ISO: INTERNATIONAL SCHOLAR & EMPLOYEE SERVICES

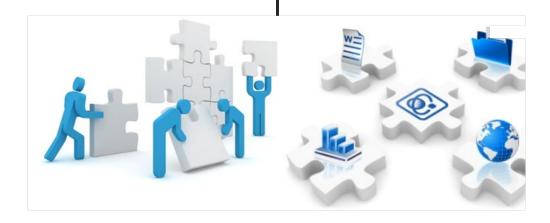
UNIVERSITY OF ROCHESTER'S J SCHOLAR EXCHANGE VISITOR PROGRAM





TOPICS

- Our Services
- Exchange Visitor Program
- J-1 Nonimmigrant Visa Status
- J-1 Categories
- Eligibility Requirements
- Partnership: Sponsor Responsibilities
- Rules and Bars
- Bringing a J-1: General Considerations
- Steps by step guide and checklist
- Extending a J-1 Scholar
- Immigration-related Questions? Contact ISO



OUR SERVICES

- 1. Issue immigration documentation required for J-1 and J-2 nonimmigrant visa statuses.
- 2. Offer information on adjusting to life and customs in U.S.
- 3. Immigration support resource: Advising on relevant immigration matters.
- 4. Collaborative team: Work with scholars and department partners to meet U.S. sponsor and exchange visitor reporting requirements.
- 5. Partnership with departments in supporting their scholars.
- 6. Consultation on visa options for bringing temporary nonimmigrant workers and visitors who will engage in authorized employment or self-sponsored research activities at the University.

MUTUAL EDUCATIONAL & CULTURAL EXCHANGE ACT OF 1961

"...TO INCREASE MUTUAL UNDERSTANDING BETWEEN THE PEOPLE OF THE UNITED STATES AND THE PEOPLE OF OTHER COUNTRIES BY MEANS OF EDUCATIONAL AND CULTURAL EXCHANGE;

TO STRENGTHEN THE TIES WHICH UNITE US WITH OTHER NATIONS BY DEMONSTRATING THE EDUCATIONAL AND CULTURAL INTERESTS, DEVELOPMENTS, AND ACHIEVEMENTS OF THE PEOPLE OF THE UNITED STATES AND OTHER NATIONS, AND THE CONTRIBUTIONS BEING MADE TOWARD A PEACEFUL AND MORE FRUITFUL LIFE FOR PEOPLE THROUGHOUT THE WORLD;

TO PROMOTE INTERNATIONAL COOPERATION FOR EDUCATIONAL AND CULTURAL ADVANCEMENT

AND THUS TO ASSIST IN THE DEVELOPMENT OF FRIENDLY, SYMPATHETIC, AND PEACEFUL RELATIONS BETWEEN THE UNITED STATES AND THE OTHER COUNTRIES OF THE WORLD."





Exchange Visitor Program

Welcome Brochure

Welcome to the U.S. Department of State's Exchange Visitor Program, BridgeUSA.

During your exchange program, you will have the unique opportunity to experience life in the United States. You will not only serve as an ambassador of your home country helping to educate the American people about your country and customs, but you will experience American culture first-hand. You will also enhance your skills and expertise and make connections and memories that will last a lifetime.

This brochure will help you understand the purpose of the Exchange Visitor Program, provide you with information on contacting the U.S. Department of State, and introduce you to some of the major requirements of the Exchange Visitor Program regulations.





WHAT IS THE J-1 NONIMMIGRANT VISA STATUS?

- Temporary nonimmigrant visa issued to an exchange visitor.
- Program sponsors have an allotment of Certificates of Eligibility (Form DS-2019) they can issue to potential participants.
- The DS-2019 coupled with other required documentation permits the exchange visitor and their dependents to schedule an interview at a U.S. embassy or consulate abroad to apply for a J-1 visa stamp.
- Once the J-1 (principal) or J-2 (dependent) visa stamp is issued, the exchange visitor can enter the U.S.
- J-1 visa status is intended to provide training and experience for the EV; it cannot be used for ordinary employment including staff or tenure track appointments.

J CATEGORIES

- Au Pair
- Summer Work Travel
- Camp Counselor
- Alien Physician
- Trainee
- Specialist search scholar is an
- Professor
- Research Scholar
- Short-Term Scholar
- College and University Student
- Secondary School Student
- Government Visitor
- Teacher

J-1 SCHOLAR ELIGIBILITY AND REQUIREMENTS

J-1 Scholar Eligibility and Requirements

The primary purpose of J-1 scholars programs is for academic exchange, therefore J-1 visas are <u>not</u> appropriate for staff or tenure-track positions. However, it is important to note that a J-1 scholar may hold a position normally classified as tenure-track, so long as the position will be temporary for the J-1 scholar. Any program an exchange visitor will participate in must be suitable to the exchange visitor's education, experience and needs. A J-1 scholar must be engaged in a full-time (40 hours per week) program capacity. Prospective exchange visitors must have earned at least a bachelor's degree to participate in the Professor, Research Scholar or Short-Term Scholar categories, though higher degrees may be required for a specific position. For example, many J-1 Scholars are hired into post-doctoral appointments at the University, and therefore must have a doctorate degree. Additional requirements for J-1 scholars are described below.

English proficiency

J-1 regulations require all exchange visitors to have the ability to speak and understand verbal English, as well as the ability to read, write and comprehend written English, to be able to conduct their J-1 program successfully, and function on a day-to-day basis. The host department will be responsible for assessing the individual's proficiency in the English language as part of our application for a form DS-2019, through completion of the **J-1 English Assessment Form** and providing appropriate supporting documentation. The host department will be responsible for the cost of English language training for J-1 Scholars who arrive with inadequate skills. Please keep in mind that a consular official may deny a foreign national a J-1 visa if they deem their English language skills to be inadequate.

J-1 Scholar Host Responsibilities

Hiring departments of an exchange visitor must choose someone (usually a department member) to serve as host and provide an orientation to the University and the Rochester area for the exchange visitor and any accompanying family members. The departmental host must have excellent English skills.

The departmental host will need to assist the exchange visitor with such things as:

- housing
- furniture and house goods rental or purchases
- enrolling children in school
- finding a childcare provider
- locating the nearest bank, grocery store, clothing store
- how to obtain emergency medical care
- how to choose a doctor
- how to purchase health insurance
- how to contact the fire and police departments
- how to buy a used car and obtain a driver's license and car insurance
- life and customs in the United States
- the cost of living in the Rochester area

Non-UR funded research and visiting faculty positions, except post-doctoral research appointments

The funding amount must meet the minimum established for University of Rochester positions (e.g. postdoctoral appointments). Personal funds (i.e. bank accounts) <u>cannot</u> be used to fund a J-1 program in its entirety. If no established funding amount exists, then the ISO minimum for the principal J-1 of \$2,600 per month (equal to \$31,200 per year) is required, plus an additional \$500 per month for each dependent who may accompany the J-1. Neither of these amounts includes the cost of a health insurance policy for the exchange visitor and if applicable, any accompanying family members.

Funding requirements for post-doctoral research appointments (UR and non-UR funded)

The funding amount must meet the minimum established for University of Rochester postdoctoral appointments. The current minimum funding amount is \$48,750/year. Refer to the **School of Medicine and Dentistry** (SMD) or the **Arts, Sciences and Engineering** (AS&E) post-doctoral appointment policy for more information.

Funding Verification

Verification of financial support for the total length of the visitor's program is required. Funding may come from the department, the visitor's government or employer, or a combination of these sources. Personal funds (i.e. bank accounts) <u>cannot</u> be used to fund a J-1 program in its entirety. Individuals who will not be paid by the University of Rochester MUST provide proof of funding that is:

- Written in English
- On letterhead from the funding source
- Signed by someone with the authority to dispense the funds from the funding organization
- Include the specific dates of funding coverage
- Include amount of funding in U.S. dollars

J EXCHANGE VISITOR RULES AND BARS

HTTPS://WWW.ISO.ROCHESTER.EDU/EMPLOYMENT/SCHOLARS/BARS.HTML IMMIGRATION - INTERNATIONAL SERVICES OFFICE | UNIVERSITY OF ROCHESTER

2-YR HOME RESIDENCY RULE, 212(e)

Ineligible for an H, L, K visa or U.S. permanent residency until the scholar has lived in their home country for a total of 2 years.

Waiver option—requires **significant time** and planning.

VS

24 AND 12-MONTH BARS ON REPEAT PARTICIPATION

Ineligible to participate in an Exchange Visitor Program within the J categories of **Professor** or **Research Scholar** for up to 24 consecutive months once the J program ends.

No waiver option.

Short-term scholar category will <u>not</u> become subject to bars.

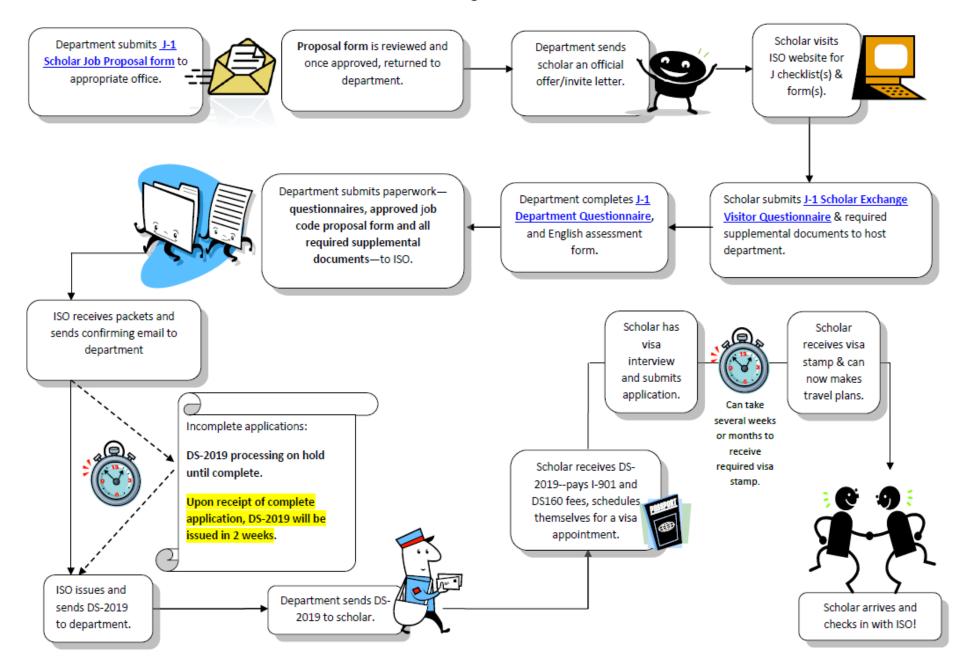


BRINGING A J-1: GENERAL CONSIDERATIONS

- Allow 4 months from when ISO receives a complete application to the arrival of scholar.
- J-1 research scholar and professor programs may be granted for a period of up to five years.
- J-1 short-term scholar programs may be granted for a period of up to six months.
- It is the responsibility of the hiring department to assist the J-1 EV during their program.
- Personal funds may be used to supplement a J-1 and/or provide support for J-2 dependents, but may not be used to fund the majority of a J-1 scholar's program.
- Postdoctoral and visiting faculty appointments only. No staff or tenure-track appointments.

SMD & ASE New J-1 Scholar Process Flowchart

Excluding J-1 Transfers



INCOMING AND NEW J-1 SCHOLARS





International Services Office • University of Rochester

40 Celebration Drive, Suite 100, Box 270446, Rochester, NY 14627 • Phone; 1 (585) 275-2866 Fax: +1 (585) 244-4503 • Email: scholars@iso.rochester.edu • Web: www.iso.rochester.edu

New J request for a form DS-2019 DEPARTMENT Checklist and Questionnaire

| Forn | n and supporting documentation required of the host department: |
|------|--|
| | For SMD DS-2019 requests: SMD J-1 Scholar Job Proposal Form For Arts, Sciences & Engineering: ASE J-1 Proposal Form available on the intranet at https://www.rochester.edu/asei/get_file.php?id=6022 |
| | Completed J-1 Scholar Department Questionnaire |
| | Completed J-1 English Assessment Form, with supporting documentation |
| | Copy of the signed offer or invitation letter provided to the J-1 scholar by the host department |
| | Signed host responsibilities agreement (page 6) |

following are included, as the ISO cannot begin to process a request for a DS-2019 if any items are outstanding. Forms and supporting documentation required of the Exchange Visitor: Completed J-1 Scholar Exchange Visitor Questionnaire Copy of identity pages of a valid passport for J-1 applicant Current curriculum vitae Proof of permanent residency if applicant is a citizen of one country but legal permanent resident of another People who are not going to be paid by the University of Rochester MUST provide proof of funding and it must be: Written in English On letterhead from the funding source Signed by someone with the authority to dispense the funds from the funding organization Include the specific dates of funding coverage Include amount of funding in US dollars Copies of degrees and certificates earned If the J-1 scholar will be accompanied by dependents: Copy of identity pages of a valid passport for each dependent For spouse, a copy of marriage certificate translated into English Tor child(ren), a copy of birth certificate translated into English

Department administrators, please check the exchange visitor's questionnaire and documents for completeness. Please ensure ALL of the

CURRENT J-1 SCHOLARS



Current J-1 Scholars

For a J-1 scholar maintaining J status correctly, they may, under specific circumstances, have the option to extend the program or transfer the program to another institution. A scholar may also end the program early if necessary, or bring in J-2 dependents who did not arrive with the J-1 initially.

Extending a J-1 scholar program

Extensions of a J program may be granted if the scholar needs additional time to accomplish their original program objective(s), has not exceeded the time limit of their J category and they are able to meet the funding and insurance requirements for themselves and any J-2 dependents.

At least two (2) months before the end date on your current Form DS-2019, you and your department must initiate and submit your extension request through the **J-1 Scholar Extension Form**. J-1 scholars should consult their department if they wish to request an extension.

Note: Extending the J-1 principal's form DS-2019 will automatically extend the form DS-2019(s) for any accompanying J-2 dependent(s). The extension process including obtaining a new DS-2019 must be completed before the end date as noted on the current DS-2019.

After discussion with the ISO to determine if this is the appropriate course of action, please submit the following form (checklist enclosed in form):

J-1 Scholar Extension Form



International Services Office • University of Rochester

40 Celebration Drive, Suite 100, Box 270446, Rochester, NY 14627 • Phone: +1 (585) 275-2866 Fax: +1 (585) 244-4503 • Email: scholars@iso.rochester.edu • Web: www.iso.rochester.edu

J-1 Scholar & Department Checklist: Extension of a form DS-2019

| <u>J-1 Scholars:</u> | |
|----------------------------------|--|
| STEP 1 | |
| Complete the J-1 Scholar Extensi | ion form, Section A only (next page) |
| STEP 2 | |
| Compile the following required s | supporting documentation: |
| Copy of current paper I | -94 card front and back OR copy of I-94 record created electronically, printed from www.cbp.gov/i94 |
| Copy of passport biogra | phic page |
| with their name, relatio | turning to or arriving in the U.S. during the extended program period? If so, please provide the ISO inship to you, and indicate when they will arrive and for how long. Complete a J-1 Scholar Dependen new dependent who has yet to arrive in the US. |
| on letterhead from the | JR is funding all or a portion of your program, please provide proof of funding that is written in English funding source, and signed by someone with the authority to dispense the funds. It must include the goverage and the amount of funding in U.S. dollars. |

STEP 3

Submit form with Section A completed along with other required documentation to the administrator of your host department

Department administrators:

STEP 1

Complete Section B of the J-1 Scholar Extension Form, after exchange visitor completes Section A

STEP 2

Check exchange visitor's Section A of Extension Form and compiled required documents for completeness

STEP 3

Attach copy of new letter of agreement between dept. and exchange visitor (may need to be created for purposes of J-1 extension, if not already created for reappointment)

STEP 4

Submit Extension Form, J-1 Exchange Visitor's documentation, and copy of new letter to the ISO:

H-1B Specialty Occupations

Topics

- ➤ What is an H-1B?
- Processing Timeline
- > Types of H-1B Petitions
- ➤ Hiring Department Requirements
- ➤ Labor Condition Application
- Approval Notices

H-1B: What is it?

- ➤ H-1B is a nonimmigrant classification and the standard professional "work visa"
- ➤ It is specific to:
 - ➤ The employer
 - ➤ The H-1B employee
 - The job to be performed by the H-1B employee
 - **≻**Location
- ➤ The position must meet the definition of a "specialty occupation"

www.iso.rochester.edu

Specialty Occupation: Defined

➤ A "specialty occupation" requires a bachelor's degree or higher in a body of specialized knowledge

➤ The H-1B employee must hold the appropriate degree.

Additional Information

- > H-1B's can be issued up to 3 years with the option of 3 additional years
- > 2 federal government agencies for every petition:
 - ❖ Department of Labor
 - **❖**USCIS
 - ❖ If outside the U.S. petitions will also include Dept of State (visa issuance) and Customs and Border Protection (I-94)
- Cap exempt employer
 - ❖ Higher Ed = UR = cap exempt
- > Hiring department must pay filling fees

Fees

The current fees to file an H-1B petition:

Premium Processing \$2,500

• H-1B processing fee \$460

• Fraud Detection fee \$500*

* For initial UR-sponsored H-1B petitions only

- H-4 application fee \$370
 - For spouse and dependents seeking change of status to or extension of H-4 status; Can be paid by either the department or the H-1B employee

All checks payable to "U.S. Department of Homeland Security."

Processing Timelines

Processing Timelines

➤ ISO Processing Time

➤ H-1B Petition Processing at USCIS

➤ H-1B Receipts and Approval Notices

➤ Visa stamp from a U.S. Consulate

ISO Processing Time

➤ We need to receive <u>all</u> documents six (6) months before the H-1B start date

➤ Gives ISO advisor the best chance to have an H-1B approved by the requested start date

H-1B Petition Processing at USCIS

➤ Change of Status and Consulate Notification petitions <u>must</u> be filed with premium processing

Extension and Portability petitions may be filed with regular processing; premium processing strongly encouraged

H-1B Receipts and Approval Notices

➤ USCIS uses the U.S. Postal Service to sends out receipts and approval notices

Can take two (2) weeks to arrive at the ISO.

Visa stamp from a U.S. Consulate

- Allow time for new employee to obtain visa stamp in passport
- Worker must make appointment at consulate.
- Needs to bring whole petition packet and approval notice to appointment
- Department is responsible for shipping petition packet and approval notice to new employee
- ➤ New employee is not in H-1B status until s/he is admitted to U.S.

H-1B Petition Types

H-1B Petition Types

>Initial

Change of Status: Inside the U.S.

Consulate Notification: Outside the U.S.

Portability: Hiring an H-1B employee already working at another U.S. institution

> Extension

Hiring Department Requirements

ISO Department Questionnaire

All Pages

Current version is June 2022

Pages 3-6

- Job Description
- Wages

Page 10

- ➤ Department letter in support of the H-1B
- > Checks
- ➤ Review documents from employee and family (if applicable) for completeness
- When complete forward to ISO

➤ Job Description (pg. 3):

State in technical and/or layman's terms if possible

❖ Do not just state that the H-1B employee will be doing research/teaching

- ➤ Department letter in support of the H-1B (pg. 10)
 - Brief but thorough
 - Required education only
 - Must limit to one or two fields of study
 - Include dates of work authorization and salary
 - **❖**DO NOT:
 - Use the phrase "or related field"
 - Just include the required degree (i.e., "Ph.D")
 - Include preferred degrees
 - ➤ Including these three items removes the specialty occupation aspect of the H-1B!

- > Checks (pg. 10)
 - Do not have to be included with questionnaires and supporting documents
 - Checks processed through Account Payable have a 180-day (6 month) limit

- ➤ When complete forward to ISO (pg.10)
 - Email advisor with pdf file attachment(s)
 - **❖** Upload to Box
 - Thru interoffice mail

Labor Condition Application (LCA)

Labor Condition Application (LCA)

- > Filing an LCA is an essential step in the H-1B process.
- ➤ An employer seeking to employ H-1B nonimmigrants must file a labor condition application agreeing to various attestation requirements and have it certified by the Department of Labor (DOL) before a nonimmigrant may be provided H-1B status.
- ➤ The employer attestations on the LCA are the core of both the LCA form and the LCA regulations.

Actual Wage vs Prevailing Wage

- Actual wage is the "wage rate paid by the employer to all other individuals within the hiring unit with experience and qualifications similar to those of the H-1B.
- ➤ Prevailing wage (PW): ISO advisor works with the Department of Labor to determine the PW in the Metropolitan Statistical Area(s) (MSAs) where the employee will work.
- The University is required by law to pay the H-1B nonimmigrant employee either 100% of the prevailing wage or 100% of the actual wage, whichever wage is higher.

H-1B Approval Notices

H-1B Approval Notices

- ➤ I-94: Can be picked up at ISO service desk (no appointment needed) or FedEx'ed to worker at department expense
- Consulate notification: Department is responsible for shipping the approval notice, along with a copy of the petition to the H-1B to an address provided by the worker.

H-1B Approval Notices

I-94 Attached

THE UNIVERSE STATES OF A MERICA I-797A | NOTICE OF ACTION | DEPARTMENT OF HOMELAND SECURITY U.S. CITIZENSHIP AND IMMIGRATION SERVICES Case Type 1129 - PETITION FOR A NONIMMIGRANT WORKER UNIVERSITY OF ROCHESTER. UNIVERSITY OF ROCHESTER Notice Type: Approval Notice c/o JEFFREY RODGERS INTERNATIONAL SERV 40 CELEBRATION DR BOX 270446 100 Valid from 12/01/2020 to 11/30/2023 ROCHESTER NY 14627 The above petition and accompanying request for an extension of stay have been approved. The status of the named beneficiary(ies) in this classification is valid as indicated on the I-94 attached below. The beneficiary(ies) can work for the petitioner pursuant to this approval notice, but only as detailed in the petition and during the petition validity period indicated above, unless otherwise authorized by law. Changes in employment or training may require you to file a new Form 1-129, Petition for a Nonimmigrant Worker. The dates in the 1-94 attached below might not be for the same dates as the petition validity dates above because the 1-94 below may contain a grace period of up to 10 days before and up to 10 days after the petition validity period for the following classifications: CW-1, E-1, E-2, E-3, H-1B, H-2B, H-3, L-1A, L-1B, O-1, O-2, P-1, P-1S, P-2, P-2S, P-3, P-3S, TN-1, and TN-2. An I-94 for H-2A monimmigrants may contain a grace period of up to one week before and 30 days after the petition validity period. However, the beneficiary(ies) may not work during such grace periods, unless otherwise authorized by law. The decision to grant a grace period and the length of the granted grace period is discretionary, final, and cannot be contested on motion or appeal. Please contact the IRS with any questions about tax withholding The petitioner should keep the upper portion of this notice. The lower portion should be given to the beneficiary(ies). The beneficiary(ies) should keep the right part (the I-94 portion) with his or her other Forms I-94, Arrival-Departure Record. The I-94 portion should be given to the U.S. Customs and Border Protection when he or she leaves the United States. The left part is for his or her records. A person granted a extension of stay who leaves the U.S. and is not visa-exempt must normally obtain a new visa before returning. The left part can be used when applying for the new visa. If a visa is not required, he or she should present it, along with any other required documentation, when applying for reentry based on this approval notice at a port of entry or preflight inspection station. The petitioner may also file Form I-824, Application for Action on an Approved Application or Petition, to request that we notify a consulate, port of entry, or pre-flight inspection office of this approval. The approval of this petition does not guarantee that the beneficiary(ies) will be found to be eligible for a visa, for admission to the United States (if travelin abroad and seeking re-admission), or for a subsequent extension of stay, change of status, or adjustment of status. THIS FORM IS NOT A VISA AND MAY NOT BE USED IN PLACE OF A VISA. Please see the additional information on the back. You will be notified separately about any other cases you filed California Service Center U. S. CITIZENSHIP & IMMIGRATION SVC Laguna Niguel CA 92607-0111 USCIS Contact Center: www. Detach This Half for Personal Records Receipt# WAC Receipt Number WAC I-94# 664455734 56 US Citizenship and Immigration Services NAME CLASS HIB 194 Departure Record VALID FROM 12/01/2020 UNTIL 12/10/2023 Petitioner: UNIVERSITY OF ROCHESTER PETITIONER UNIVERSITY OF ROCHESTER. 40 CELEBRATION DR BOX 270446 100

Consulate Notification

| | | | Case Type 1129 - PETITION FOR A NONIMMIGRANT WORKER | |
|---|---|---|---|--|
| | WAC Received Date Priority Date | | Petitioner | |
| tice Date | Page | UNIV OF Beneficiary | UNIV OF ROCHESTER Beneficiary | |
| /30/2021 | 1 of 2 | | | |
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| NIV OF ROCHE | | | Notice Type: Approval Notice | |
| | OGERS INTL SVCS OFC | | Class: H1B Valid from 05/01/2021 to 04/30/2024 | |
| 40 CELEBRATION DR 100 BOX 270446 ROCHESTER NY 14627 | | | Consulate: CHENNAI | |
| ork for the petitioner, lassifications may be e 1-2B, H-3, L-1A, L-1B, 0 days after the petition rotection (CBP). The g eriod. Please contact the circumstances change the petitioner can file a r | not authorize employment or training. We but only as detailed in the petition and for ligible for a grace period of up to 10 day 0, 0-1, 0-2, P-1, P-2, P-3, TN-1, and TN-1 validity period. If provided at admission reproduces the properties a period of authorized star let RS with any questions about tax with the petitioner can file Form I-824 to ha | or the period authorized. s before, and up to 10 dz. 2. H-2A nonimmigrants in, this grace period will by but does not provide the sholding. we us notify another con end their status based on | ted status upon admission to the United States, they can then When seeking admission to the United States, the following ays after the petition validity period: CW-1, E-1, E-2, E-3, H-1B, may be eligible for a grace period of up to one week before and be annotated on the beneficiary's 1-94 by Customs and Border to beneficiary authorization to work beyond the petition validity assulate of this approval. If any of the workers are already in the U.S. this petition. Changes in employment or training may also require | |
| he approval of this visa | | migration status and does | s not guarantee that the alien beneficiary will subsequently be found or adjustment of status. | |
| umber of workers: 1 | | | | |
| Please see the additional | l information on the back. You will be n | otified separately about | any other cases you filed. | |
| | r | | | |
| alifornia Service Center | | | | |
| S. CITIZENSHIP & I O. Box 30111 | MMIGRATION SVC | | | |



Email

- Questions or to schedule an appointment (all advising occurs virtually)
- Email advisor directly or <u>scholars@iso.rochester.edu</u>

Call

+1 (585) 275-2866 between 9AM-12PM and 1PM-4PM on Monday, Tuesday, Thursday, Friday

ISO Service Desk

- Service Desk open 9AM-12PM and 1PM-4PM Monday, Tuesday, Thursday,
 Friday
- For most up-to-date information go to https://www.iso.rochester.edu/
- Located in College Town at 40 Celebration Drive, Suite 1.100

Intercampus Mail

Box 270446

Thank you

Questions?

www.iso.rochester.edu

