REMOTE WORK FOR INTERNATIONAL EMPLOYEES IN 2022
OVERVIEW

• Embassy Operations
• Current Travel Issues
• Remote Work While Inside the U.S.
• Global Operations Guidance for Remote Work While Outside the U.S.
VISA SERVICES OPERATING STATUS UPDATE
LAST UPDATED: NOVEMBER 19, 2021 DEPARTMENT OF STATE

• As worldwide restrictions due to the COVID-19 pandemic begin to ease, and in line with the President’s proclamation regarding the safe resumption of international travel, the Bureau of Consular Affairs will focus on reducing wait times for all consular services at our embassies and consulates overseas while also protecting health and safety of our staff and applicants. Although local conditions and restrictions at individual consular posts may continue to fluctuate, the guidance to posts for the prioritization of consular services during the pandemic issued in November 2020 has been rescinded. Embassies and consulates have broad discretion to determine how to prioritize visa appointments among the range of visa classes as safely as possible, subject to local conditions and restrictions.
# Embassy Closures

<table>
<thead>
<tr>
<th>Country</th>
<th>Status</th>
<th>City</th>
</tr>
</thead>
<tbody>
<tr>
<td>Russia</td>
<td>All services suspended</td>
<td>Warsaw, Poland</td>
</tr>
<tr>
<td>Ukraine</td>
<td>All services suspended</td>
<td>Frankfurt, Germany</td>
</tr>
<tr>
<td>Iran</td>
<td>No U.S. Embassy</td>
<td>Ankara, Turkey</td>
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<tr>
<td>North Korea</td>
<td>No U.S. Embassy</td>
<td>Beijing, China</td>
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<tr>
<td>Guinea-Bissau</td>
<td>No U.S. Embassy</td>
<td>Dakar, Senegal</td>
</tr>
<tr>
<td>Certain Caribbean Islands</td>
<td>No U.S. Embassy</td>
<td>Bridgetown, Barbados</td>
</tr>
</tbody>
</table>
**CURRENT VISA WAIT TIMES**

https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/wait-times.html
• Black hole: Additional background checks are required for visa applicants who trigger an alert at the Embassy.
  – May be resolved in a few weeks
  – But may last longer than a year

• What triggers AP?
  – Name Check: Each relevant federal agency has to check “suspicious” names against their lists
  – Criminal Record
  – Afghanistan, Pakistan and Iran are the most common nationalities affected at Pitt
ADMINISTRATIVE PROCESSING REMEDIES

• Very little can be done to speed up AP

• Applicant is responsible for their own visa application

• U.S. Embassies do not provide information to employers or other 3rd parties

• Congressional offices are sometimes willing to submit an inquiry but there is little that happens as a result

• Court Action, in the form of a Writ of Mandamus, can be filed in federal court
  – The court, orders a government official to properly fulfill their official duties
  – Only possible where the federal action has been “unreasonably delayed.”
  – Based on legal counsel, Pitt will not recommend this action until there has been a minimum of 6 months since the visa interview
  – Very expensive; Department and employee will need to agree how this will be paid
REMOTE WORK WHILE INSIDE THE U.S.
J-1 AND H-1B VISA HOLDERS

• J-1 Visa holders must be located in Pittsburgh and must not be working fully remotely
• H-1B Visa holders may work remotely, but only if their work location has been submitted to the U.S. government
  – If they work from home, that address should be included on the LCA
  – If their remote work is from within the Pittsburgh area, no new USCIS petition is needed
  – If their remote work is outside the Pittsburgh area, an amended petition will need to be submitted to USCIS BEFORE they begin the remote work
GLOBAL OPERATIONS SUPPORT
TEMPORARY REMOTE WORK OUTSIDE OF THE UNITED STATES

• These would be normal cases such as a family emergency or visits to the home country or expected visa renewal with no foreseeable issues of getting stuck.
• These cases would not include someone having to return to their home country because they are not eligible to stay in the United States any longer.
• Purely expected temporary stays only of shorter durations, ideally, no longer than a month or two. Longer durations need to be more stringently evaluated.
• These will require Flexible Work Arrangements be updated, and working with Global Ops on meeting the requirements, such as tax/host country laws/risks to Pitt, IT security, Export Controls and healthcare coverage.
CONTINUING EMPLOYMENT OF A PERSON WHO HAS LEFT THE US AND IS STUCK IN ANOTHER COUNTRY

• These cases will vary based on the person, their role, the duration of stay and their status (residency) in the United States as well as the laws of the host country.

• These usually would not include someone who has to leave because they cannot get a visa. If they cannot get a visa due to expiration or other factors, this technically ends employment. Again, more situational details would be needed.

• Contact Global Operations Support (me) as soon as possible so the case can be examined and possible options explored.

• Your department heads and Dean’s office should probably be looped in as soon as possible as well.

• Options and next steps will vary greatly on the variables mentioned in the first point, and so determinations of next steps will depend on the results of working with Global Ops.
NEW HIRES OUTSIDE OF THE UNITED STATES

• Legally, Pitt cannot and should not, directly hire and start someone, who is not in the United States to do the work.
  – It is different if they were already were living and working in Pittsburgh for us, and by chance, got stuck outside of the United States (while traveling) for a period of time and plan to return.
  – New hires, who are not here yet, have no US tax residency, so justifying to their government, their working for Pitt, becomes difficult and legally precarious.
  – Pitt is not registered as a business entity in any other countries, therefore, employing and starting citizens of another nation, while in their home country can get the University (and the person potentially) into possible legal and taxation troubles.
NEW HIRES OUTSIDE OF THE UNITED STATES

• Working alternatives were more common during COVID, as this was a world-wide emergency – many governments were making exceptions during this time. Ideally, new hires should just wait until they can enter the United States to work in any capacity with Pitt, and appointment start dates delayed. Expect this to be the case moving forward.

• In extreme circumstances, possible workarounds might be able to be explored but these are the exception and would be very rare. Any workarounds would need to be approved at various levels within Pitt including Pitt legal and within the School or higher depending on the situation.