

UCR

Department Chair Fall Forum

Visas for International Academics - What Every Department Chair Should Know

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Overview

- ❖ Key Points
- ❖ Common Non-Immigrant (Temporary) Visas at UCR
- ❖ Other Non-Immigrant Visas
- ❖ Immigrant Visas (Permanent)

Key Factors To Consider

- ❖ Position, funding, space/equipment health insurance.
- ❖ Length of time scholar will be at UCR.
- ❖ Is the appointment with or without salary?
- ❖ Site of activity(on/off campus).
- ❖ Is the position subject to prevailing wage of union scale?
- ❖ Where the is scholar located - Outside/In U.S.?
- ❖ Willing to offer airfare home if terminated before visa end date?
- ❖ Current visa status (if any).

Nonimmigrant Visas

J-1 Exchange Visitor

- ❖ The categories listed below are used for exchange visitors engaged in research and/or teaching and any visiting professors/researchers coming to UCR.
- ❖ Appointment must be temporary; this category is not appropriate for tenure track faculty.
- ❖ The J-1 Exchange Visitor status most frequently used visa status for international visitors at UCR are comprised of three categories.
- ❖ Purpose of visit: lecture, observe, consult, train staff, demonstrate special skill(s).
- ❖ J-1 Short Term Visitor
 - ❖ Duration of U.S. visit: 1 day - 6 months
- ❖ J-1 Research Scholar/J-1 Professor
 - ❖ Duration of U.S. visit: 3 weeks - 5 years
 - ❖ Individual is subject to the 24 Month Bar

Visiting Scholar Guidelines

- ❖ Visiting Scholars at UCR agree to:
 - ❖ Conduct research/activity as identified in invitation/appointment letter.
 - ❖ Conduct research/activity “on-site” of activity as specified in visa documents.
 - ❖ Participate in International Affairs Research Exposition.
 - ❖ Adhere to DOS J-1 exchange visitor’s regulations at all time by maintaining valid visa status.
 - ❖ Maintain sufficient financial support for living expenses for themselves and their dependents.
 - ❖ Maintain required health insurance for themselves and accompanied dependents for the entire length of stay.
 - ❖ Report to the International Affairs office any changes in the program as described

Visiting Scholar Guidelines

- ❖ Expectations of UCR Host/Sponsor:
 - ❖ Screen and select qualified scholars.
 - ❖ Provide Appointment/Invitation Letter.
 - ❖ Ensure scholar has minimum required education - Bachelor's Degree.
 - ❖ Verify English proficiency skills.
 - ❖ Provide campus resources.
 - ❖ Monitor scholars' welfare and well-being.
 - ❖ Evaluate and report scholars research.
 - ❖ Complete an evaluation – Within 30 days of scholar arriving to campus.
 - ❖ Identify specific liaison/mentor within the unit to facilitate a visiting scholar's progress.

Nonimmigrant Visas – Cont.

H-1B Specialty Worker

- ❖ Position must require a minimum of a bachelor's degree and the scholar must hold that degree or its equivalent in the field required for the position.
- ❖ Must be on UCR payroll at all times
- ❖ Must be paid either according to Union Salary or Prevailing Wage
 - ❖ If position is within a union – Union Salary Scale is used
 - ❖ If non-union position – Department of Labor Prevailing Wage Salary is used
- ❖ Maximum length of stay up to six years
- ❖ Employer Specific
- ❖ Location Specific
- ❖ Must have a “bona fide” termination.
 - ❖ Formally Terminated and
 - ❖ ISS notifies USCIS of the termination and
 - ❖ Department fulfills its obligation for return transportation.
- ❖ Must pay return airfare

Nonimmigrant Visas – Cont.

- ❖ B-1 Business Visitor
 - ❖ Receives no salary or income from a U. S. based institution
 - ❖ Used for scientific, educational, professional or business purposes. (such as to attend conferences, independent research or training)

- ❖ E-3 Australian Specialty Occupation
 - ❖ Must be a citizen of Australia
 - ❖ Similar to the H-1B

- ❖ F-1 Student/F-1 Student with OPT (Optional Practical Training)
 - ❖ Foreign student enrolled in an US university
 - ❖ Foreign student who has graduated from a US university now has work authorization with an EAD Card (Employment Authorization Document)

Nonimmigrant Visas – Cont.

- ❖ O-1 Extraordinary Ability
 - ❖ Individuals of extraordinary ability in sciences, arts, education or athletics who are in the United States to work.
 - ❖ Must demonstrate sustained national or international acclaim and recognition for achievements in the field of expertise.

- ❖ TN NAFTA Treaty (North American Free Trade Agreement)
 - ❖ Must be a citizen of Canada or Mexico.
 - ❖ Restrictive list of professions.

Nonimmigrant Visas

V - DOES NOT FOR STAND VOLUNTEER



Immigrant Visas

Permanent Visa aka Legal Permanent Residency (LPR) aka Green Card

Prior to the U.S. Citizenship and Immigration Services (“USCIS”) granting employment based permanent residence to a professional foreign employee, the USCIS requires the petitioning employer to first conduct good faith recruitment efforts in some cases prior to filing an application for Labor Certification with the U.S. Department of Labor (“DOL”).

- ❖ Special Handling Labor Certification
- ❖ Outstanding Professor or Researcher
- ❖ Program Electronic Review Management (PERM) - LABOR CERTIFICATION

Immigrant Visas

Academic Employees:

- ❖ **Special Handling – For teaching Faculty**
 - ❖ Within 18 months of department's formal selection.
 - ❖ As part of this process, the UCR must document a competitive recruitment and selection process, including the existence of a formal selection committee and at least one print advertisement in a national journal.
 - ❖ UCR must also place a job posting at the worksite for a minimum of ten consecutive days.

- ❖ **Outstanding Professor or Researcher – No recruitment needed**
 - ❖ Are recognized internationally as outstanding in a particular academic field.
 - ❖ The beneficiary must have at least three years of experience in teaching or research in the academic area, and
 - ❖ Must be offered a tenured position, tenure-track position or comparable position within a university or institution of higher education.

Immigrant Visas

Staff Employee:

- ❖ Individuals in staff positions considered critical to the UCR academic research mission may be eligible for Legal Permanent Resident (LPR) sponsorship.
- ❖ “Permanent staff”, for immigration purposes, is defined as those positions which have the “expectation of permanency” notwithstanding definite or indefinite funding for the salary of the position.

Summary

Temporary Visas:

- ❖ Different visa type carries a different set of requirements
- ❖ Continue funding
- ❖ Location/site of activity
- ❖ Extend prior to expiration date
- ❖ Must cancel visa when no longer employed

Permanent Visa:

- ❖ Not obligated to sponsor green card
- ❖ Sponsorship has monetary component
- ❖ Several ways to obtain
- ❖ Some recruitment is completed prior to employment
- ❖ Staff recruitment involves extensive recruitment after employment
- ❖ Takes a number of years to complete

Questions



Key IA Contacts

› International Students and Scholars:

- › Kimberly Gentile, Interim Director
- › Kelly Eldridge Hinosawa, Assoc. Director
- › Wendy Hernandez, International Student Advisor
- › Scott Hammel, International Student Advisors
- › Stacy Mason, H-1B Advisor
- › Makbule Koksal, J-1 Advisor

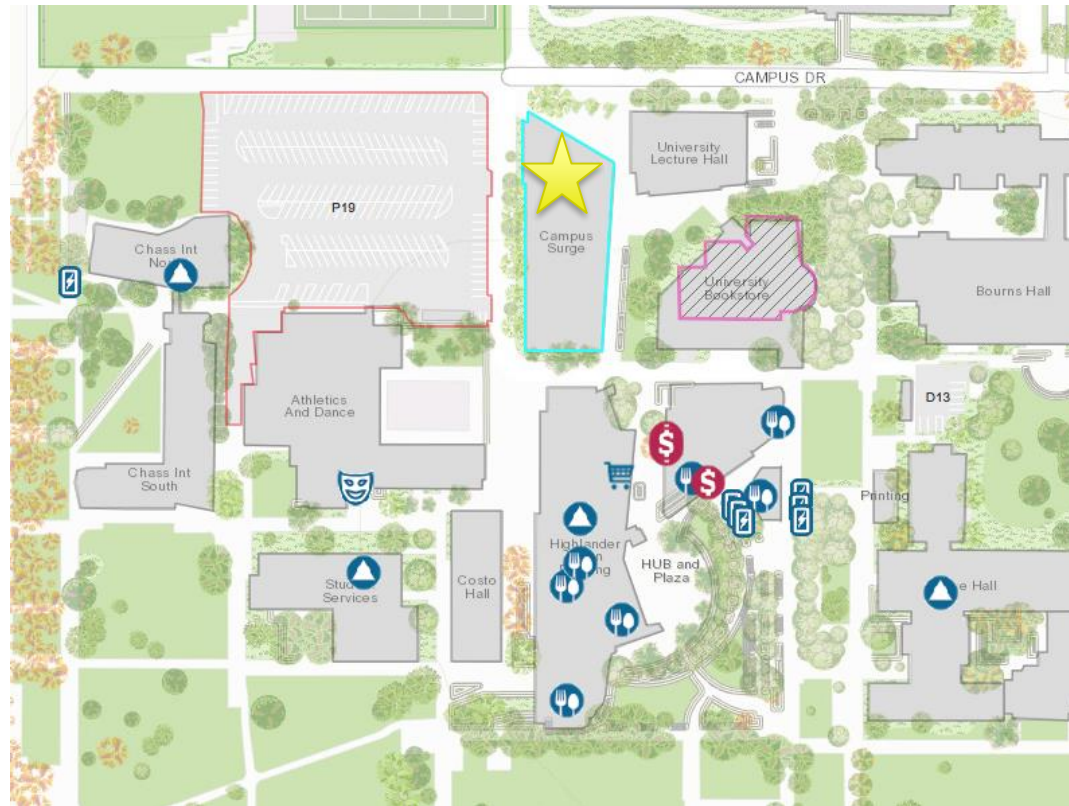
› Education Abroad:

- › LaSharon McLean Perez, Assoc. Director
- › Macy Ring, Study Abroad Coordinator

› Administration, Business & Communication:

- › Mely Fitzgerald, Executive Assistant VPIA
- › Shanon Langlie, Communications Manager

International Affairs – Surge 321



Upcoming Events

International Education Week

November 7 – 10, 2016

Celebration of international
education and exchange
worldwide

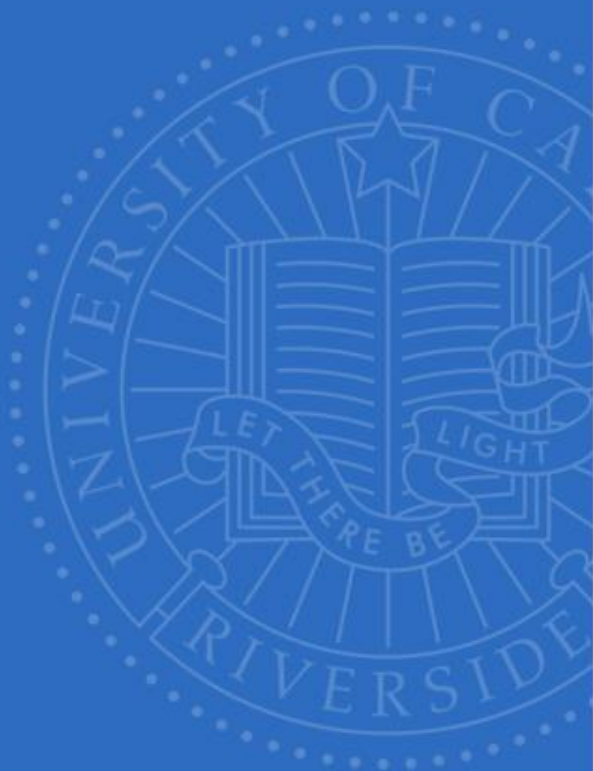
Green Card Seminar

November 29, 2016

Wolfsdorf Rosenthal LLP,
Immigration Attorneys

HUB 302 North
9 am – 11 am

UCR



Thank You.

Contact Us

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