

UNIVERSITY OF  
**Nebraska**  
Lincoln®



Handbook for the Employment of  
Non-Resident and Resident Aliens

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## Introduction

The following handbook is meant to guide University of Nebraska – Lincoln (UNL) units regarding points to consider and processes involved when seeking to employ or host foreign nationals (also referred to as non-resident aliens). These individuals may seek to join the campus in various staff positions; as employees of the University engaged in either teaching or research or a combination of both; as postdoctoral scholars pursuing short term research opportunities in his or her field; as non-degree seeking students pursuing degrees in their home countries but conducting research here for their dissertations or theses; and as visitors or scholars who come to UNL to teach and to collaborate on research with our faculty.

This handbook is divided into sections pertaining to specific immigration classifications. These sections explain various options based on the planned activities of the potential student, visitor or employee. In cases where obtaining that classification is based on a UNL unit's sponsorship or petition those processes are described.

The information is limited to the most commonly used classifications at UNL and is not an exhaustive list of all classifications that exist. Classifications are described in detail in each section, and a simpler quick reference chart is also supplied.

Also described are some of the requirements your potential visitor/employee needs to meet in order to enter the United States as well as to maintain legal status in the chosen classification. These requirements are discussed in the context of UNL processes and are not meant to supply the non-resident alien with a complete checklist.

The handbook includes information regarding payroll policy when employing foreign nationals. Please understand that while payroll policy and immigration rules intersect, when employment enters the picture they are each unique areas. Questions asked of The International Student and Scholar Office regarding employment will be answered from an immigration standpoint and do not necessarily speak to payroll policy or payroll document requirements. For definitive information regarding payroll policy please contact UNL Payroll Services at 402-472-2010.

The information in this handbook is intended as a reference. It does not constitute legal advice. For definitive information regarding visas and immigration status please contact UNL's International Student and Scholar Office (ISSO) at 402-472-0324.

## F-1 Classification

A non-immigrant F-1 visa is issued to international (NRA – nonresident alien) students who are attending a full-time academic program at a US college or university approved by US Immigration and Customs Enforcement in compliance with the Student and Exchange Visitor Information System (SEVIS). This type of visa is considered to be non-immigrant because the individual does not intend to stay in the United States permanently. They must be accepted into the institution and have an I-20 form issued before applying to the US Embassy or Consulate for the F-1 visa. F-1 student may apply for an I-20 with the change to a new academic program/institution or apply for a change to another immigration status while within the US.

F-1 status allows students to work on campus, and in some situations, off campus. F-1 students may be eligible to apply for Curricular Practical Training (CPT) or Optional Practical Training (OPT). These are described later in this section.

Any stay outside the country for more than five months results in the loss of current F-1 status (including OPT). Re-entry into the country may require re-application to the college/university or if on OPT, documentation from employer detailing the employment situation.

## F-1 Visa Application

- Be accepted into an institution (approved by U.S. Citizenship and Immigration Services-USCIS) prior to applying for the visa.
- Follow the application steps and process as designated by Embassy or Consulate.

## F-1 Status Maintenance

- Enroll full-time (at least 12 credits per semester for undergrads; at least 9 credits per semester for graduate students)
- Attend class and maintain passing grades

## F-1 Validity Dates

- May enter country up to 30 days prior to the start date on the I-20.
- Unless cancelled or revoked, the F-1 visa is valid until its expiration date.

## F-1 Student Employment Options

### On-campus Employment

- May work on-campus without any special work authorization
  - University of Nebraska-Lincoln: up to 20 hours/week when classes are in session, up to 40 hours/week during vacations and breaks (such as winter or summer breaks).
- Applications for on-campus employment are made through individual offices and departments.
- F-1 students may not be employed upon graduation from college/university unless OPT is applied for and approved.

### **Economic Hardship Employment Off-campus**

- Student should work with ISSO for eligibility and restrictions
- May apply for off-campus employment due to an economic hardship, such as:
  - Loss of financial aid or other support (not due to student's fault)
  - Significant fluctuation (devaluation) in value of student's currency vs. US dollar
  - Significant increase in tuition
  - Substantial and unexpected expenses (such as medical bills)

### **Curricular Practical Training - CPT**

- Intended for currently enrolled full-time degree students seeking off-campus employment that is considered to be part of the academic program
- Must be authorized by ISSO
- All have start and end dates as indicated on page 3 of I-20.
  - Cannot start before that date and must end by date listed.
- Off-campus employer designated on page 3 of I-20.
  - Not allowed to work for any other off-campus employer.
- Student must have been enrolled for two semesters before beginning CPT
- Must be directly related to major area of study as a part of the student's academic program (usually means the student will earn academic credit)
- Part-time CPT
  - No limit on amount of time for part-time CPT
  - No more than 20 hours per week when school is in session
  - Does not affect future OPT
- Full-time CPT
  - Must maintain full time enrollment (except summer)
  - Not eligible for OPT if authorized for an aggregate of 12 months or more of full-time CPT

### **Optional Practical Training – OPT**

- Intended primarily for those completing their course of study
- Enables students to remain in the U.S. after they have completed their studies, to pursue full-time employment
- Applications must be submitted to U.S. Citizenship and Immigration Services for approval, a process that typically takes 2-3 months.
- Must apply for OPT:
  - No more than 90 days prior to program completion or
  - Up to 60 days after program completion
- Directly related to course of study as listed on I-20
- May receive up to 12 months OPT for each educational degree level
  - OPT may be done before and/or after educational degree level completion

- Pre-completion OPT may be part-time (up to 20 per week) or full-time
- Part-time OPT is subtracted at half the rate (Example: 4 months part-time is equal to 2 months full-time)
- Student cannot work before receiving the Employment Authorization card with the OPT designation or before the start date stated on the card
- May work full time except while on pre-completion OPT while class is in session
- May start post-completion OPT while working on thesis or dissertation if all classes have been completed
- May work for many different employers
- Allowed an aggregate of 90 days of unemployment while on post-completion OPT

### **OPT STEM Extension – Science, Technology, Engineering, Mathematics**

- 24-month STEM extension is available only to those student who graduated with degrees on the Designated Degree Program list (<https://www.ice.gov/doclib/sevis/pdf/stem-list.pdf>) in the fields of Science, Technology, Engineering, or Mathematics
- The student who has a previous degree in one of these areas may be able to apply for the STEM extension based on the previous degree
- Directly follows expiration of post-completion OPT
- Application for extension must be received no later than the expiration date of the standard post-completion OPT
- Employment must be related to STEM degree
- Must be working for employer(s) registered with federal E-Verify system
- May apply for extension up to 120 days before expiration of the Employment Authorization card designating post-completion OPT
- May continue to work, up to 180 days, past the expiration of the Employment Authorization card designating post-completion OPT while waiting for the STEM extension card

### **F-1 Responsible Parties**

1. After the student is admitted to UNL, Admissions creates a Form I-20 and send it to the student
2. The student pays the SEVIS fee and acquires an F-1 visa at a US Consulate
3. The student enters the United States, arrives on campus, and checks in at the ISSO with his immigration documents
4. The ISSO reports the student's arrival via SEVIS
5. If the student will be employed on campus, the hiring department provides the appropriate required documentation to the Payroll Office

## J-1 Classification

In general, the J-1 classification is authorized for those who intend to participate in an approved exchange program for the purpose of teaching, instructing or lecturing, studying, observing, conducting research, consulting, demonstrating special skills, receiving special training, or receiving graduate medical education or training.

J-1 non-immigrants are sponsored by an exchange program that has been designated as such by the US Department of State. These programs are designed to promote the interchange of persons, knowledge, and skills in the fields of education, arts, and science.

UNL is authorized to sponsor international scholars in the following J-1 categories: Short Term Scholar, Research Scholar, or Professor. International students may be sponsored as either a J-1 Student (degree-seeking) or as a J-1 Non-degree Research Student.

The J-1 visitor's spouse and unmarried children under the age of 21 are eligible for J-2 classification. Although a person in J-2 status who is old enough to work may apply for employment authorization, the income may not be used to support the J-1 visitor.

## J-1 Exchange Visitor Categories

### International Scholars

Short Term Scholar: a special visitor category that allows a qualified visitor (professor or research scholar) to come into the United States on a short-term visit for the purpose of lecturing, observing, consulting, training, or demonstrating special skills.

- appointments up to 6 months in length
- is not eligible for extension beyond 6 months
- is not subject to the 24 month bar to repeat participation as a J-1 research scholar

Research Scholar: an individual who is concerned primarily with conducting research, observing, or consulting in connection with a research project. They are also allowed to teach.

- appointments of 3 weeks to 5 years
- allows for extensions up to the 5 year maximum
- is subject to the 24 month bar to repeat participation as a J-1 research scholar at the end of the stay

Professor: an individual who is concerned primarily with teaching but is also allowed to conduct research, observe, or consult in connection with a research project.

- appointments of 3 weeks to 5 years
- allows for extensions up to the 5 year maximum
- is subject to the 24 month bar to repeat participation as a J-1 research scholar at the end of the stay

## International Students

J-1 Student: an individual who is here to undertake a formal program of study at an academic institution under the auspices of the United States Information Agency and a designated program sponsor. Typically, an international student will be in J-1 status instead of F-1 if he has funding from a government or international organization or if he is here as part of an established exchange agreement between UNL and a university in the student's home country.

- requires full time enrollment for each Fall and Spring semester until program completion and satisfactory progress in their program of study (but not summer?)
- allows extensions of stay if necessary to complete program of study
- may not obtain employment (on or off campus) without prior approval – the ISSO can provide authorization only if UNL is the program sponsor

J-1 Non-degree Research Student: an individual who is here as an exchange student to engage in research but is not seeking a degree from UNL.

- *unless there is an agreement between UNL and their institution* the student cannot be primarily on personal funding – they must have either home government funding or US government funding or another form of third party sponsorship such as a scholarship or UNL providing support and the support must be substantial, i.e., they could not participate in the program without it
- requires admittance as a student and must enroll in a course – a non-credit course is acceptable
- may not obtain employment (on or off campus) without prior approval – the ISSO can provide authorization only if UNL is the program sponsor

### Documentation of financial support

We are required to document the source and amount<sup>1</sup> of financial support for a J-1 visitor. This information is provided by the department or academic unit on the DS-2019 Request Form. Minimum levels of support (as of September 2015) are listed below – this may consist of personal funds, a stipend from UNL, support from some other government or agency, or a combination of sources.

- Primary visitor \$1730 per month
- PLUS \$559 per month for an accompanying spouse
- PLUS \$326 per month for each dependent child

Documentation might include:

- An offer letter from UNL if they are to be paid from a source here
- Official notice of support from a government or other agency
- If using personal funds a statement to that effect accompanied by a bank statement OR a letter from a current employer regarding pay while they are visiting UNL

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<sup>1</sup>Stated amounts are subject to change by the U.S. government at any time

## English Proficiency Requirement

US regulations require all new faculty, researchers, post-doctoral scholars (and some students) in J-1 immigration status to demonstrate proficiency in English. One of the following pieces of documentation must be submitted with your request to the ISSO.

### Option 1: The result of a recognized English language test.

The scholar must have taken the test within the last five years and meet or exceed the following:

- 70 on the TOEFL iBT
- 523 on TOEFL paper-based
- 6.0 on IELTS
- a comparable score on another recognized English language test

### Option 2: Diploma from English-speaking country

Scholars must have graduated in the last 10 years with a bachelor's or graduate degree in residence from a recognized institution of higher learning in the United States or another country where English is the first official language.

### Option 3: English language proficiency interview

Hosting units can document a scholar's language proficiency by recording a personal interview with the scholar, either in-person or by video conference.

- the interviewee's face must be visible in the video recording
- the spoken words of both interviewer and interviewee must be audible
- questions asked and answers provided must be in English
- any video recording format is acceptable; we recommend Adobe Connect or Skype to record video interviews

Report the assessment of the scholar's language proficiency on the English Language Proficiency form and provide a video recording of the interview to the ISSO. The ISSO does not review recordings to assess proficiency but simply verifies that the interview was conducted in English.

## Health Insurance Requirement

All J-1 exchange visitors are required to maintain health insurance for themselves and their J-2 dependents and will need to provide evidence upon arrival and at the point of any request for extension of stay. The insurance must meet the minimum requirements<sup>2</sup> noted below.

- medical benefits of at least \$100,000 per illness or accident; AND
- deductible not to exceed \$500 per illness or accident; AND
- medical evacuation benefit in the amount of \$50,000; AND

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<sup>2</sup> Stated amounts are subject to change by the U.S. Government at any time.

- payment for repatriation of remains in the event of death in the amount \$25,000

The insurance corporation underwriting the policy must meet or exceed the following ratings:

- an A.M. Best rating of A-; OR
- an Insurance Solvency International, LTD (ISI) rating of A-i; OR
- a Standard & Poore's claims paying ability rating of A-; OR
- a Weiss Research, Inc. rating of B+

J-1 exchange visitors should always be mindful of the requirements indicated above when choosing insurance options.

International scholars who are employed at UNL in a benefits eligible position will be able to participate in UNL's group plan for insurance coverage; HOWEVER, the group plan does NOT cover medical evacuation and repatriation of remains. That coverage must be purchased separately.

International students are automatically enrolled in the UNL Healthy Option Student Insurance Plan which meets the requirements above.

There is a second student insurance plan available (StudentBlue Student Health Insurance) which does NOT include the coverage for medical evacuation and repatriation of remains. Should a J-1 Student waive automatic enrollment in UNL Healthy Option Student Insurance Plan in favor of StudentBlue Student Health Insurance the coverage for medical evacuation and repatriation of remains must be purchased separately.

### INA 212(e) or 2-year home country physical presence requirement

If subject to this requirement the J-1 Exchange Visitor and their J-2 dependents must, at the conclusion of their J-1 program, return to their home country and reside there for two years (or be granted a waiver from the US Department of State) before returning. Being subject to this regulation does not prohibit a visitor from returning to the US in another status (except H-1B or permanent resident).

J-1 Exchange Visitors and their accompanying dependents are subject to INA 212(e) if:

- their exchange program was funded in whole or in part by a US government agency, their home country's government, or an international organization that received funding from either government; OR
- their program involves an area of study or skill listed on the Exchange Visitor Skills List for his or her home country

The ISSO will help visiting scholars determine if they are subject to INA 212(e) but does not assist with the preparation of a waiver application.

### 12 and 24 Month Bars On J-1 Repeat Participation

New or repeat participation in exchange programs as a J-1 Research Scholar or Professor is restricted by a period of ineligibility (or bar). Depending on the previous J category, the period of ineligibility is either

12 or 24 months. Eligibility for participation in J-1 categories other than Research Scholar or Professor is not affected by these barring periods.

The 24 month bar does not apply if a J-1 Research Scholar or Professor is transferring from one institution to another and continuing as a J-1 Research Scholar or Professor.

<b>PREVIOUS J-STATUS</b>	<b>DURATION OF STAY IN PREVIOUS J-STATUS</b>	<b>ELIGIBILITY TO BEGIN A NEW PROGRAM AS A RESEARCH SCHOLAR OR PROFESSOR</b>
Any J-1 category other than Research Scholar or Professor	6 months or less	Immediately
Any J-1 category other than Research Scholar or Professor	More than 6 months	12 months AFTER the previous program's end date or effective date of completion*
J-2 dependent** of any J-1 category other than Research Scholar or Professor	6 months or less	Immediately
J-2 dependent** of any J-1 category other than Research Scholar or Professor	More than 6 months	12 months AFTER the previous program's end date or effective date of completion*
J-1 Research Scholar or Professor or J-2 dependent** of same	Any length of time	24 months AFTER the previous program's end date or effective date of completion*

\* The US State Department defines "completion of program" as no longer actively participating in the activities of a Professor or Research Scholar. The barring period begins the day after the status of the exchange visitor's SEVIS record becomes "Inactive" or "Terminated".

\*\* J-2 dependents are subject to the same bars as the principal J-1 exchange visitor.

### Obtaining the J-1 Status – Scholars

The J-1 visa classification is usually the most appropriate visa for a visiting international scholar. Contact the individual responsible for facilitating visa paperwork in your unit and refer to the classification table included in this manual PRIOR TO extending any kind of invitation. Contact an ISS Specialist at 472-0324 with any questions you may still have regarding visa status.

Faculty seeking to bring an international scholar to UNL are encouraged to inform their supervisors of their intent in order to provide ample time for the steps below to be completed.

The Export Control office may request additional information for the DS-2019 Request to complete the export control review.

At least 3 months in advance of the scholar's desired arrival date the hosting unit will:

- Define the terms of the exchange visitor's project
- Determine their English language proficiency using one of the acceptable options discussed earlier. Typically the faculty partner will administer this interview which is then reviewed by the unit head.

At least 2 months in advance of the desired arrival date the hosting unit will:

- Submit a completed DS-2019 Request Packet to the ISSO along with evidence of the scholar's English language proficiency
- Prepare an invitation letter to the scholar

Within approximately 5 business days the ISSO will:

- Prepare a Welcome Packet for the scholar, including form DS-2019 and notify the unit when the paperwork is ready

As soon as possible the hosting unit will then:

- Send the Welcome Packet to the scholar along with their invitation letter and may also want to include information about UNL, Nebraska, academic culture, etc.
- Prior to the scholar's arrival provide information regarding housing options and transportation to campus from the airport. This is typically done by the faculty partner.

After receiving the Welcome Packet the scholar will:

- Pay the SEVIS I-901 fee of \$180<sup>3</sup> at <http://www.fmjfee.com>
- Print proof of payment and include it with the visa application
- Make an appointment at a US embassy or consulate for a J-1 visa
- Make arrangements to arrive in the US no more than 30 days prior to the program start date listed on the DS-2019 (and must leave the country no more than 30 days after the program end date on the DS-2019)
- Notify the department if their arrival will be delayed more than 30 days after the program start date on the DS-2019 so the department is able to notify the ISSO. This will allow the ISSO to defer the start date in the SEVIS record to keep it from going invalid

**When the scholar arrives**

The ISSO holds an orientation and check-in for J-1 Exchange Visitors every Monday at 4:00 p.m. If the university is closed on a Monday the orientation is held on Tuesday at 4:00 p.m.

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<sup>3</sup> Amount is subject to change by U.S. Government at any time.

The scholar must bring all immigration documents (passport and DS-2019) and be prepared to provide local contact information. **Failure to check-in with the ISSO will invalidate the scholar's immigration status.**

If the scholar is to be appointed to a paid position they must complete the necessary hiring paperwork and obtain a Social Security Number (see Payroll section). The scholar should wait at least 10 business days from date of entry to the US and 5 business days from the date of check-in with the ISSO before visiting the Social Security Administration office.

Hosting units should provide ongoing support for the scholar. The most meaningful part of any scholar's experience is substantive academic and cultural interaction with the campus and community. Consider inviting the scholar to be a guest in a classroom, prepare a presentation for your department, engage in social events, attend professional meetings, etc.

### Obtaining the J-1 Status- Students

#### International Students – Degree Seeking

It is important to note that most international students will attend UNL in F-1 status; however, that status is covered in another section of this manual. The information that follows pertains to those coming as a degree seeking student on a J-1 visa.

- After the student is admitted to UNL the Admissions office will send a DS-2019
- The student pays the SEVIS I-901 fee of \$180<sup>4</sup> at <http://www.fmjfee.com>
- Print proof of payment and include it with the visa application
- The student makes an appointment at a US Embassy or Consulate to apply for a J-1 visa
- With that visa the student will then travel to UNL and check in at the ISSO with all immigration documents

#### International Students – Non-Degree Seeking

The following information applies to those coming as a non-degree seeking research student in J-1 status. Please confirm the student's eligibility to visit in this category with the ISSO.

- Having confirmed the students eligibility, the department sends an email to the ISSO requesting an application packet for a J-1 Non-degree Research Student and will receive:
  - Instructions
  - Student Application
  - Financial documentation
  - Request for DS-2019
  - Prescribed Course of Study Document
  - Academic Training Request (completed after arrival IF they wish to work)

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<sup>4</sup> Amount is subject to change by U.S. Government at any time.

- The student completes the Student Application and the Financial documentation and returns both to the hosting department
- The department completes the Request for a DS-2019 and the Prescribed Course of Study Documentation
- The department sends all completed forms with the required documentation back to the ISSO for processing
- The ISSO sends the Welcome Packet and DS-2019 to the department and they, in turn, send this information to the student
- The student pays the SEVIS I-901 fee of \$180 at <http://www.fmjfee.com>
- The student prints proof of payment and includes it with the visa application
- The student makes an appointment at a US Embassy or Consulate to apply for a J-1 visa
- With that visa the student will then travel to UNL and check in at the ISSO with all immigration documents

## Maintaining Status

### International Scholars

- Maintain a valid unexpired passport – the passport must be valid at least 6 months into the future
- Perform employment only as specified on the DS-2019
  - Obtain authorization from the ISSO (or the program sponsor if other than UNL) before doing any work outside UNL or participating in lectures at another institution
- Maintain required health insurance
- If necessary, request an extension at least 30 days in advance of the program's expiration date
- Update address within 10 days of moving
- Must have a Social Security Number to work in the United States

### International Students

- Degree seeking students must not drop below full-time enrollment for any reason without prior approval from the ISSO. (12+ credit hours if an undergraduate student, 9+ credit hours if a graduate student)
- Must not obtain employment without prior approval from the ISSO
- Must obtain a Social Security Number to work in the United States
- Request a new DS-2019 when:
  - changing degree programs at UNL
  - officially changing a major or minor with an academic adviser
  - needing to add dependents
  - experiencing a significant change in financial support
- If necessary, extend their DS-2019 at least 2 weeks before its expiration date
- Maintain a valid unexpired passport. The passport must be valid at least 6 months into the future

- Maintain required health insurance
- Update address within 10 days of moving

### **Academic Training for J-1 Students (off-campus work authorization)**

Academic Training (AT) in the student's field of study is available both during and after completion of studies. Each month in J-1 student status makes a student eligible for one month of AT up to a maximum of 18 months. If a J-1 graduate student obtains a Ph.D. they are eligible for an additional 18 months of AT.

To apply for AT the student needs to:

- have Academic Adviser complete and sign the J-1 Academic Training Recommendation Form
- obtain a letter from the prospective employer indicating:
  - Position title
  - Employment dates and location
  - Annual salary
  - Hours per week (more than 20 hours is considered full-time)
  - A description of the goals and objectives of the training program
  - Name and address of the supervisor

*The student must apply before completion of their degree program and must begin work no later than 30 days after completion of studies*

## **Travel**

### **Initial Travel to the United States**

A valid passport, visa, and supporting documentation are required to enter the US. Details regarding the documents required are available at the embassy or consulate where the visitor applies for their visa. The visitor will be subject to a secondary inspection at the US port of entry during which officials will confirm that their SEVIS record is active. They should allow 1-3 hours to get through immigration.

(see also: OBTAINING THE J-1 VISA and note the bullet list under After Receiving the Welcome Packet the Scholar will...)

### **Within the United States**

Whenever traveling within the US the exchange visitor should carry his/her original passport, I-94 and current DS-2019.

### **Leaving/Reentering the United States**

The exchange visitor should always notify the ISSO before traveling outside the United States.

Reentry into the United States will require:

- valid passport (must be valid 6 months into the future)
- valid DS-2019;
  - with travel signature obtained from the program sponsor within the past 6 months
    - ISSO can NOT provide a travel signature unless UNL is the program sponsor
  - for the J-1 visitor and each J-2 dependent
- valid J-1 visa in passport

If the J-1 visa in the passport is expired it will have to be renewed before returning to the United States. The following documents will be required at the US Consulate or Embassy as part of the J-1 visa application:

- valid passport (must be valid 6 months in the future)
- valid form DS-2019 and all previous DS-2019s so as to document initial and continuous stay in the US;
  - with travel signature obtained from the program sponsor within the past 6 months
    - ISSO can NOT provide a travel signature unless UNL is the program sponsor
  - for the J-1 visitor and each J-2 dependent
- offer letter, invitation letter, or a verification of employment from the department
- current proof of financial support

### **Travel to Canada, Mexico, or adjacent islands other than Cuba**

If traveling to Canada, Mexico or an adjacent island other than Cuba with an expired visa, the visitor should speak with an ISS Specialist before leaving regarding Automatic Visa Revalidation

Upon returning to the United States, the visitor should provide ISSO with a copy of the new I-94 and the new J-1 visa in the passport (if applicable).

### **J-1 Responsible Parties**

1. The department will identify the terms of the exchange visitor's project, confirm faculty mentor and complete the necessary paperwork including the English Proficiency Interview (if required). The Export Control office may request additional information for the DS-2019 Request to complete the export control review.
2. The host department submits the Request for a DS-2019 Form to ISSO at least 2 months in advance of the visitor's desired arrival date to give the visitor sufficient time to obtain a visa. ISSO will prepare a Welcome Packet for the visitor, including a DS-2019 form, and notify the host department when the paperwork is ready. Allow at least 5 business days for form preparation.

3. The host department mails the ISSO Welcome Packet to the visitor. The host department might also want to include information about working at UNL, living in Nebraska, U.S. academic culture, etc. The visitor should receive these documents as quickly as possible to begin the visa process and make travel arrangements.
4. If the visitor is currently a J-1 Exchange Visitor at another U.S. school and wishes to transfer visa sponsorship to UNL to pursue the same objectives, they will need to visit with an international advisor/specialist at the current school.
5. After receiving the DS-2019, the visitor pays the SEVIS I-901 fee and then makes an appointment at a US embassy or consulate for a J-1 visa. Please notify ISSO if the visa is denied or if the visitor decides not to come to UNL.
6. The visitor may enter the U.S. no more than 30 days prior to the program start date listed on the DS-2019, and must leave the country within 30 days of the program end date listed on the DS-2019. Securing housing and transportation is the responsibility of the visitor.
7. Host institutions are required by law to provide an orientation to J-1 visa holders. ISSO holds an orientation and check-in for J-1 Exchange Visitors every Monday at 4:00 p.m. During weeks when the university is closed on a Monday, orientation is Tuesday at 4:00 p.m. The visitor must bring all immigration documents (passport and DS-2019) and be prepared to provide local contact information. Failure to check-in with ISSO will cancel the visitor's immigration status.
8. To receive payment from a US source, the visitor needs a Social Security number (SSN). To obtain one, the visitor must visit the Social Security Administration (SSA) office and present a copy of the invitation letter from the host department and original immigration documents (passport, DS-2019, I-94 card). The visitor should wait at least 10 business days from date of entry to the U.S. and 5 business days from date of check-in with ISSO before visiting the SSA office.
9. The host department should complete new hire paperwork with the visitor and submit all necessary documents to payroll.

**To Extend the Visitor's stay:**

If necessary, the host department may request an extension no later than 30 days before the end date of the DS-2019.

## H-1B Petition Process

**All processes should be coordinated with the department/unit HR personnel and ISSO staff**

The H-1B is a U.S. Immigration visa classification that permits aliens to be employed in the United States in a “specialty occupation”. We can petition for up to three years at a time, up to a maximum total of six years. This means the position must require highly specialized knowledge and skills to perform the duties and requires a bachelor’s degree or equivalent. In addition, the employer must pay the prevailing wage or higher and attest to certain working conditions under the U.S. Department of Labor laws.

The process to apply for an H-1B is complex due to U.S. Government labor and immigration laws and regulations that protect the foreign worker from abuse and ensure jobs for U.S. workers. The amount of time it takes to get an approved H-1B status is often difficult to estimate because processing times of the government agencies can fluctuate and change without notice.

A petition for H-1B classification is filed by the employer, not the foreign national, with the U.S. Citizenship and Immigration Services (USCIS). At the University of Nebraska-Lincoln, the petition is filed by the hiring department or academic unit.

**\*\* NOTE: The H-1B is not a path to permanent residency sponsorship and is only valid for 6 total combined years of specialty occupation employment in the United States.**

## H-1B Regulations

Hiring a foreign national to work in your department is a complex process. It requires the University department to file a petition with USCIS to employ the foreign national legally. The ISSO will provide expertise to departments and academic units and prepare the H-1B petition. No outside attorneys are allowed to be used, per current UNL policy. However, as units prepare the supporting documentation to hire a foreign national, units must ensure compliance with the regulations for the non-immigration category ‘H-1B Temporary Worker.’

## Eligibility Requirements for the H-1B

The H-1B Temporary Worker classification is designated by USCIS for non-U.S. workers in **specialty occupations**: the position itself must require at least a bachelor’s degree in a specific field(s) of study relevant to the duties to be performed and the required degree must be one which is a standard requirement for the position being offered. The individual must possess at least a bachelor’s degree in the required field for the position.

If one of the above requirements cannot be met, then the department or unit should not submit a request to ISSO but should seek advice from them about other options.

It can take four to six months to obtain approval of the H-1B petition unless the department/unit chooses to pay an additional \$1,225 for premium processing (as of September 2015). With the assistance of the ISSO, the unit can request a maximum of 3 years per petition. Extension of stay is possible under certain circumstances. Please refer to <http://isso.unl.edu/maintaining.h.1b.status> for more details.

If the prospective employee currently has H-1B status obtained by another employer, they may transfer that status to UNL. UNL will need to submit a petition on the employee's behalf. They may begin work at the new job only if USCIS has *physically received* the petition for transfer.

There are several scenarios to consider when processing an H-1B:

- New Employment – Individual is outside of the United States
- Visa Classification currently other than H-1B
- Extension of H-1B (UNL as new employer)
- Extension of H-1B while at UNL

### H-1B Documents/Information Required/Needed to File a Petition

Information / Documents needed from the hiring department or unit:

- Job title
- Job description
- Salary offered
- Minimum required qualifications for job
- Name and title of person signing forms on behalf of the unit
- Address of unit

Complete the H-1B Request Form and mail or email it to the ISSO – estimated time for the request to be reviewed and processed by the ISSO is **1 week**.

The ISSO will discuss with the department or unit whether the intended wage is acceptable or it needs to be adjusted. If wage is acceptable, they may proceed with the request. At that time, the ISSO will attach the *Initiated* Labor Condition Application (LCA). The unit prints two copies (not yet signed at this time, but initialed by the unit head) that are posted in two conspicuous locations for **10 business days**. Typical locations include common areas such as break rooms, mail rooms, meeting spaces. The unit notifies the ISSO once LCA's have been posted, and the ISSO submits the LCA to the U.S. Department of Labor (DOL). About one week later, the DOL certifies the LCA. Only then can the petition be finalized.

After satisfying the 10-day requirement, the department or unit removes the LCAs and notates the LCA's location, date of posting and date of removal, and provides them to the ISSO.

The Export Control form will also be attached and will need to be partially completed by the unit (Parts A through D). Email the completed form to [exportcontrol@unl.edu](mailto:exportcontrol@unl.edu) cc Lissette Gilster, [lgilster2@unl.edu](mailto:lgilster2@unl.edu) and ISSO, [isso@unl.edu](mailto:isso@unl.edu) Attach the alien's CV for final completion – **1-2 weeks**

Also provided will be Form I-129 with specific instructions on what sections need to be completed.

Information / Documents needed from the **employee**:

- Copy of current resume/CV
- Copy of diploma/certificate. If field of study is not indicated, copy of transcripts
- Copy of ID page from passport

- Copy of visa page from passport
- Copy of front and back of I-94 card
- Copy of all prior I-20s, EAD card, DS-2019's (J), with waiver or a copy of the DOS favorable recommendation for the waiver of Section 212 (e), if applicable. Copies of any prior H1B approval notices
- If currently H1B and changing employers or need an extension of stay with same employer, copy of three most recent pay stubs

### H-1B Required Fees<sup>5</sup>

(must be paid by department; not by beneficiary)

- \$325 petition fee
- \$500 anti-fraud fee (Anti-fraud fee waived if petition is an extension request) *This fee is only required if the individual is new to UNL*

### Optional Fee

Normal processing typically takes 4-5 months. For an additional fee, USCIS will process the petition within 15 days of receipt. This fee, in whole or in part, can be paid by the beneficiary or the unit.

- \$1,225 premium processing fee

**If alien is married and/or has dependent(s) not born in the United States, the department or unit needs to:**

Provide Form I-539 to individual being hired so that the dependent can apply to change status to H-4 or to extend H-4 status. This form is to be used only if the dependent is in the United States and should be completed by the applicant/dependent. If there is more than 1 dependent, the employee and dependent complete Supplement-1 and attach to Form I-539. Up to 5 dependents may be included on the Supplement form.

Information / documentation required from **spouse and/or children**, for the H-4

- Full name, date and place of birth
- Marriage certificate – if not in English a translation must be provided
- Birth certificate/family record for children
- Copy of ID page from passport
- Copy of visa page from passport
- Copy of front/back of I-94

### Dependent Fee

- **\$290** made payable to **Department of Homeland Security** (must be paid by beneficiary)

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<sup>5</sup> All fees stated in this handbook are subject to change by the U.S. Government at any time.

**All foreign documents must be translated in to English so they may be verified and notarized**

Consult the ISSO for required documents specific to the department/unit scenario. Please work with department or unit HR personnel to implement the application process.

**H-1B (Host Department Staff or Designated Personnel Representative)**

**H-1B Responsible Parties**

1. Host Department (or Unit) Staff submits request packet to ISSO.
2. Host department gathers and prepares supporting documents, letters, USCIS fees, etc.
3. Host Department Staff posts copy of initiated Labor Condition Application (LCA)
4. ISSO submits the LCA to the U.S. Department of Labor.
5. Host Department Staff completes the I-129 and gathers necessary documentation for submission to ISSO for review and approval before USCIS submission.
6. Host department sends the petition to USCIS
7. USCIS reviews and adjudicates petition
8. After USCIS approves the H-1B petition, host department sends required documentation to scholar.
9. Host Department is responsible for consulting with ISSO before changing any aspect of the H-1B employment, including: change in title, degree required for position, number of hours worked, change of salary, employing department, job location, or duties of the position.

Obtaining permanent residency is a lengthy process; acquiring H-1B status is therefore normally recommended to initial employees who have been offered a tenure-track position while permanent residency is sought, although doing so is not actually required.

## Permanent Residency

UNL's current Policy on Sponsorship for Permanent Residency, which was distributed to all deans and directors in November 2013, includes specific information regarding the types of employees that may be sponsored for permanent residency. For the complete text of this policy, refer to the ISSO website.

There are many bases for permanent residency in the United States, but UNL is able to assist only with employment-based sponsorship for permanent residency and uses only those categories that are specific to institutions of higher learning:

- EB-1 Outstanding Professor or Researcher
- EB-2 with Special Handling for University Teachers

Also

- (rarely) EB-2 (without Special Handling) for Professional Staff

When preparing to post and advertise a position, it is important to be aware that there are specific advertising and recruitment requirements that must be met if the hire will lead to sponsorship for permanent residency in either EB-2 category. Those requirements will be explained later in this section, along with the requirement to submit the labor certification application (the second step in the EB-2 process) no more than 18 months after the employee is offered the position.

Sponsorship is processed by the International Student and Scholar Office (ISSO), and per current UNL policy, neither the department nor the employee is permitted to hire an attorney to represent the university. Because acquisition of permanent residency cannot be guaranteed, it should never be promised as an enticement to a potential new hire.

When a department or academic unit wants to sponsor an employee for permanent residency, the first step is submit a sponsorship form, which can be downloaded from the ISSO website (<http://isso.unl.edu>) and must be signed by the department chair, college dean, vice chancellor, and senior international officer before being routed to the ISSO. This typically occurs within 12 months of hiring. Upon receipt, the ISSO contacts the department to schedule a meeting to discuss options and procedures. Following the meeting, the department decides whether it would like to pursue an EB-1 or EB-2 case or both and informs the ISSO via an email message from the department chair. Pursuing one type of case does not preclude the department from pursuing another type of case, either concurrently or later, or the same type of case [again] at a later date for the same employee. The ISSO guides the department and its employee through each step of the process.

Any employment-based permanent residency requires the submission of a petition by employer (petitioner) on behalf of its employee (beneficiary). The approval of the petition forms the basis for the approval of the employee's application for permanent residency, the approval of which results in issuance of the green card.

**EB-1**

For an EB-1 Outstanding Professor or Researcher case, the department must demonstrate through submission of a petition to United States Citizenship and Immigration Services (USCIS) that their employee qualifies as outstanding when compared to other persons in the same field. This type of case is appropriate for a teacher or a researcher or a person whose duties are a combination of both. USCIS specifies the criteria that must be met in order for this type of petition to be approved:

1. A letter indicating that the university employs or intends to hire the beneficiary in a tenured or tenure-track position as a teacher or in a permanent position as a researcher in the academic field
2. Evidence of at least three years of experience in the field
3. Evidence of at least two of the following:
  - Receipt of major prizes or awards for outstanding achievement in the academic field
  - Membership in associations in the academic field that require outstanding achievements of their members
  - Published material in professional, scholarly or major trade publications, or other major media, **written by others** primarily about the alien and the alien's work in the academic field
  - Participation on a panel, or individually, as the judge of the work of others in the same or an allied academic field
  - Letters from experts in the academic field regarding the beneficiary's original scientific or scholarly research contributions to the field
  - Authorship of scholarly books or articles in peer-reviewed scholarly journals with international circulation, in the academic field
4. (optional) Any additional evidence that does not fit into one of the categories above but in the petitioner's opinion demonstrates that their beneficiary is outstanding

It is important to note that there is no combination of these elements that will guarantee approval of the petition. USCIS reviews everything and considers the "preponderance of evidence" when making its determination. USCIS usually takes 4 – 6 months to process the petition, but for an extra fee the petitioner can request premium processing, in which case USCIS will process the petition within 15 business days of receiving it.

If the petition is approved, USCIS can then proceed to processing the application for adjustment of status to permanent resident, which can be submitted with the petition or separately, after the petition has been approved. It is typically more efficient to submit the petition and application together, but sometimes there are reasons, such as travel plans, to submit them separately. At no additional cost, the applicant may include applications for a travel and employment authorization card to be received while the application for the green card is still pending. Doing so is not required, but it is highly recommended. The card may be useful, especially if the applicant's immigration status expires before permanent residency is approved. There is also no harm in receiving the card and not using it. USCIS usually takes about 3 months to process the application following the approval of the petition, and there is no way to shorten the processing time. (A separate application and fee must be submitted for each dependent spouse and child.)

## EB-2

EB-2 sponsorship is very different from EB-1 sponsorship. Although EB-2 sponsorship also entails submission of a petition and application, it is necessary to submit a prevailing wage request and labor certification application before the petition can be submitted. For an EB-2 with Special Handling case, the beneficiary must do at least some teaching, even if the majority of time is spent in research. Teaching typically means classroom teaching, but teaching in another setting can qualify if the students are enrolled for and receiving academic credit(s) for the course that is being taught. The steps in an EB-2 case are as follows:

1. The Prevailing Wage Determination (PWD)

- Based on information provided by the department, the ISSO submits a prevailing wage request to the United States Department of Labor (DOL). Typically 2-3 months later, the DOL issues its determination, which, in theory, is the average wage of persons performing the same type of work as the beneficiary in this geographical area. It is the minimum salary the employer is allowed to pay the beneficiary if they wish to continue the process of sponsoring the employee for permanent residency.

2. The Labor Certification Application (labor cert)

The labor cert is the lynchpin of EB-2 sponsorship, and there are very specific requirements that must be met. The ISSO submits labor cert to the DOL only after receiving the following:

- Prevailing Wage Determination (2-3 months)
- Notice of Intent to File, which must first be posted in a conspicuous location in the department for at least 10 business days, then removed and down for at least 30 calendar days
- Recruitment Documentation
  - A Matrix showing how the beneficiary was selected as the best qualified candidate for the position
  - A Statement from the Chair of the Search Committee
  - Academic Unit or Department Head Summary of the Search Process
  - Advertisements meeting requirements
    - print journal or online ad posted for at least 30 days
    - all qualifications and duties must appear in the advertisement. "Pointer ads" directing the reader to a website for more information are not acceptable
- A copy of the letter offering the beneficiary the position
  - **The Labor Cert must be submitted no more than 18 months after the date on this letter**

- Copies of all of the beneficiary's degrees
  - With transcripts if the field of study is not stated on the diploma
  - With translations if the diploma is not in English
- Beneficiary's CV and list of publications
- Other Information
  - Beneficiary's 3-year job history
    - qualifications, duties, supervisor's contact info
  - Beneficiary's current US address

The DOL typically takes 4 – 8 months to process the Labor Certification Application; however, **the DOL randomly selects about 30% of all labor certs for an audit**, which increases the processing time.

3. The Employer's Petition, which must include:

- The Original Labor Certification, which the DOL mails to the ISSO
- Copies of all of the beneficiary's degrees
  - With transcripts if the field of study is not stated on the diploma
  - With translations if the diploma is not in English
- Copies of the letter of offer and any letter(s) pertaining to the beneficiary's continuation of employment
- A copy of the letter demonstrating UNL's ability to pay the beneficiary's salary (provided by the ISSO)

USCIS usually takes 4 – 6 months to process the petition, but for an extra fee the petitioner can request premium processing, in which case USCIS will process the petition within 15 business days of receiving it. The petition is the only part of this process that can be expedited.

4. The application for adjustment of status to permanent resident

If the petition is approved, USCIS can then proceed to processing the application for adjustment of status to permanent resident, which can be submitted with the petition or separately, after the petition has been approved. It is typically more efficient to submit the petition and application together, but sometimes there are reasons, such as travel plans, to submit them separately.\* At no additional cost, the applicant may include applications for a travel and employment authorization card to be received while the application for the green card is still pending. Doing so is not required, but it is highly recommended. The card may be useful, especially if the applicant's immigration status expires before permanent residency is approved. There is also no harm in receiving the card and not using it. USCIS usually takes about 3 months to process the application following the approval of the petition, and there is no way to shorten the processing time. (A separate application and fee must be submitted for each dependent spouse and child.)

**\*If the applicant is from a “retrogressed” country, s/he must wait for the “priority date” to become current before submitting the application to adjust status. The priority date is the date on which the labor certification application was submitted. The U.S. Department of State publishes a Visa Bulletin each month in which it states the current priority date for each sponsorship category. In 2015, there is no retrogression for EB-1 cases; however, due to per-country limitations, there is a five-year retrogression for EB-2 cases for citizens of China, and an eight-year retrogression for EB-2 cases for citizens of India.**

For a standard EB-2 case (without Special Handling), which is rarely used at UNL, the processing is mostly the same as described above, but there are two important differences:

1. The advertising and recruitment requirements are far more burdensome and must be conducted between 30 and 180 days before submitting the labor certification application:
  - A 30-day State Workforce Agency (SWA) job order
  - Two print advertisements
  - Providing internal notice of the job opportunity
  - Three separate additional recruitment steps out of a list of 10 possible options: Job fairs, Employer’s website, Job search website other than the employer’s, On-campus recruiting, Trade or professional organizations, Private employment firms, Employee referral program with incentives, Campus placement offices, Local and ethnic newspapers, Radio and TV advertisements
  - After evaluating and interviewing U.S. worker applicants, the employer must prepare a recruitment report describing its recruitment effort and results

It is highly recommended that the hiring department contact the ISSO for more details regarding this type of recruiting before embarking upon it. Because of these more stringent requirements, the ISSO strongly urges that this path be used only with substantial planning.

2. The employer must be able to demonstrate that not one U.S. worker applicant met the minimum qualifications for the position. (For a Special Handling case, it is sufficient to demonstrate that the beneficiary of the petition was the best qualified applicant, even if there was a U.S. worker applicant who met the minimum qualifications.)

### Summary of Current PR Fees and Timeframes

Please note that fees are subject to change at any time and, with the exception of Premium Processing, timeframes are merely estimates based on observation, not guarantees. Each fee must be paid by a separate check.

Timeframes

	<u>Fee</u>	<u>EB-1</u>	<u>EB-2</u>
<b>Prevailing Wage Determination</b>	none	N/A	2-3 months
<b>Labor Certification</b>	none	N/A	4-8 months
<b>Employer's Petition</b>	\$580	4-6 months*	4-6 months*
<b>Application to adjust status</b>	\$1070 for each applicant 14 or older; \$635 for each dependent child under the age of 14	2-3 months	2-3 months

\*Processing time can be reduced to no more than 15 business days with Premium Processing, which entails an additional fee of \$1225.

Regulations do not specify who must pay the petition and application fees, but the petition fee is seen as a business expense and therefore is typically paid by the employer, whereas the application fee is typically paid by the employee. Either party may pay the premium processing fee. Typically the employee pays the fee for dependents.

**Permanent Residency Responsible Parties**

1. The employing unit obtains all necessary signatures on the sponsorship form, which is routed to the ISSO by the Senior International Officer.
2. The unit chair/head, the department assistant, the beneficiary and the ISSO meet to discuss options and procedures.
3. The unit chair/head informs the ISSO via email which option(s) the unit would like to pursue.
4. The ISSO responds with information, instructions, and templates appropriate to the sponsorship category the department has chosen.
5. The unit provides all necessary information, forms, and documentation for the petition to the ISSO.
6. If pursuing an EB-2 case the ISSO submits the prevailing wage request and labor certification application to the U.S. Department of Labor.
7. The ISSO reviews all materials and assists the unit with finalizing the petition.
8. The ISSO reviews all materials and assists the employee with finalizing the application to adjust status to permanent resident.
9. The unit sends the completed petition to U.S. Citizenship and Immigration Services (USCIS). The unit typically also sends the application to USCIS, either with the petition or after the petition has been approved.
10. Upon approval, the employee provides a copy of his green card to the unit's payroll coordinator.
11. The unit's payroll coordinator provides a copy of the green card to the Payroll Office

## Non Resident Alien Payroll Documents

<b>Student</b>	<b>Student</b>	<b>Student</b>
<b>F-1 Status/No OPT</b>	<b>F-1 Status with OPT</b>	<b>J-1 Status/No OPT</b>
PAF form	PAF form	PAF form
PDF form	PDF form	PDF form
I-9 form	I-9 form	I-9 form
Copy of documents used for I-9	Copy of documents used for I-9	Copy of documents used for I-9
E-verify	E-verify	E-verify
W4 form (NRA form) *	W4 form (NRA form) *	W4 form (NRA form) *
Direct Deposit form	Direct Deposit form	Direct Deposit form
Student worker Agreement	Student worker Agreement	Student worker Agreement
Foreign National Data form	Foreign National Data form	Foreign National Data form
Copy of Passport	Copy of Passport	Copy of Passport
Copy of Soc. Sec. Card	Copy of Soc. Sec. Card	Copy of Soc. Sec. Card
Copy of F-1 visa	Copy of F-1 visa	Copy of J-1 visa
Copy of I-94	Copy of EA Card	Copy of I-94
Copy of I-20	Copy of I-94	Copy of DS-2019
	Copy of I-20	Written Authorization to work from student advisor
* Students from India use standard W4 not the NRA W4 form		
<b>Non-Student</b>	<b>Non-Student</b>	<b>Permanent Resident</b>
<b>J-1 Status</b>	<b>H-1B Status</b>	<b>Permanent Resident</b>
PAF form	PAF form	PAF form
PDF form	PDF form	PDF form
I-9 form	I-9 form	I-9 form
Copy of documents used for I-9	Copy of documents used for I-9	Copy of documents used for I-9
E-verify	E-verify	E-verify
W4 form (NRA form)	W4 form (NRA form)	W4 form
Direct Deposit form	Direct Deposit form	Direct Deposit form
Foreign National Data form	Foreign National Data form	Copy of Soc. Sec. Card
		Copy of permanent residence card
Copy of Passport	Copy of Passport	
Copy of Soc. Sec. Card	Copy of Soc. Sec. Card	
Copy of J-1 visa	Copy of H-1B visa	
Copy of I-94	Copy of I-94	
Copy of DS-2019	Copy of I-797A	
F-2, J-2, H-4 Visas: Requires change of status form I-797 OR EA Card		

## Visa Classification Chart

Many immigrant categories allow a person to be employed or compensated by a U.S. Employer; however, in most cases employment is restricted to a specific, sponsoring employer or organization for a fixed period of time and for a specific activity.

Please note: This chart is to be used only as a quick reference guide. It does not constitute legal advice. For definitive information regarding visas and immigration status, compensation, employment, and enrollment please contact UNL's International Student and Scholar Office (ISSO). There are many more Nonimmigrant Visa Classifications; this chart covers only those that are likely to be used at UNL.

### Foreign Nationals in Nonimmigrant Visa Classifications Who May Be Lawfully Employed and/or Study in the United States *With Certain Restrictions.*

VISA TYPE	DESCRIPTION	STUDY RESTRICTIONS	EMPLOYMENT RESTRICTIONS	DOCUMENTS REQUIRED IF EMPLOYED BY UNL
<b>B-1</b>	<b>Visitor for Business:</b> Individuals in the US for a short time to engage in business activities such as attending conferences or conducting independent research.	Not allowed to begin any "course of study" (neither full time nor part time) unless USCIS approves a change of status to F or J student. Casual short-term classes that are not the primary purpose of their presence in the US, such as an English language or crafts class would not constitute a "course of study" and are allowed.	May NOT be employed in the United States but may accept reimbursement for expenses. Institutions of higher learning may also pay B-1 visitors an honorarium associated with incidental expenses for academic activities.	Not applicable
<b>B-2</b>	<b>Visitor for Tourism:</b> Individuals in the US for travel, tourism or recreation.  <b>"Prospective Student" or "Prospective Exchange Visitor":</b> Under certain circumstances a consulate will issue a B2 visa with one of these notations which facilitates a change to F or J status in the United States.	Not allowed to begin any "course of study" (neither full time nor part time) unless USCIS approves a change of status to F or J student. Casual short-term classes not the primary purpose of their presence in the US, such as an English language or crafts class would not constitute a "course of study" and are allowed.	May NOT be employed in the United States and generally can NOT even receive reimbursements for expenses. B-2 visitors are able to receive academic honorarium payments just as are B-1 visitors.	Not applicable
<b>F-1</b>	<b>Student:</b> Individuals in the US engaging in a full course of academic study in an accredited educational program that has been designated by DHS.	Must maintain full-time enrollment as defined by the academic institution. Part time study requires approval of the Designated School Official (DSO).	May be employed on campus for a maximum of 20 hours per week while classes are in session. May work full time on campus during official breaks.	In addition to the standard hiring forms provide copies of:  ID page in passport Visa page in passport

			<p>Enrolled F-1 students experiencing economic hardship may apply to USCIS for part-time work authorization off campus.</p> <p>May participate in employment directly related to their field of study by obtaining practical training authorization.</p>	<p>Form I-94 Foreign National Data Form Form I-20</p> <p>If applicable: Tax Treaty with Form 8233</p>
<b>F-2</b>	<b>Dependent of F-1 Student:</b> Individuals in the US as dependents of an F-1 student.	F-2 Spouses may not engage in full-time study; F-2 children may only engage in full-time study at the K-12 level. Part-time study that is avocational or recreational is permitted. F-2 may not begin a course of study before F-1 or J-1 status is APPROVED.	May NOT be employed in the United States.	Not applicable
<b>H-1B</b>	<b>Temporary Worker in a Specialty Occupation:</b> Individuals in the US to perform professional services for a sponsoring employer in a specific position for a fixed period of time. Status is granted for an initial period of up to three years with extensions of up to three years possible. Maximum stay of six years. Extensions beyond six years are sometimes possible when a person from a retrogressed country (currently China and India) has been sponsored for permanent residency in using the EB-2 category.	May engage in incidental study.	An individual in H-1B status is permitted employment only with an employer who has an approved H-1B petition naming the employee as the beneficiary. It is possible to have multiple concurrent H-1B employers.	<p>In addition to the standard hiring forms provide copies of:</p> <p>ID page in passport Visa page in passport Form I-94 Foreign National Data Form I-797 Approval Notice</p> <p>If applicable: Tax Treaty with Form 8233</p>
<b>H-4</b>	<b>Dependent of H Nonimmigrant:</b> Individuals in the US as dependents of an H visa holder.	May engage in full-time or part-time study.	Most are NOT able to be employed in the United States but some may be able to obtain approval to do so.	<p>In addition to the standard hiring forms provide copies of:</p> <p>ID page in passport Visa page in passport Form I-94 Foreign National Data Form I-797 Approval Notice</p> <p>If applicable: Tax Treaty with Form 8233</p>
<b>J-1</b>	<b>Exchange Visitor: Student</b> Individuals in the US for the primary purpose of studying at an academic institution under the auspices of the United States Information Agency and a designated program sponsor.	Must maintain full-time enrollment. Part time study requires approval of the program sponsor.	May be employed on campus ONLY with prior written authorization from the program sponsor for a maximum of 20 hours per week while classes are in session and full time on campus during official breaks. May	<p>In addition to the standard hiring forms provide copies of:</p> <p>ID page in passport Visa page in passport</p>

			work off campus under limited circumstances with Academic Training authorization from the program sponsor. Eligible for Academic Training up to the number months enrolled in their academic program, not to exceed 18 months. Must not exceed 36 months if post-doctoral.	Form I-94 Foreign National Data Form Form DS-2019  If applicable: Tax Treaty with Form 8233
<b>J-1</b>	<b>Non-degree Research Student:</b> Individuals in the US for the primary purpose of doing research as an exchange student at an academic institution but is not seeking a degree. Visits under the auspices of the United States Information Agency and a designated program sponsor.	Requires admittance as a student and enrollment for at least one course – a non-credit course is acceptable.	May be employed on campus for a maximum of 20 hours per week while classes are in session (full time on campus during official breaks) ONLY with prior written authorization from the program sponsor.	In addition to the standard hiring forms provide copies of:  ID page in passport Visa page in passport Form I-94 Foreign National Data Form Form DS-2019  If applicable: Tax Treaty with Form 8233
<b>J-1</b>	<b>Exchange Visitor: Professor, Research Scholar, Short-Term Scholar</b> Individuals in the US under the sponsorship of an exchange visitor program that has been designated by the Department of State.  Short term scholars may visit for up to six months and Research Scholars for up to five years.	May engage in incidental study while maintaining valid J status.	May be employed only by the designated program sponsor or appropriate designee for the period of time stated on the DS-2019. Professors, research scholars, and short-term scholars may receive compensation from other institutions with prior written authorization but only for occasional lectures and consultations.	In addition to the standard hiring forms provide copies of:  ID page in passport Visa page in passport Form I-94 Foreign National Data Form Form DS-2019  If applicable: Tax Treaty with Form 8233
<b>J-2</b>	<b>Dependent of J-1 Exchange Visitor:</b> Individuals in the US as dependents (spouse or unmarried child under the age of 21) of a J-1 exchange visitor.	May engage in full time or part time study.	Eligible to apply for work authorization and once approved may work for any employer.	In addition to the standard hiring forms provide copies of:  ID page in passport Visa page in passport Form I-94 Foreign National Data Form Form DS-2019  If applicable: Tax Treaty with Form 8233

<b>TN</b>	<b>NAFTA Professionals:</b> Permits qualified Canadian and Mexican citizens to seek temporary entry into the United States for the purpose of working for a US employer as a professional OR working for a foreign employer to provide pre-arranged professional services to a US employer. Initial period of stay up to three years.	Permitted to study	Profession must qualify under the regulations, the position in the United States must require a NAFTA professional, must have a pre-arranged full-time or part-time job with a US employer (no self-employment), must have the qualifications to practice in the profession in question.	In addition to the standard hiring forms provide copies of:  ID page in passport Visa page in passport Form I-94 Foreign National Data Form I797 Approval Notice if an employer's petition  If applicable: Tax Treaty with Form 8233
<b>TD</b>	<b>Dependents of TN Nonimmigrants</b>	Permitted to study	NOT permitted to work in the United States	

**Foreign Nationals Who May Work and Study in the United States *Without Restriction as to Location or Type of Employment***

<b>Classification</b>	<b>Description</b>	<b>Documentation</b>	
Lawful Permanent Residents	Individuals who have permission to reside in the United States on a permanent basis. (holders of "green cards") (link to LPR section?)	Form I-551, Resident Alien Card (or I-551 stamp in passport). Note: resident alien cards must be reissued every 10 years but the individual's status does not expire.	In addition to the standard hiring forms provide a copy of:  Resident Alien Card

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## **A**

Alien  
Payroll Documents · 29

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## **C**

CPT (F-1) · 5, 6  
Curricular Practical Training (F-1) · 5, 6

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## **E**

English Proficiency · 10, 17  
Exchange Visitor · 8, 11, 13, 18, 32  
Export Control · 20

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## **F**

F  
1 CPT · 5, 6  
F-1  
Classification · 5  
Curricular Practical Training · 5, 6  
OPT · 5, 6, 7, 29  
OPT STEM Extension · 7  
Optional Practical Training · 5, 6  
Status Maintenance · 5  
Student Employment Options · 5  
Visa Application · 5

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## **H**

H-1B  
Petition · 19, 20, 26, 28  
Health Insurance · 10, 11

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## **I**

International Scholar · 4, 8, 15

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## **J**

J-1  
Classification · 8

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## **P**

Payroll Documents · 29  
Permanent Residency · 23, 28  
EB-1 · 23, 24, 25, 27, 28  
EB-2 · 23, 25, 27, 28, 31  
Fees · 27

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## **R**

Research Scholar · 8, 11, 12, 32

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## **S**

Short Term Scholar · 8

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