



# **International Employees**

**Emory University – Data Services**

A world map with a blue background and green landmasses, serving as a background for the title text.

# Who will Emory hire as an international employee?

- Must meet requirements for each status set by the Dept. of Justice and the United States Citizenship and Immigration Services
- Must have current work authorization permit
- Must meet Emory job qualifications

A world map with a light blue background and green landmasses. The title "What is a Visa?" is written in a large, bold, black font across the center of the map.

# What is a Visa?

- A visa is a permit to apply to enter the United States. If needed, it is normally obtained at an American consulate outside the United States.
- It classifies the visit as business, tourism, etc. and is usually valid for multiple visits to the United States during a specified period of time.



# What is an Immigrant Visa?

- An immigrant visa is given to someone who intends to live and work permanently in the United States.
- In most cases, a relative or employer sends an application to the USCIS for the applicant to become an immigrant.
- Certain applicants such as workers with extraordinary ability, investors, and certain special immigrants can petition on their own behalf.

A world map with green continents and blue oceans, serving as a background for the title.

# What is a Non Immigrant Visa?

- A nonimmigrant visa is given to someone who lives in another country and wishes to come temporarily to the United States for a specific purpose.
- Nonimmigrant visas are given to people such as tourists, business people, students, temporary workers, and diplomats.



# Who Needs a Visa?

**Anyone** who is traveling to the United States to become an immigrant **must** have an immigrant visa.



# Arrival in the United States

- What happens at the port of entry?
- All persons arriving at a port-of-entry to the United States are inspected by officials of the U.S. Government. There are four separate inspections: Public Health, Immigration, Customs and Agriculture. The immigrant may talk to one official who does all four inspections, or immigrants may talk to more than one official.



# Arrival in the United States

- When arriving at an airport, the airline will give all non-United States citizens a form to complete while still en route to the United States, either Form I-94 (white) Arrival/Departure Record, or Form I-94W (green), Nonimmigrant Visa Waiver Arrival/Departure Form.
- The forms ask for basic identification information and the address for the duration of stay in the U.S..
- Upon arrival, the airline personnel will direct immigrants to the inspection area to queue up in an inspection line and then speak with an Immigration inspector. Immigrants then proceed to the Customs inspection area.



# Arrival in the United States

- If you are an alien, the Immigration inspector must determine why you are coming to the United States, what documents you may require, if you have those documents, and how long you should be allowed to initially stay in the United States. These determinations usually take less than one minute to make.
- If you are allowed to proceed, the inspector will stamp your passport and issue a completed Form I-94 to you. A completed form will show what immigration classification you were given and how long you are allowed to stay.
- You will then be permitted to proceed to Customs.



# Arrival in the United States

- Generally, an alien must present a passport and a valid visa issued by a U.S. Consular Official
- Canadians do not generally require a visa unless coming as a Treaty Trader, classification E (NAFTA).
- Land and Sea entry inspection is similar to the process for entry by air travel.



# Arrival in the United States

- An Immigration Officer may decide that an alien should not be permitted into the United States. There are many reasons why this might happen .
- The alien will either be placed into detention, or temporarily held until return flight arrangements can be made. The visa may be cancelled in these instances.



# Arrival-Departure Record

- Once an immigrant or nonimmigrant receives a visa, he/she is authorized to travel to the United States. However, a visa does not guarantee that aliens will be allowed to *enter* the United States.
- The USCIS has authority to grant or deny admission to the United States. The USCIS also will determine the duration of stay in the United States.



# Arrival-Departure Record

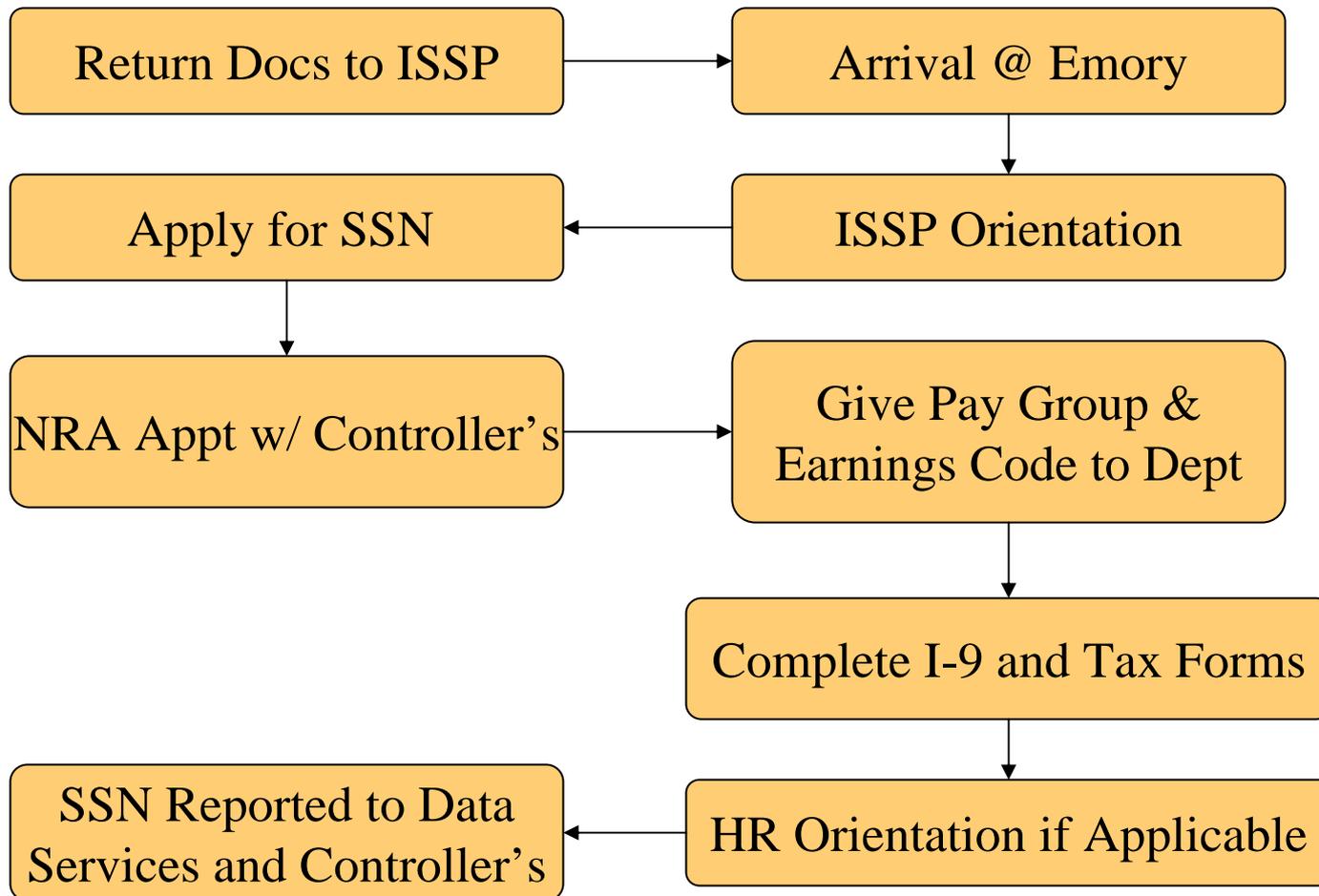
- An Arrival/Departure Record is created by the USCIS when the traveler is inspected upon arrival in the United States.
- The inspector endorses the USCIS Form I-94 (Arrival/Departure Record) with the date, place of arrival the "class of admission" (which corresponds to the visa class), the length of time the traveler may remain in the United States, and any special conditions which may apply to the visit.



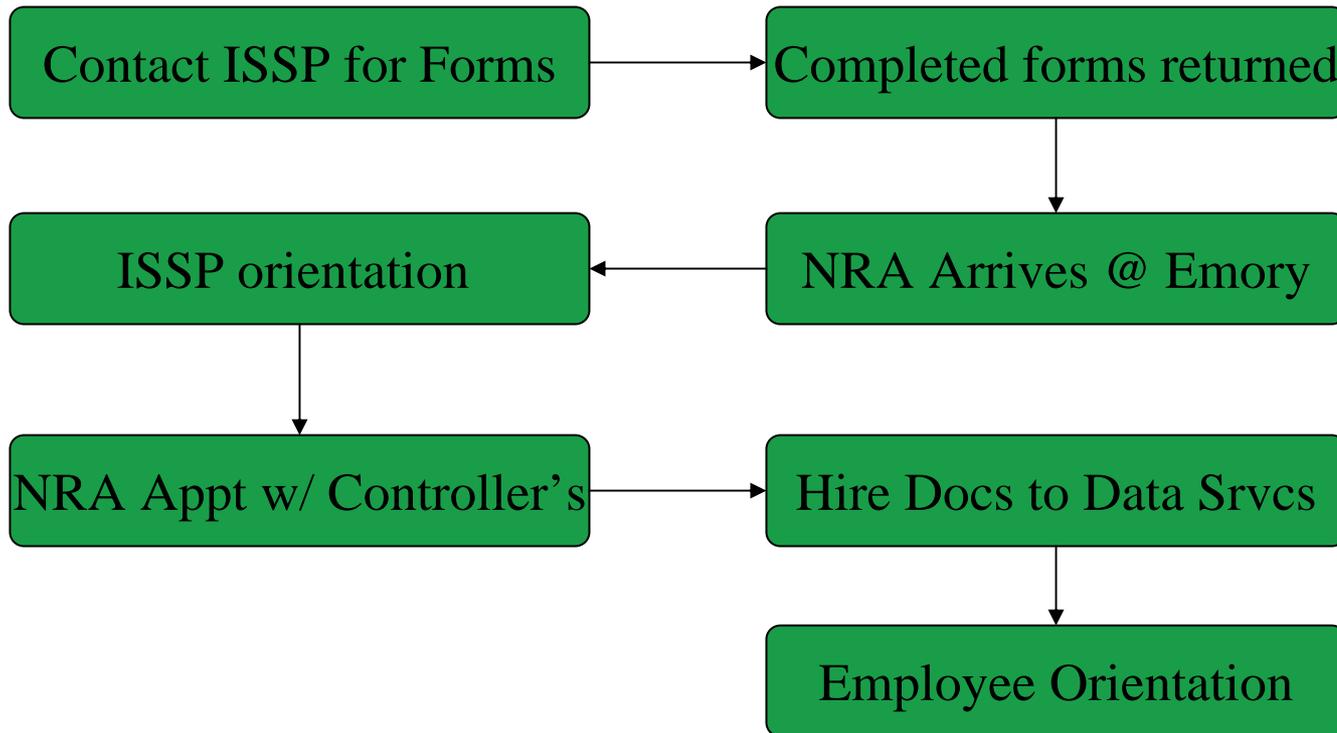
# Arrival-Departure Record

- The inspector keeps the Arrival portion of the form and returns the endorsed departure portion to the traveler who must keep the card in his possession until he/she leaves the United States.
- When the traveler leaves the United States, he/she must surrender the departure portion of the I-94 to the airline representative.
- If he/she travels by air, or to the immigration or customs officer if he departs across the border to Canada or Mexico.

# Employee Responsibilities



# Hiring Department Responsibilities





# Who's Work Eligible?

- F-1 Emory Students
- J-1 Emory Students
- J-1 Scholars
- H-1B Worker
- O-1 (Extraordinary)
- Not often employed @ Emory:
  - TN-1 (Canada)
  - TN-2 (Mexico)
  - A-1, A-2, A-3,
  - G-4, J-2, K, M-1

# Who's Not Work Eligible



- B-1, B-2

- E-2,

- F-2

- H-4

- I,

- L-2

- O

- P

- Q

- R

- TD (TN  
Dependents)

# F1 Students

- Enrolled in an Associates or Bachelor's degree program
- If full-time enrolled, restricted to part-time, on-campus employment during academic periods and full-time employment during breaks as specified by the ISSP office on the I-20 document



# F1 Requirements

- The student must be enrolled in an "academic" educational program, a language-training program, or a vocational program;
- The school must be approved by the USCIS;
- The student must be enrolled as a full-time student at the institution.
- Maximum length of stay is based on program of study.

# FI Requirements

- The student must be proficient in English or be enrolled in courses leading to English proficiency;
- The student must have sufficient funds available for self-support during the entire proposed course of study; and
- The student must maintain a residence abroad which he/she has no intention of giving up.

A large, stylized green letter 'J' with a purple shadow effect, positioned on the left side of the slide. The background is a solid yellow color.

# Exchange Visitor Program

- The "J" exchange visitor program is designed to promote the interchange of persons, knowledge, and skills in the fields of education, arts, and sciences. Participants include:
- students at all academic levels; trainees obtaining on-the-job training with firms, institutions, and agencies; teachers of primary, secondary, and specialized schools; professors coming to teach or do research at institutions of higher learning; research scholars; professional trainees in the medical and allied fields; and international visitors coming for the purpose of traveling, observing, consulting, conducting research, training, sharing, or demonstrating specialized knowledge or skills, or participating in organized people-to-people programs.

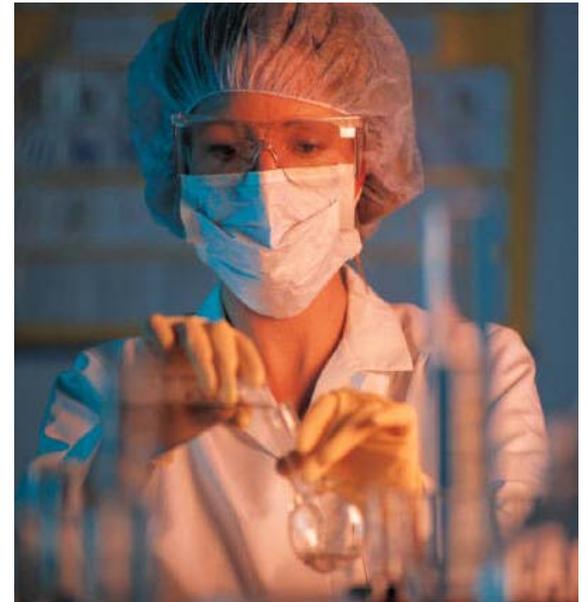
A large, stylized green letter 'J' with a purple shadow effect, positioned on the left side of the slide. The background is a solid yellow color.

# Exchange Visit Limits

- Students without an advanced degree, not enrolled full-time, maximum stay of 2 yrs
- Professors maximum stay of 3 years
- Research scholars maximum stay of 3 years
- Short term scholars maximum stay of 6 months
- Specialists maximum stay of 1 year

# JJ Employment

- Required by scholarship, fellowship, assistantship or on-campus positions unrelated to study
- Restricted to part-time, on-campus employment during academic periods and full-time employment during breaks



# What is SEVIS?

- SEVIS is an Internet-based system which maintains accurate and current information on non-immigrant students (F and M visa), exchange visitors (J visa), and their dependents (F-2, M-2, and J-2).
- SEVIS enables schools and program sponsors to transmit electronic information and event notifications via the Internet, to the USCIS and Department of State (DOS) throughout a student or exchange visitor's stay in the United States.

# What is SEVIS?

- The system will reflect international student or exchange visitor status changes, such as admission at Port of Entry (POE), change of address, change in program of study, and other details.
- SEVIS will also provide system alerts, event notifications, and basic reports to the end-user schools, programs, and USCIS field offices.

# SEVIS Reporting

- Identity
- Current address of alien
- Visa classification, date of visa issuance or classification granted
- Academic status of alien
  - full-time, part-time
- Academic disciplinary actions taken against the alien due to criminal conviction



# SEVIS Reporting

- Name
- Place and date of birth
- Country of Citizenship
- Address
- Status (full-time, part-time)
- Date of commencement of studies
- Degree program and field of study
- Practical training, beginning and ending dates



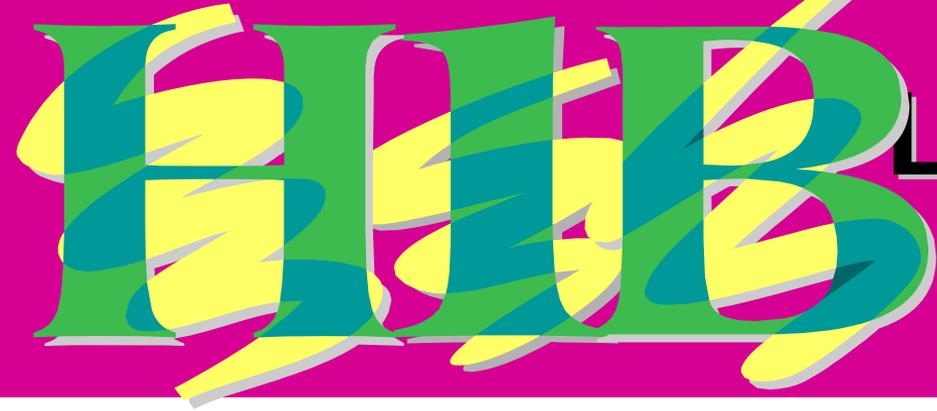
# SEVIS Reporting

- Termination date and known reasons
- I-20 and application for I-20
- Number of credits completed per year
- Port of entry
- Date of entry
- Data Services works with the PeopleSoft team and the ISSP to meet these new compliance standards.



# H-1B Specialty Workers

- The H-1B categories apply to aliens coming temporarily to perform services in a specialty occupation, or as a fashion model of distinguished merit and ability.
- Initial period of stay is up to 3 years with extensions in up to 3 year increments possible with a maximum of 6 years.



# Labor Condition Application

- The first step to hiring most H-1B workers from outside the U.S. is for the employer to file a labor condition application (LCA) with the Department of Labor (DOL).
- Then the employer is required to file the LCA approval notice with the I-129 petition.
- Cynthia Collins of Employment Services in Human Resources handles these for Emory.



# Extraordinary Ability

- Aliens of extraordinary ability in the sciences, arts, education, business, or athletics (O-1), the artist's or athlete's support staff (O-2), and the O-1's spouse and/or child(ren) (O-3).
- To qualify, the alien must be coming to the U.S. to work in his or her area of extraordinary ability or achievement. There is currently no annual cap on O visas. Initial petitions valid for up to 3 years with one year incremental extensions. There is no absolute limit on the time an O-1 can remain in the U.S.



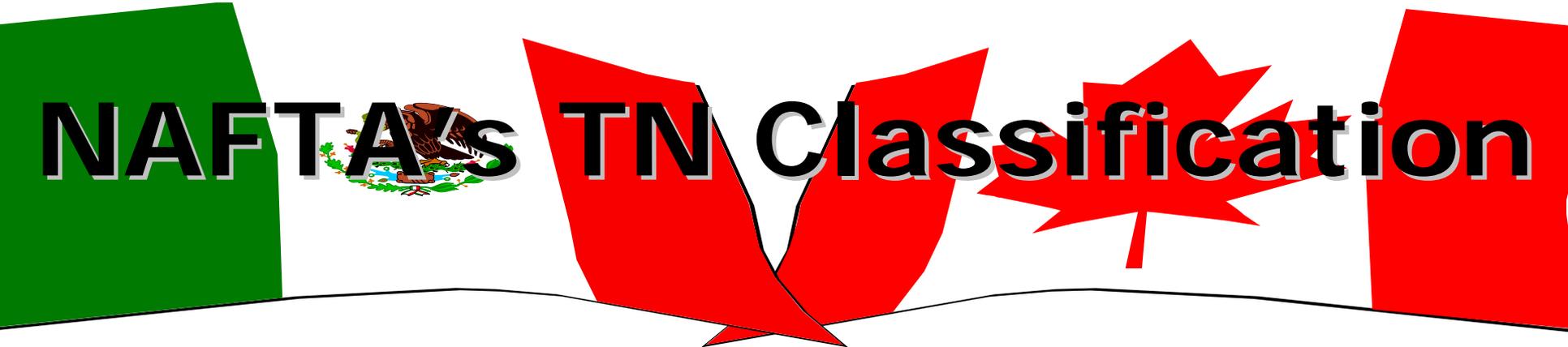
# Extraordinary Ability

- O-1 Extraordinary Ability (Science, Education, Business, or Athletics)
- The O-1 category applies

to aliens coming temporarily who have extraordinary ability in the sciences, education, business, or athletics (not including the arts, motion pictures or television).



# NAFTA's TN Classification



- The 1994 North American Free Trade Agreement (NAFTA) makes temporary employment in the U.S. easier for certain Canadian and Mexican workers. NAFTA created a new classification, “TN,” for eligible Canadian and Mexican professional workers and also affected terms of admission for Canadians admitted to the U.S. under other nonimmigrant classifications.

# NAFTA's TN Classification

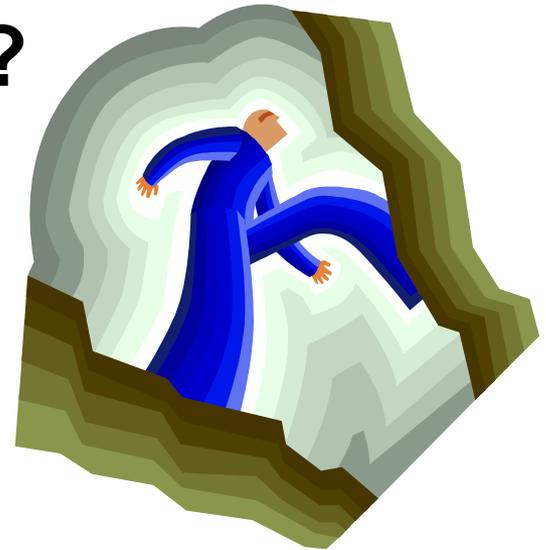


- TN employment must be in a profession listed in Appendix 1603.0.1 to NAFTA and the TN employee must possess the credentials required. There is no annual limit on TN-1 admissions from Canada. There is a yearly cap for Mexican TN professionals of 5,500 admissions.
- Granted in 1 year increments with unlimited renewals.

# Changes in Status

**Why would an employee change to a different status?**

- To extend employment or study eligibility or duration
- Change in qualifications
- Desire to apply for permanent residency



# The Form



- The Immigration Reform and Control Act made all U.S. employers responsible to verify the employment eligibility and identity of all employees hired to work in the United States after November 6, 1986.

# The Form



- Do citizens and nationals of the U. S. need to prove, to their employers, they are eligible to work?
- Yes. While citizens and nationals of the U.S. are automatically eligible for employment, they must present proof of employment eligibility and id

# Employer Responsibility



- The employer is responsible for ensuring completion of the entire form. No later than close of business on the employee's third day of employment, the employer must complete section 2 of the Form I-9.
- The employer must review documentation presented by the employee and record document information.
- Proper documentation establishes both that the employee is authorized to work in the U.S. and that the employee who presents the employment authorization document is the person to whom it was issued.

# Employer Responsibility



- The employer should supply to the employee the official list of acceptable documents for establishing identity and work eligibility.
- The employer may accept any List A document, establishing both identity and work eligibility, or combination of a List B document (establishing identity) and List C document (establishing work eligibility), that the employee chooses from the list to present (the documentation presented is not required to substantiate information provided in Section 1).

# Employer Responsibility



- Forms that each type of employee will have for employment authorization:
  - F-1s will have an I-20 form
  - J-1s will have a DS 2019 form
  - H1Bs will have a I-797 form



# Department Contacts

- Controller's Office (404) 727-7889
- HR Benefits (404) 727-7613
- HR Data Services (404) 727-7563
- Payroll Department (404) 727-6100
- ISSP (404) 727-3300

# Sources of Information

- USCIS - <http://www.uscis.gov>
- Social Security Admin. <http://www.ssa.gov>
- HR Data Services  
<http://www.hr.emory.edu/dataservices>
  - See Guide to Hiring Internationals
- Finance Division (Payroll and Controller's)  
<https://www.finance.emory.edu/default.cfm>
- ISSP - <http://www.emory.edu/ISSP/index.htm>