

Visa Information

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Human Resources

H- visas

- Employment based- Specialty Occupation
- Dual purpose visa (both nonimmigrant and immigrant intent)
- 6 years total time on H- can be extended one year if the individual has a PR petition pending for more than 365 days.
- Individual must have at least a B.A. degree.
- H generally used for anyone from a country on the skills list or for any position that is Asst. scientist or above (obviously not an exchange visitor position).
- H-4 dependents cannot be employed
- Could possibly be problems with H-4's volunteering

O-1 visa

- Outstanding Researcher
- More difficult to get than Permanent Resident Status
- Individual must have reached the “top of his field”
- Need “No Objection” letter from union
- 3 year maximum time on first O-1 visa status
- Can be renewed for one year at a time

H and O visas

H and O status requires a petition filed with the Bureau of Citizenship and Immigration Services (BCIS)

- Labor Condition Application for H-1B petitions
- Requires Approval Notice from BCIS
- If person in another country, he/she must visa process at a US Consulate
 - Best if in home country
 - OF 156 and OF 157
 - **Consular Officers held personally responsible if they allow a terrorist into the United States
 - Are able to come to US after they get visa stamp in their passport
 - If individual changes status in U.S., once they leave, they must get visa stamp to be able to return to the U.S.
- Third Country processing

- Exchange Visitor visa
- State Department Program
- The person is expected to return to their home country to share what they learned in the U.S.
- J-1 visa holders must maintain a residence in their home country
- Most National Laboratories use Research Scholar, Short Term Scholar and Specialist
- **Research Scholar able to be on J-1 for three years**
- If an extraordinary extension is given, the person must leave the US at the end of the extension
- 5 year program for scholars and professors completed at the end of 5 calendar years

- No extension of time for 5 year program
- Includes time outside the US
- 30 days outside the US constitutes end of program.
- Not eligible for participation in the program again until outside the U.S. for two years
- Preparation of DS-2019 by Designated Programs
- Must be outside the US for initial DS-2019
- Problems with transferring DS-2019
- Consider time left on J-1
- Change of Status

- Two Year Residency Requirement
- Skills List
- Government funding
- Fulbright Scholarship

- Waiver of the Residency Requirement
- Data sheet + \$230+ 2 stamped self addressed envelopes- mail to Department of State (DOS) in St. Louis, MO
- Return of one envelope with case number, instructions
- No Objection statement from home country Embassy, DS-2019's copies of passport, I-94, etc
- Home country Embassy mails everything to the Dept. of State.
- No Objection Statement from DOS- mails I-612 to INS
- Waiver of Two Year Residency Requirement approval notice from INS
- then can do Change of Status

- J-2 family members can apply for an Employment Authorization Document (EAD) one year at a time or less depending on the end date of the DS-2019- renewable

SEVIS

- Student and Exchange Visitor Information System
- Electronic system
- F and J visa categories
- Reporting and tracking requirements
- DS 158 for all SEVIS applications for Non Immigrant Visa (NIV)

- Business visa
- Are to be in the US for a limited duration, and intend to depart the US at the end of their stay.
- Are able to receive travel expenses, per diem and housing.
- Must maintain a foreign residence.
- Must have financial means to travel to, sojourn in and depart the U.S.
- Not able to change status unless the original B-1 visa stamp from the Consulate indicates that there is a possible job at a specific institution.
- Must benefit the business (university or institute) in home country-Must engage solely in legitimate activities relating to business or pleasure
- Cannot be paid by US sources.

- Documents necessary
- Letter from home institution saying
- They are sending the person to the US to participate in research that will benefit their institution
- They are paying all of the expenses
- The person will have the same position (name it) when they return
- That their institution has the responsibility for completing (name the activity) in the international experiment. Try NOT to use the word "Collaboration". Never use the word "Work".

- Person should take documents that show strong ties to their home country.
- Proof of home or apartment
- Family members remaining in the home country
- Bank accounts
- The need to complete their degree- Young people and single people have the most difficulty getting B visas
- Letter of invitation from Host inviting them to come to complete their in the responsibility in the experiment.
- Person's attitude - keep in mind that the Consular Official ALWAYS has the ability to approve or deny the visa. Be courteous.
- If the person receives a denial, the Consulate must give him a reason.

- Tell everyone to check the I-94 while they are in front of the Immigration Officer to be certain that they have B-1 (not B-2) on their I-94, and that the end date reflects the amount of time that they are expected to be in the US. If the BCIS officer will only give them 3 months, and they need to be here for a longer period of time, they must submit an I-539 to the BCIS to extend their time. Need to keep copies, mail it express mail or certified mail, and keep receipt notice.

F-1 visas

- Student visa
- F-1 given D/S
- National Laboratories do not issue I-20 A/B's for students.
- Can hire F-1 person if he has Employment Authorization Document (EAD).
- EAD takes 90 days or longer to receive
- File I-765 petition with authorization from International Student Office
- EAD limited to 12 months
- Change of Status to H possible for F-1 student

- **AR-11**

- Reporting change of address within 10 days
- Make copy
- Use certified mail, return receipt requested

- Discuss problems of visa processing at US Consulates.

- Dept. of Motor Vehicles Problems

- New regulations (laws) put into effect in most states

- In New York:
 - Must have visa stamp in passport- problem with Canadians.
 - Visa status must be valid for at least 6 months
 - problems with extended time required to visa process
 - problems with BCIS and DOS rules about extensions
 - Could do amended petitions and DS-2019's

- **All individuals should keep every document they ever have relating to their immigration status. They should copy the front and back of each I-94.**