

Immigration Update

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Immigration Basics

- Immigrant – Intent and permission to remain permanently
 - Family
 - Humanitarian
 - Lottery
 - Employment
- Non-Immigrant – Intent and permission to remain temporarily
 - Over 20 categories
 - Strict limitation on activities
- Visa v. Status – Visa is entry document; status is permission to stay



Immigration Agencies



- Citizenship and Immigration Services (CIS) – Formerly INS; determines eligibility for immigrant and non-immigrant status
- Department of State – Issues visas, no appeal of denial
- Customs and Border Control – Permission to enter
- Immigration and Customs Enforcement (ICE) – Enforcement, detention, deportation
- Department of Labor – Protect U.S. jobs, wages, working conditions

Common University Visas



- International Students
 - F-1 – Students in full time academic program of study
 - J-1 – Graduate students, medical residents
- SEVIS Issues – Maintain full course load (12/9)
- Employment Issues
 - F-1 – On-campus limited to 20 hours per week
 - Few off-campus options
 - J-1 – Academic training – on-campus

Common University Visas



- Faculty / Researchers
 - H-1B – degreed professionals; 6 year limit; dual intent
 - J-1 – scholars, research faculty; streamlined entry; 2 year home residence requirement; non-immigrant intent; no tenure
 - TN – Canadian/Mexican university teacher (and other listed non-teaching options); 1 year increments; non-immigrant intent
 - O-1 – Extraordinary Ability; 1 – 3 year increments; non-immigrant intent; option for J's subject to residency requirement
 - B-1 – Honoraria for short term academic activity
 - Visa Waiver – 90 day entry; similar to B-1

Immigration Administration Issues



- Visa / Green Card Administration
 - Decisions on sponsorship (who decides?; which positions?; how long must you be employed before you can begin?)
 - Cost of non-immigrant processing
 - Cost of green card processing
 - On-going obligations
 - Wage, duty changes, file maintenance, CIS notifications
- I-9 Compliance – Initially and for reverification; document retention; centralization
- Foreign Student Advisor – SEVIS administrator
- Payroll / Provost
 - Monitor student employment obligations and H-1B prevailing wage
 - Support required recruitment efforts for green cards