

Understanding the Visa Process

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Understanding the Visa Process

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The Visa Process

- Stamp in passport required to apply for admission (entry) to U.S.
- Apply at U.S. consulate/embassy abroad only
 - Secure campus invitation/employment
 - Complete on-line application (DS-160) and fee payment
 - Schedule and attend visa interview with required documentation
 - Administrative processing
- Visa Waiver Program
- VISA can expire once scholar is in U.S. – STATUS must remain valid for duration of stay

Who is Involved?

- International employee or visitor (scholar)
- Employer/program sponsor
 - Host department
 - International Student and Scholar Services (ISSS)
- Department of Homeland Security (DHS)
 - United States Citizenship and Immigration Services (USCIS)
 - Immigration and Customs Enforcement (ICE)
 - Student and Exchange Visitor Information System (SEVIS)
 - Customs and Border Protection (CBP)
- Department of State (DOS)
- Department of Labor (DOL)

Scholar Responsibilities

- Provide required information/documentation to department to support visa process
- Obtain U.S. entry visa or change of status as necessary
- Complete ISSS Scholar Check-In upon arrival to campus
 - Attend ISSS Scholar Orientation (J-1s only)
- Properly maintain immigration status by learning about and following government regulations
- Inform ISSS of changes to and completion of program in advance

Department Responsibilities

- Invite/hire scholar; complete HR paperwork as necessary
- Serve as liaison between ISSS and scholar to collect information/documentation needed for visa processing purposes
- Keep scholar informed of status of visa process
- Mail approval documents to scholar as necessary
- Inform ISSS of changes to and completion of scholar's program in advance

ISSS Responsibilities

- Work with department to prepare visa paperwork
- Complete and submit visa paperwork in timely manner
- Keep department informed of status of visa process
- Report scholar's arrival, departure and changes in program to DOL and DHS, as required by regulation
- Provide information about immigration regulations via published materials and individual advice/appointments

J-1

Exchange Visitors

Individuals in the United States under the sponsorship of an exchange visitor program that has been designated by the Department of State

J-1 Exchange Visitors

- General Information
 - Temporary (non-tenure track) research or teaching positions
 - Paid or unpaid position; appointment or no appointment
 - Generally not eligible for UI benefits, but insurance coverage is required
 - Activity is restricted to “program objective”
 - Bans/bars on future U.S. immigration statuses
- Duration
 - Determined by category
 - Up to five years

J-1 Exchange Visitors

- Process
 - Scholar and department enter information and documentation into Scholar Dossier
 - Department submits Journal Voucher to ISSS
 - ISSS issues DS-2019
 - Department sends DS-2019 packet to scholar
 - Scholar applies for J-1 visa at U.S. consulate/embassy and travels to campus
 - If scholar is already in U.S., a change of status application must be filed with USCIS
 - Scholar completes ISSS Scholar Check-In before beginning UI activity
 - ISSS Scholar Orientation also required

J-1 Exchange Visitors

- Timing
 - Up to three weeks for DS-2019 processing
 - Allow ample time for visa processing
 - Three to five months for change of status within U.S.
- Fees
 - ISSS processing fee – initial: \$150 (paid with Journal Voucher)
 - ISSS processing fee – extension: \$100 (paid with Journal Voucher)
 - SEVIS fee: \$180
 - Visa/change of status application fees

H-1B Temporary Workers

Individuals in the United States to perform professional services for a sponsoring employer in a specific position for a fixed period of time

H-1B Temporary Workers

- General Information
 - Fulltime (100%) employment in a “specialty occupation”
 - Position must require a Bachelors degree (or higher) in a certain field/s
 - Tenure-track or non-tenure track position
 - Benefits eligible, if applicable to position
 - Employment is restricted to what is listed in H-1B petition
 - Employer is responsible for cost of return transportation to country of last residence if employee is dismissed before H-1B expires
- Duration
 - Up to six years
 - Can “recapture” time outside the U.S.
 - If PR process is pending, extensions beyond six years may be possible

H-1B Temporary Workers

- Process
 - Department submits H-1B request to ISSS
 - ISSS requests prevailing wage determination from DOL
 - ISSS files Labor Condition Application (LCA) with DOL
 - Department posts certified LCA
 - With department, ISSS prepares H-1B petition (I-129) for submission to USCIS
 - If abroad, employee applies for H-1B visa at U.S. consulate/embassy and travels to campus
 - Employee completes ISSS Scholar Check-In

H-1B Temporary Workers

- Timing
 - Two to six months
 - Receipt Notice can be used for I-9 purposes for extensions and “portability” cases
 - Allow ample time for visa processing
- Fees
 - ISSS processing fee – initial: \$750 (paid with Journal Voucher)
 - ISSS processing fee – extension: \$500 (paid with Journal Voucher)
 - USCIS filing fee: \$325
 - USCIS anti-fraud fee (one-time fee): \$500
 - USCIS premium processing fee (optional): \$1225
 - Visa application fees

Other Employment Statuses

Contact department liaison for more information about these statuses, if you feel that one may be appropriate for an incoming scholar

Other Statuses

- B-1/WB: Visitors for Business
 - Individuals in the United States for a short time to engage in temporary commercial, business or professional activities related to their employment or business abroad
 - UI employment and appointment (even 0%) prohibited
 - Extremely limited possibilities for payment (OBFS grid)
- O-1: Persons with Extraordinary Ability
 - Individuals who have achieved and sustained national or international acclaim for extraordinary ability in their field
 - Substantial documentation of acclaim is required for application process

Other Statuses

- TN: Professionals under NAFTA
 - Individuals in the United States to perform professional services for a sponsoring employer, pursuant to the provisions of the North American Free Trade Agreement (NAFTA)
 - Citizens of Canada or Mexico only
 - Certain occupations only (list)
- E-3: Treaty Specialty Workers
 - Individuals in the United States to perform services in a specialty occupation for a sponsoring employer, pursuant to the provisions of the Australia-United States Free Trade Agreement (AUSFTA)
 - Citizens of Australia only
 - Position must require a Bachelors degree (or higher) in a certain field/s

Other Statuses

- Academic Training/Practical Training (OPT, CPT)
 - J-1/F-1 students studying in the United States at the college or university level engaging in temporary employment to gain practical experience in their field of study
 - Employment must be commensurate with degree/field
 - Student applies through program sponsor
- J-2: Dependents of J-1 Exchange Visitors
 - The spouse or unmarried minor child of a J-1 Exchange Visitor who has been granted authorization to be employed in the United States
 - Unrestricted employment
 - Scholar applies (with guidance from ISSS if needed)

Other Statuses

- Permanent Residency-Pending
 - Applicants for an adjustment of status who have obtained an Employment Authorization Document (EAD) authorizing employment while their application is pending adjudication
 - Unrestricted employment
 - Underlying status is abandoned

Which Status is Best?

- What is the PURPOSE of the scholar's stay?
 - Will he/she hold a UI appointment?
 - Is the position tenure-track?
- What is the LENGTH of the scholar's stay?
- How will the scholar financially SUPPORT his/her stay?
 - Check OBFS grid for potential issues with intended UI payments!
- Does the scholar have any PAST IMMIGRATION STATUS?
- What is the scholar's CITIZENSHIP?

Final Thoughts

- The department (not the individual) has the “final” say of which status they will offer a scholar.
- Allow as much lead time as possible – we cannot honor rush requests!
- Contact department liaison with questions and to initiate visa processing for an incoming scholar.
- P.S. Allow as much lead time as possible!!

Questions?

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