University of Pittsburgh

Office of International Services

Structure and Responsibilities

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Agenda

- OIS Structure and Responsibilities
- General Immigration Terms
- Visa Types for Pitt Faculty and Staff
- Q&A

OIS Structure and Responsibilities

- Structure
  - Administration
    - Supporting overall mission of the office
    - Provide advice and resources to units across campus related to immigration rules and regulations
    - Advocate for Pitt's international communities
  - Employment Team
    - Process employment visas
    - Support departments
    - Manage J-1 research program
  - Student Team
    - Process paperwork for student visas
    - Support international students throughout their education and beyond
  - Outreach and Assessment
    - Provide programming and support to international community
    - Manage all OIS statistics and assessment goals

OIS Structure and Responsibilities

- Responsibilities of E-Team
  - –Support departments and their administrators with international appointments
  - –Assist in securing appropriate visa types for international scholars and employees
  - –Process H-1B visas
  - –Manage the J-1 Research Scholar Program
  - –Conduct trainings and presentations for admins and foreign nationals
  - –Advisory appointments for employees
  - –Refer cases to outside counsel where appropriate

- Note: The OIS staff may not give legal advice

Immigration in the U.S.

- Immigrant vs. non-immigrant intent
  - Intentions matter in immigration, individuals must demonstrate their intent when applying for a U.S. visa stamp
- Entering the U.S.
  - Present passport, visa stamp, and other required documents.
  - I-94 record created
- Immigration Status and Visa stamp
  - Status is granted at the U.S. border/port of entry
  - Visa stamp is a travel document

Immigration in the U.S.

- Maintaining status
  - Each visa has a specific limited purpose and corresponding regulatory guidelines
  - Grace period depends on visa status
- Employment authorization
  - Inherent in the visa status, or an additional benefit
  - Expiration dates are important
- Documentation
  - Individuals are responsible for maintaining all documentation of their immigration status in the U.S.

Federal Offices

- U.S. Department of Homeland Security
  - Citizenship & Immigration Services (USCIS)
  - Immigration & Customs Enforcement (ICE)
    - SEVP - SEVIS
  - Customs & Border Protection (CBP)
- U.S. Department of State
- U.S. Department of Labor

Visa Options for Faculty and Staff Positions

- *J-1 Research Scholars and Professors**
- H1B Specialty Worker*
- TN: Trade NAFTA*
- E-3 AUSFTA Visa*
- EAD card
  - H-4
  - J-2 with EAD card
  - E-3D with EAD card
  - F-1 OPT / STEM
- *F-1 CPT*
- *F-1 On-campus Employment*
- *Permanent Resident**

**OIS processes these types of visas on behalf of departments and employees*

J-1 Visa Overview

- The J-1 (exchange visitors) is authorized for those who "intend to participate in an approved program for the purpose of teaching, instructing or lecturing, studying, observing, conducting research, consulting, demonstrating special skills, receiving training, or to receive graduate medical education or training".
- The objective of the Exchange Visitor category (J-1) is "to increase mutual understanding between the people of the United States and the people of other countries by means of educational and cultural exchanges."

Pitt J-1 Categories and Time Restrictions

- Professors – up to 5 years
- Research Scholars – up to 5 years
- Short Term Scholars – 6 months or less
- Interns – varies depending on program
- Students – varies depending on program

Eligibility Requirements for Research Scholars/Professors (22 CFR 62.20(d))

- Must be qualified for the position or research program
  - "The program is suitable to the exchange visitor's background, needs and experience…"
  - Research Scholars/Professors must have at least a completed bachelor's degree
- Tenure Track Positions are not eligible ("permanent positions")
- Scholar must show English language proficiency
- Scholar must have health insurance meeting the J-1 program's minimum requirements for the duration of their program
- Must show adequate financial resources to complete the exchange program (including for all dependents)

Two Year Home Residency or 212(e)

- Only some scholars are subject
  - Government Financing?
  - Exchange Visitor Skills List?
  - Fulbright program?
- See DS-2019 and visa stamp to determine if you are subject
- Must remain in home country for two years before entering the U.S. in H, L or Permanent Residence status
- **IMPORTANT! Talk to OIS *before* applying for waiver.**

H-1B Non-Immigrant Visa

The H-1B non-immigrant visa classification is for foreign nationals who will be employed by a **specific employer** to perform **specific services** in a "**specialty occupation.**"

USCIS Requirements

- The job qualifies as a “specialty occupation”
- The foreign national is qualified for the job
- The employer will provide return transportation
  - The employer must offer to pay the cost of return transportation abroad if alien’s employment is terminated (or not re-appointed) prior to expiration of H-1B approval.
- Certification that appropriate licensure for deemed exportation has been secured (if applicable)

Sample positions

H-1B approved

- Working Titles
  - Lab Manager/Technician
  - Research Specialist
  - Director
- Classification
  - Level 3 or higher

H-1B denied or RFE

- Working Titles
  - Recruiter
  - Program Coordinator
- Classification
  - Level 2 or lower
  - Some Level 3 positions (Depends on educational & experience requirements of the position)

DOL Requirements

- Employer must pay the prevailing wage that is certified in the Labor Condition Application (LCA)
- Working conditions must be the same for H-1B employees as any other employee (benefits, requirements, etc.)
- There must be no strike or lock-outs at the time of filing
- LCA notices must be posted in two **conspicuous** locations in the workplace for at least **10 consecutive business** days

Authorized Period of Stay

- A foreign national may remain in H status for a maximum of 6 years.
- Each H-1B petition may be approved for a maximum of 3 years.
- Foreign nationals actively pursuing U.S. Lawful Permanent Residence may be eligible for extensions beyond the 6 years.
- Physical absence from the U.S. for 12 months or more “resets” the H-1B clock.

TN and E-3: Status Dependent upon Country of Citizenship

- TN status is available to Canadian and Mexican citizens only
- E-3 status is available to Australians
- Certain restrictions apply to type of position acceptable for each category
- Mexican Citizens must apply for TN visa stamp at U.S. Embassy/Consulate.
- Canadian Citizens are exempt from visa stamp but apply for the authorization at the U.S. border.

Permanent Residency

- Permanent residents have no restrictions on employment in the U.S.
- A permanent resident has an expiration date on their green card, but that does not mean that their permanent residence ends then
- Green cards are renewed every 10 years
- I-9's are to be completed the same as for any U.S. citizen (i.e., no restrictions and re-verification is not necessary.)

Permanent Residency at Pitt

- Pitt does sponsor employees for permanent residency
- Staff positions typically fall under the EB-2 category which involves the engagement of an outside attorney
- Sponsorship for permanent residency depends on the hiring department

QUESTIONS?

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