VISA BASICS

International Scholars Operations (ISO)
Today’s Topics

• Introduction to UW Visas
• J-1 Exchange Visitor Visa
• H-1B Temporary Workers
• E-3 & TN Treaty Workers
• J-1 & F-1 Student Trainees
• UW-sponsored Green Cards
Before we begin . . .

- Not all foreign nationals need visa sponsorship
- Not all foreign nationals qualify for a visa
- Not all UW jobs qualify for visa sponsorship
- If sponsorship is needed, ISO chooses the visa type
- UW-sponsored visas are processed “in house” by 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
Does the International Scholar qualify for a visa?

- Where were they born?
- Where are they now?
- If in the U.S., what visa?
- Visa history?
- Do they have a 2-year foreign residence requirement?
- Do they have any dependents (spouse/kids under 21 years)?
- Are they fully qualified for the UW job?

- Are they a foreign medical graduate? USMLE’s?
- Subject to a “bar” on repeat participation?
- Highest degree?
- Field of study?
- Present occupation?
- Source of financial support?
Does the UW appointment qualify for a visa?

Issues to consider will vary by appointment title

- Temporary or permanent?
- Sources of financial support
- Duration of appointment
- Is the “supervisor” a UW faculty member?
- Does the salary meet UW wage requirements?
- Position requirements
- Is patient or clinical care involved?

- UW salary
- Home employer
- Personal funds
- Is it full-time?
- Worksite locations
- Position requirements
Types of visas

**UW-sponsored**
- J-1 Exchange Visitor
- H-1B Temporary Worker in a Specialty Occupation
- E-3 Treaty Professional Visas for Australian Citizens
- TN NAFTA Status for Canadian or Mexican Citizens
- Employment-based green cards

**Non UW-sponsored**
- F-1 Optional Practical Training ("OPT")
- J-1 Academic Training
- B-1/WB Visitor for Business
- Employment Authorization Document ("EAD" or "EAD card")
Visa eligibility by title

**J-1 Titles**
Postdoctoral Scholar, Acting Instructor, Visiting Scholar, Visiting Scientist, Lecturer, and all visiting faculty.  
*Only when coming from outside the U.S. or already in J-1 status at another institution.*  
**Activity must be full-time.** Funding requirements vary according to appointment title.

**H-1B Titles**
Postdoctoral Scholar, Acting Instructor, Lecturer, all professorial faculty, Resident/Fellow (by exception), and some Research Technologists (by exception)  
**Must be full-time and on UW payroll**

**E-3 Titles**
Faculty and postdoctoral appointments; candidate must be eligible for H-1B status  
**Must be full-time and on UW payroll**

**TN Titles**
UW academic, professional, and classified staff in NAFTA-eligible positions  
**Must be on UW payroll**
Visa eligibility by title

F-1 Optional Practical Training/J-1 Academic Training Titles
Any academic, professional, or classified staff position that provides a recent graduate training and experience in his/her field of study

**NOTE:**
1. Professorial faculty should transition to H-1B at the soonest opportunity
2. Other employees should exhaust OPT/AT eligibility before transitioning to H-1B

EAD Titles
Any title for the duration of the validity of the employment authorization card

Green Card Titles
Full-time UW-salaried Assistant, Associate, and full Professors (including research faculty) with **any teaching duties**, and some full-time Lecturers **by exception only**
Visa request process

- **Gather** information on scholar and appointment; determine appropriate visa


- **Complete** and electronically submit appropriate Visa Request Form
  - ISO & AHR review the visa request; will contact you if more information is needed
  - AHR sends a PDF of the approved visa request

- **Print** the approved visa request, route for signatures, and forward to ISO with supporting documents
  - ISO will send you a receipt email once the paper visa request arrives and will contact you as the case progresses
J-1 Exchange Visitors
The Exchange Visitor program

**Purpose:** To “increase mutual understanding between people of the United States and people of other countries by means of educational and cultural exchanges, thereby strengthening the ties between the nations.”
Unique features of J-1 status

• Primary purpose is exchange, not employment
• J-1 must maintain health insurance and medical repatriation & evacuation insurance
• J-1 must have appropriate English proficiency to participate in exchange activity and daily life in U.S.
• Changes in funding, activity site, or residential address, and early departures must be reported immediately in SEVIS
• 12 & 24 month bars on repeat participation in some J-1 categories
• Possible two-year home residence requirement
Scope of J-1 status

- J-1 is *sponsor-, activity-, category- & location-specific*
- Exchange activity must be *full-time*
- Appointment is temporary—is it your expectation that this person will *go home*?
- Period of stay—few days to five years
- Payment for outside activities permitted *only if authorized* by ISO in advance
DS-2019 Certificate of Eligibility

ISO sends host department Form DS-2019 “Certificate of Eligibility for Exchange Visitor Status”

Department forwards DS-2019 to Exchange Visitor

Exchange Visitor uses DS-2019 to apply for J visa and enter U.S.

Let ISO know if arrival is delayed! We’ll amend & reissue the DS-2019.

See our J Process Handout for more information!
J-1 categories

- **Research Scholar/Professor**
  5-year limit, bars on repeat participation

- **Short-term Scholar**
  6-month limit, no bars on repeat participation

- **Specialist**
  12-month limit
Permitted activities for J-1s

Exchange Visitors may engage in:
• Research
• Observation
• Consultation
• Limited teaching
• Demonstrating special skills
• Student internships (VISIT and VISER)
• Medical residency (only if sponsored by ECFMG)

The J visa is not a work permit!

No full-time study, tenure-track or “permanent” positions, or clinical training
Maintaining J-1 status

J-1 Scholar must:

• Check in with ISO not later than 30 days after DS-2019 “start” date
• Engage in exchange activities
• Receive adequate supervision
• Be given adequate access to resources
• Be provided opportunities for cross-cultural engagement
• Maintain health insurance in compliance with federal law
Tips for a trouble-free J-1 (before arrival)

- Start at least three months in advance of the start date
- Review “How to Sponsor a J-1 Exchange Visitor”
- Verify and retain evidence of funding from all sources
- Confirm that exchange visitor qualifies for the offered position
- Confirm and document exchange visitor’s English proficiency
- **Plan cultural exchange** activities that include dependents
Tips for a trouble-free J-1 (after arrival)

- Help scholar settle in (Husky card, NetID, housing, Social Security number, benefits, etc.)
- Ensure that scholar attends ISO Check-In Session
- Notify ISO in advance of changes—late arrivals, early departures, changes in worksite, title, research focus or duties, leaves of absence...
- Keep a watchful eye: Is the scholar adjusting well? Participating in cultural activities? Keeping active?
- Report incidents affecting health, safety or well-being to ISO
- Extend the scholar’s stay in a timely manner
H-1B Skilled Workers
What is an H-1B?

An H-1B employee is a “Temporary Worker in a Specialty Occupation” requiring a post-secondary degree.

H-1B workers 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).
The H-1B process at ISO

- ISO receives signed Visa Request & supporting documents
- ISO files Prevailing Wage Request with DOL
- ISO files Labor Conditions Application with DOL
- ISO files I-129 Petition for Temporary Worker with USCIS
- USCIS issues receipt notice
- USCIS issues approval notice

See your H-1B Process handout for more details!
H-1B processing times

From the date the visa request (with supporting documents) arrives at ISO until the foreign national can start working:

- New H-1Bs (either “initial” or “change of status” from another visa) may take nine months or more.
- Continuing H-1Bs (including changes of employer, changes of title/unit, and extensions) may take six months or more.

**USCIS Premium Processing** may speed up processing times for new H-1Bs, but it costs $1,410 and only reduces USCIS processing times.

Always start your visa request early!
Unique features of H-1B status

• Primary purpose is employment
• Must earn higher of “prevailing wage” (assigned by DOL) or “actual wage” (paid to similar workers)
• Changes in title, worksite, compensation, sponsoring unit, or job duties require notification to DOL and USCIS
• No reductions in FTE or salary
• No outside employment permitted
• Early termination requires that the sponsoring unit pay the “reasonable costs of return transportation”
• H-4 spouse may seek employment authorization in limited circumstances
Tips for a trouble-free H-1B

• Start the process early
• Ensure beneficiary already qualifies for proposed job
• Use the H-1B Checklist (http://ap.washington.edu/ahr/visas/h1b/checklists/)
• Don’t supply documents not on the checklist
• Follow format of ISO sample letters
• Communicate travel restrictions to the scholar
• Consistency! Consistency! Consistency!

When in doubt, contact ISO at acadvisa@uw.edu.
E-3 Australian Professionals
Scope of E-3 status

• E-3 is available to citizens of Australia
• Requires a Prevailing Wage Determination and Labor Conditions Application, but no petition to USCIS (except extensions)
• Period of stay: up to two years, renewable
• No “dual intent” (not compatible with green card, so not appropriate for professorial appointments)
• E-3 status is employer-specific, location-specific and job-specific
• Spouse may apply for work permit
• UW only sponsors E-3s who qualify for H-1B sponsorship
TN
Canadian & Mexican Professionals
Scope of TN status

- TN status is employer- and job-specific and available to citizens of Canada and Mexico.
- Does not require a prevailing wage determination or Labor Condition Application or petition to USCIS (except in-country extensions).
- Position must be a NAFTA occupation.
- Period of stay: up to three years, renewable.
- No “dual intent” (not compatible with green card, so not appropriate for professorial appointments).
- TD spouse cannot work.

TN is quick, easy, and cheap, but the H-1B may be the better option.
J-1 and F-1 Student Trainees
Scope of J-1 “Academic Training”

Graduates in the J-1 student category may be eligible for Academic Training ("AT") upon completion of their degree

• Evidence of AT is a modified DS-2019 and letter from the Responsible Officer of the school where the degree was earned
• Academic Training is not processed through USCIS; students do not receive an EAD card
• Period of eligibility is 18 months; for postdoctoral training, eligibility may be extended an additional 18 months (total 36 months)
Scope of F-1 “Optional Practical Training”

OPT employment authorization is available to F-1 students graduating from U.S. schools.

- Student applies for OPT through their foreign student adviser
- OPT is granted for 12 months; graduates with STEM degrees may apply for a 24-month extension, for total of 36 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

**REMEMBER:**

- **Professorial ranks** must change to H-1B as quickly as possible
- **All other employees** must exhaust OPT eligibility before changing to H-1B
Certain foreign nationals may apply for an EAD. The EAD provides unlimited employment authorization within the validity dates on the card. EAD holders may include, but are not limited to:

- Asylees/Refugees
- J-2 Dependents of J-1 Exchange Visitors
- K-1 Fiancé(e)s and K-3 Spouses of U.S. citizens
- Many other classifications
- Aliens in Temporary Protected Status (TPS)
- E-2 Spouses of E-1 Treaty Traders or Investors
- Applicants for Adjustment of Status

When in doubt, ask ISO!
What an EAD looks like

This is the most recent version of the EAD card. Older versions may lack some of these features.
Permanent Residence
Permanent Residence

UW sponsors most professorial faculty for permanent residence ("green cards"). If ISO receives a visa request for green-card-eligible faculty, we will contact you to start the process.

➔ Any employer-sponsored green card must come through ISO.
➔ Self-sponsored green cards do not require participation or approval from ISO.

See our LPR Process Handout for more information.
Questions?

Email us at acadvisa@uw.edu or check our website at http://ap.washington.edu/ahr/visas/.