses any uncertainties with ISO
- Unit then uses information from **Visa Intake Form** to submit **Visa Request Form** online

Visa Request
- ISO reviews* **Visa Request Form** and contacts unit with any questions
- ISO then sends a PDF of the **approved Visa Request**

*Review may include gathering documents to confirm visa or appointment eligibility.

Post-Request
- Unit gathers any **additional supporting documentation**
- Units gets signatures on **approved Visa Request**
- Unit returns **approved Visa Request**, with supporting documentation, to ISO for further processing
- ISO initiates next steps with various government agencies

VISA INTAKE FORM

UNIVERSITY of WASHINGTON
OFFICE OF ACADEMIC PERSONNEL
Academic Human Resources

J-1 Visa Intake Form
International Scholars Operations

PART I: To be completed by the international scholar being invited to the University of Washington (UW).

PART II: To be completed by the UW unit that is inviting the international scholar.

For J-1s: **https://ap.washington.edu/j1-intake-2/**
For H-1Bs**: https://ap.washington.edu/h1b-visa-intake-form/**

Part I gathers **biographic** and **funding** information from the scholar.

Part II gathers **appointment** information from the appointing unit.

WHO SHOULD SUBMIT A VISA REQUEST?

Only someone in the **chair's office or a central business unit** with basic knowledge of both visa and appointment issues **should** submit a visa request, even if **anyone with an employee UW NetID can**.

Who **should not** submit:

- The international scholar
- The faculty sponsor
- An outside third party

Visa Request Form

Sections:
- **Purpose** of Form
- Section One - **Biographic Information**
- Section Two - **Dependents**
- Section Three - **Appointment Information**
- Section Four - **Funding Information**
- Section Five - **Sponsoring Department/Program Information**
- Section Six – **UW Financial Information**
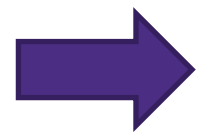
➡️ **Did you know?** The visa request tool (Lux) lets you **save draft visa requests** (without attachments) **for up to 30 days.**

WHO LOOKS AT A VISA REQUEST?

1. ISO advisors review for **visa issues**

2. For **academic personnel positions,** ISO advisors review for **appointment issues**

3. Export Control in the Office of Research reviews for **deemed export issues** (country of origin, grant funding, controlled technology)

This is why you may get emails from different people about the same visa request!

VISA REQUEST PACKET

Once review is complete, ISO will email you a PDF of the approved visa request.

The approved visa request must be routed for signatures and sent back to ISO along with the relevant supporting documentation from the checklist.

Send the entire packet back to ISO by:

– Campus mail to Box 351245

– Dropping off in our drop box outside the Gerberding 240 suite

– Email, as a single PDF, in reply to the conditional approval email

– Upload, as a single PDF, to the visa request "Manage Files" page in Lux

THINGS TO REMEMBER

➔ **A visa request is not the end product.**
ISO must process further before the visa is in place.

➔ **A visa request requires supporting documents.**
Checklists of supporting documents for each visa type are on our website.

➔ **A visa request is not your only way to get answers.**
ISO advisors will happily discuss visa eligibility and sponsorship procedures with you, with or without a visa request.

J VISA REQUESTS

BEFORE YOU SUBMIT A J VISA REQUEST

You should have collected the following:

- Offer or reappointment letter
- Biographic page(s) of passport(s)
- Documentation of **funding**
- Documentation of **English proficiency**
- Information for the visa request, usually on the **J-1 Visa Intake Form**

What Do We Review J Visa Requests For?

We review for visa considerations:

- Is the **start date** achievable?
- Does the **funding** meet our **J-1 funding minimums**?
- Is the person **eligible for J-1 status** through the requested end date?
- Are the **cultural exchange** plans sufficient?

We also review for the appointment:

- Is the person **eligible for the title** through the requested end date?
- Does the funding meet the **salary minimum**?

J-1 SUPPORTING DOCUMENTS

ISO requires supporting documentation with each signed J Visa Request, including but not limited to:

- Copies of biographic pages for J-1 and all J-2 dependents
- The offer or reappointment letter
- Funding documentation
- Documentation of English proficiency
- **Patient care letter** for foreign medical graduates

ISO can only issue the DS-2019 once we have all supporting documentation.

See our J-1 Checklist

DS-2019 CERTIFICATE OF ELIGIBILITY

ISO sends Form DS-2019 "Certificate of Eligibility for Exchange Visitor Status" to host department

Department sends DS-2019 to exchange visitor

Exchange visitor uses DS-2019 to apply for J visa at consulate and to enter U.S.

BEYOND INITIAL J VISA REQUESTS

A new J Visa Request, with appropriate supporting documentation, is needed to do the following:

- **Extend** the person's J-1 status
- **Change** the person's appointment **title**
- **Move** a J-1 already at UW to your department
- **Transfer** a J-1 already at another program sponsor to UW

You should also use Lux to

- **Amend sponsorship dates** using the **J1 Amendment Form**
- **Add dependents** using the **Add J2 Dependent Form**

Ask us how much time we need, or just submit as early as you can!

J visa Q&A – 1

> **Q: If a J-1 scholar only needs to be extended for one month, does there have to be a new offer letter?**

> A: If there will be a one-month reappointment, there should be a one-month reappointment letter. The unit would also need to follow ISO's usual J-1 extension process, regardless of the length of the extension.

> **Q: What is the estimated timeline for a visa for an incoming postdoc?**

> A: For new J-1s, we recommend 3 months of lead time, although most of that time is internal processing time, so it can move very quickly. The one factor that can take a long time is visa processing at the consulate, which varies widely from country to country, and is outside ISO's control. Units can check Visa Appointment Wait Times on the Department of State's website.

> **Q: Most of our appointments are non-MDs; would they still need the No Patient Care letter?**

> A: No, that letter is only required for foreign medical graduates.

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J visa Q&A – 2

> **Q: How often are J1 visa applicants rejected or delayed at the US consulate?**

> A: We don't have great data on this specific issue; but it's not uncommon for visitors to experience "administrative processing" security checks that may delay their start dates. Administrative processing usually completes within 60 days. Please feel free to reach out to ISO with additional questions or concerns.

> **Q: For dependents of J visa holders, is it only for folks who might be bringing a spouse or child with them for their visit? or if they have a spouse or child at all?**

> A: If they have a spouse, or children under the age of 21, who will be coming to the U.S. and need a J-2 visa, then we'd need supporting documents and for that person to be listed on the visa request. If they're not coming to the U.S,, or are planning on coming for short visits on a B-2 visitor visa, then we wouldn't need information or documents for that person.

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J visa Q&A – 3

> **Q: I followed my training handbook and email "acadpers@uw.edu" for visiting scholars/visiting international professional titles. Is this the correct routing?**
> A: Yes, that's correct

H VISA REQUESTS

BEFORE YOU SUBMIT AN H VISA REQUEST

You should have collected the following:

– Offer or reappointment letter

– Information for the visa request, usually on the **H-1B Visa Intake Form**

– For non-CBA titles, a completed **Prevailing Wage Intake Form**

– For staff titles, a completed rubric from UWHR

Units should wait to assemble other supporting documents until after the visa request has been approved by OAP.

WHAT DO WE LOOK FOR IN H VISA REQUESTS?

We review for visa considerations:

- Does the person have **another status** they should exhaust first?

- Is the person **eligible for H-1B status** through the requested end date?

- Is the appointment or job **eligible for H-1B sponsorship**?

- Is the **salary** higher than the likely **prevailing wage**?

- Is the **start date** achievable?

For academic personnel positions, we also review for:

- Is the person **eligible for the title** through the requested end date?

- Does the **salary** meet the **salary minimum**?

H SUPPORTING DOCUMENTS

ISO requires supporting documentation with each signed H Visa Request, including but not limited to:

- Wage documentation
- Documentation of the scholar's visa status
- Documentation of the scholar's credentials
- Filing fee payment

See our H-1B Checklist

However, ISO can often initiate certain processes without having all documents on hand.

Feel free to ask us what we need right away and what can wait.

ADJUDICATION PROCESS

ISO performs initial review and prevailing wage self-determination, requests any missing documents

ISO has the host department post the Labor Condition Application, then submits it to the DOL

DOL approves the Labor Condition Application
1 week

ISO prepares and files the I-129 Petition with U.S. Citizenship and Immigration Services (USCIS)

USCIS reviews and approves I-129 Petition
2 weeks* to 12 months

*With payment of $2,805 Premium Processing Fee to USCIS

Scholar applies for H-1B visa at U.S. consulate and enters U.S.
1 week to 2+ months

USCIS FEES FOR H-1BS

– Anywhere from $460 to $3765, depending on case type and urgency

– Must be paid by unit

– Can be paid with

  o Fee check(s) issued by UW via Workday, or

  o G-1450 Credit Card Authorization Form(s) using UW ProCard

– More information and instructions are available on the **OAP Visa Fees** page.

BEYOND INITIAL H VISA REQUESTS

You must submit a new H Visa Request, with supporting documentation, to do any of the following:

- **Extend** the person's H-1B status
- **Change** the person's appointment **title**
- **Move** an H-1B already at UW to your department
- **Transfer** an H-1B already in the U.S. to UW

Submit as early as you can but remember that these usually require at least **four months** to process.

H visa Q&A

> **Q: If we sponsor an H1B for a staff person and they then leave the UW, is that H1B no longer valid and the person needs to leave the US?**

> A: If they resign their UW employment before the end date on the H-1B approval, they may be eligible for a grace period of up to 60 days to move to a new H-1B employer, change status to another visa, or depart the U.S. USCIS has more information available on their website.

> **Q: For the Actual Wage Memorandum say, for an RSE3 staff position, how do we determine how many existing staff to compare them to? Is it all RSE, only RSE3, or can it be narrowed down to skills / experience in a particular field?**

> A: Generally, you would start by comparing everyone with the same appointment title (in this case, RSE3) within the same appointing unit. If you find that you have a large number of people who fit that criteria or, if you find that some individuals do not seem comparable to the H-1B beneficiary (due to education, experience, job duties, etc.), you can further narrow down your list of "similar employees" to include on the Actual Wage Memo based on these factors.

TIPS FOR SUCCESS

REMEMBER THE DIFFERENCES

	J-1	H-1B
Lead time	At least three months	At least four months
When to collect documents	Before submitting visa request	Once visa request is approved
Orientation	Must request **remote check-in** from ISO	No check-in required, but optional orientation available
Costs	No filing fees; no premium processing	Filing fees up to $3,765; unit must pay fees

RESOURCES

How to Sponsor	J-1	H-1B
Process Handouts	J-1	H-1B
Intake Form	J-1	H-1B
Visa Request Form	J-1	H-1B
Checklist	J-1	H-1B
Scholar Resources	J-1	H-1B

See UWHR guidelines for staff visa sponsorship

Department of State Visa Appointment Wait Times

HOW TO DO LESS WORK ON J VISA REQUESTS

- Submit as soon as possible (**at least three months in advance**)
- Gather all supporting documents **before you submit**
- Confirm number of dependents with scholar
- Submit visa request with all required supporting documents **as soon as possible**
- Don't submit supporting documents that aren't required
- If possible, forward the scanned DS-2019 rather than express-mailing the print DS-2019

HOW TO DO LESS WORK ON H VISA REQUESTS

– Work with UWHR **early** for staff visa sponsorship requests

– Submit as soon as possible
(**at least four months in advance** WITH premium processing)

– Confirm number of dependents with scholar

– Ensure information on visa request and supporting documents match

– Set realistic expectations with scholar and faculty

– **Wait to request checks** until instructed by advisor

– Pay $2,805 USCIS premium processing fee, where possible

General Q&A

> **Q: When we get an invoice from ISO, do we need to process the payment for that?**

> A: No, that fee will be charged directly through Workday; the invoice is just supporting documentation for the unit for budget reconciliation purposes. Checks for visa petitions filed with USCIS have to be requested separately through Workday using the instructions provided by UW Procurement on our Visa Fees page.

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THANK YOU!

https://ap.washington.edu/ahr/visas/

acadvisa@uw.edu