Visa Pathways: Employment in Academia

Presented by the Office of International Services (OIS)
Presenters

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Overview of Topics/Goals

1. Understand Visa Progression in Academia
2. Learn about basic employment eligibility requirements for different visa types
3. Learn the basic advantages & disadvantages of each visa type
Visa Pathways

(F-1 status)

Pathway:
- CPT
- OPT
- STEM OPT
- J1
- H1B/NIV
- Green Card

Time Limits:
- varies
- 1 Year
- 2 Years
- 5 Years
- 6 Years
- N/A

(F-1 status)
F-1 visa employment options
Types of work authorizations

Before graduation:
• On-campus employment
• Curricular Practical Training (CPT)
• Pre-completion Optional Practical Training (OPT)

After graduation:
• Post-completion Optional Practical Training (OPT)
• STEM OPT extension
On-campus employment

- Employment that occurs at Pitt, paid by Pitt
  - Fall / Spring: 20 hours per week
  - Summer / Breaks: more than 20 hours per week

- Authorization dates:
  - Start: up to 30 days before I-20 start date
  - End: can't work after I-20 end date

- Examples:
  - TA, GSR, TF, working at recreational facilities, etc.
Off-campus employment (practical training)

• Government's rules are strict
  • Student must complete 2 full-time semesters in the U.S.
  • Employment MUST be directly related to field of study

• Authorization **required** before student begins position
Curricular Practical Training (CPT)

• Definition:
  • "integral part of an established curriculum, including: alternate work/study, internship, cooperative education, or any other type of required internship or practicum..."

• Must meet 1 of 3 conditions:
  1. Employment will result in the awarding of academic credit
  2. Program requirement for all students; required for degree
  3. Directly contributes towards dissertation research

• OIS grants authorization
Optional Practical Training (OPT)

• 12 months of work authorization, based on student's degree:
  • Student remains in F-1 visa status
  • OIS maintains immigration record
• USCIS grants authorization
• When to apply?
  • About 3 to 4 months before graduation
  • Job offer NOT required
STEM Optional Practical Training (OPT)

• 24 months of additional work authorization, based on student's STEM degree:
  - 12 months: OPT
  - 24 months: STEM OPT
    • Student remains in F-1 status; OIS maintains immigration record

• USCIS grants authorization

• Employer must participate in E-Verify
  • Pitt is an E-Verify employer
  • Must complete Form I-983

• When to apply?
  • Within 90 days of OPT end date
Other employment options
J1 Visa

• Exchange Visitor Visa
  • Up to 5-year time limit
  • Research Scholars & Professors (generally)

• Positives
  • Fast process
  • Flexible for changing positions (if new position is not permanent)
  • Low cost and no prevailing wage

• Negatives
  • 212(e) requirement
  • Not suitable for staff or tenures positions ("permanent positions")
Non-Immigrant Visa Types

• Temporary Work Visas
  • Examples include TN, O1, E3 and H1B visas
  • Good for "specialty occupations" only

• Positives
  • Some are "Dual Intent"
  • More stable and predictable visa when filed through USCIS
  • Preferred by staff and faculty generally

• Negatives
  • Can be a pricey, arduous, and lengthy process
  • Position-specific and may require amendments
  • RFEs and denials
Permanent Residency

**I-140**
- Employer Pays
- Petition for USCIS to decide if employee is eligible for green card
- Requires a lot of evidence and/or a recruitment process

**I-485 (AOS)**
- Employee Pays
- Adjustment of Status position for the green card
- Some people have to wait a long time to file AOS
Permanent Residency

• Employment-Based Categories
  • EB-1a Alien of Extraordinary Ability
  • EB-1b Outstanding Professor/Researcher
  • EB-2 Advanced Degree
    • PERM: Non-teaching
    • PERM: Teaching – filed within 18 months of offer
    • NIW: National Interest Waiver

• Non Employment-Based Categories
  • Diversity Lottery
  • Family-based petitions
Permanent Residency

• The Green Card
  • Highly sought after for many foreign national employees
  • Sometimes necessary to file; visas have time limits

• Positives
  • No visas/renewals are needed once approved
  • Employee is eligible for grants and positions that FNs are not

• Negatives
  • Expensive and long process; typically paid for by the employee
  • The application process is very costly and lengthy; employer is involved
  • No employer responsibility, but it is the employee's responsibility to naturalize or renew their green card timely
Questions?