



Green Card & Visa Information Session for International Postdoctoral Scholars

Mary Jacob – Director

Tanya Plant – Immigration Counselor

Billy Ko – Scholar Specialist

Office of International Students & Scholars

UCSB Society of Postdoctoral Scholars

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Nonimmigrant Categories and Permission of Stay

- ❑ **Classifications for U.S. entry** – non tourist - most used by UCSB
 - F-1/ OPT – Student (60 day grace period)
 - J-1 – Exchange Visitor (30 day grace period)
 - H-1B – Specialty Occupation (no grace period)
 - TN – North American Free Trade Agreement (no grace period)

- ❑ **Permission of Stay** is based on your program dates* located on your Nonimmigrant document:
 - F-1- I-20
 - J-1 – DS-2019
 - H-1B/TN – Approval Notice
 - *If you have “D/S” written on your I-94 card, this means “Duration of Status” – as long as your Nonimmigrant document is valid.
 - H-1B and TN do not have “D/S,” but have the end date of the Approval Notice.

- ❑ **Passport** – Must be valid a minimum of 6 months, or in the process of extension by home country consulate. Travel Visa validity may extend beyond passport validity so travel visa transfer is not necessary.



Travel Visa – Cont.

- Travel Visa renewal is required if outside of the U.S. and intending to return.
- Travel Visa renewal is not required if you maintain your permission to stay inside the United States.

I-94 Card

I-94 Card – Evidence of legal entry/departure and permission to stay based on the duration of the nonimmigrant category.

The image shows an I-94 Departure Record card with several fields highlighted by red arrows and a yellow circle. The card is from the Immigration and Naturalization Service and includes the following information:

- Departure Number:** 375405726 05
- Admission Number:** 375405726 05
- Date of Entry:** APR 18 2000
- Immigration and Naturalization Service:** I-94 Departure Record
- Length of Stay:** Indicated by a red arrow pointing to the 'ADMITTED UNTIL' field.
- Name (last and first):** Indicated by a red arrow pointing to the 'Family Name' and 'First (Given) Name' fields.
- Admission Category:** F1 (circled in yellow)
- Country of Citizenship:** D.O.C.
- 16. Birth Date (Day/Mo/Yr):** Indicated by a red arrow pointing to the birth date field.
- 17. Date of Birth:** Indicated by a red arrow pointing to the 'Date of Birth' field at the bottom right.

Other text on the card includes 'See Other Side', 'ENGLISH', and 'Date of Birth : HERE'.

I-94 Card

THE UNITED STATES OF AMERICA

RECEIPT NUMBER WAC-08-0		CASE TYPE I129
RECEIPT DATE November, 2007	PRIORITY DATE	PETITION FOR A NONIMMIGRANT WORKER
NOTICE DATE January, 2008	PAGE 1 of 1	PETITIONER UNIVERSITY OF MINNESOTA
		BENEFICIARY Name of H1B Employee
UNIVERSITY OF MINNESOTA C/O MARK SCHNEIDER ISSS 190 HUMPHREY CTR 301 19TH AVB SO MINNEAPOLIS MN 55455		Notice Type: Approval Notice Class: H1B Valid from 01/ /2008 to 06/ /2008
<p>The above petition and extension of stay have been approved. The status of the named foreign worker(s) in this classification is valid as indicated above. The foreign worker(s) can work for the petitioner, but only as detailed in the petition and for the period authorized. Any change in employment requires a new petition. Since this employment authorization stems from the filing of this petition, separate employment authorization documentation is not required. Please contact the IRS with any questions about tax withholding.</p> <p>The petitioner should keep the upper portion of this notice. The lower portion should be given to the worker. He or she should keep the right part with his or her Form I-94, <i>Arrival/Departure Record</i>. This should be turned in with the I-94 when departing the U.S. The left part is for his or her records. A person granted an extension of stay who leaves the U.S. must normally obtain a new visa before returning. The left part can be used in applying for the new visa. If a visa is not required, he or she should present it, along with any other required documentation, when applying for reentry in this new classification at a port of entry or pre-flight inspection station. The petitioner may also file Form I-824, <i>Application for Action on an Approved Application or Extension</i>, with this office to request that we notify a consulate, port of entry, or pre-flight inspection office of this approval.</p> <p>The approval of this visa petition does not in itself grant immigration status and does not guarantee that the alien beneficiary will subsequently be found to be eligible for a visa for admission to the United States, or for an extension, change, or adjustment of status.</p> <p>THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.</p>		

Please see the additional information on the back. You will be notified separately about any other cases you filed.

U.S. CITIZENSHIP & IMMIGRATION SVC
CALIFORNIA SERVICE CENTER
P. O. BOX 30111
LAGUNA NIGUEL CA 92607-0111
Customer Service Telephone: (800) 375-5283

Form I797A (Rev. 09/07/93)N



PLEASE TEAR OFF FORM I-94 PRINTED BELOW, AND STAPLE TO ORIGINAL I-94 IF AVAILABLE

Detach This Half for Personal Records

Receipt # WAC-08-0
I-94# 9 10
NAME
CLASS H1B
VALID FROM 01/ /2008 UNTIL 06/ /2008
PETITIONER: UNIVERSITY OF MINNESOTA
190 HUMPHREY CTR 301 19TH AVB SO
MINNEAPOLIS MN 55455

Receipt Number WAC-08-0
Immigration and
Naturalization Service
I-94
Departure Record Petitioner: UNIVERSITY OF

14. Family Name	
15. First (Given) Name	16. Date of Birth
17. Country of Citizenship	

Employment Authorization Categories

- ❑ F1 Optional Practical Training – 12 months, with possibility of 17 month extension for STEM employment w/ E-Verify Employer
- ❑ J1 Academic Training – 18 months (or 36 months if Postdoc).
- ❑ H-1B Specialty Occupation (Employment Only)
 - **position** requires Bachelor's Degree Minimum
 - 6 year maximum H1B continuous employment
 - 6 year period may be reset by being out of the U.S. for 1 full year
- ❑ J-1 Exchange Visitor Categories (Academic Visitor non-student):
 - Research Scholar/Professor – 5 years
 - Short-Term Scholars – 6 months
- ❑ TN – North American Free Trade Agreement for Citizens of Canada or Mexico (Employment Only)
 - 12 months – renewable without limit as long as position is temporary

Processing Time Frames

- ❑ **Coordinate** with the Office of International Students & Scholars or intended employer if you are planning to file for a Change of Status to a different nonimmigrant category.
- ❑ For Applications filed with U.S. Immigration and Citizenship Services, processing **time will vary**:
 - F1 – Optional Practical Training (OPT) – 90 days
 - employment only begins **after** EAD card is received.
 - H-1B and TN – estimate 4-5 months
 - w/ Premium Processing – 15 days from date when fee is received for **e-mail approval**.
 - J-1 Researcher/Professor- Initial Processing and Extensions are processed by the J-1 Program Sponsor. Time varies by Employer.
 - J1 Academic Training – timing varies, but **job offer letter** required for processing by J1 program sponsor.
- ❑ Additional time necessary if visitor is abroad and requires a new entry travel visa. Check with U.S. Consulate for Visa Interview dates and estimate processing time of visa.
 - You may expect delays due to Security Checks prior to the issuance of the Travel Visa.

J-1 Two Year Home Residency Requirement

- ❑ **Caused by:**
 - If J-1 program was directly sponsored by US. or any governmental funding.
 - Exchange Visitor's Skill List – based on citizenship and field
 - Pursuing U.S. Medical Degree

- ❑ **Restrictions if subject:**
 - Cannot apply for U.S. Permanent Residency
 - Cannot apply for Change of status inside the U.S. to any nonimmigrant category.
 - Cannot apply for H-1B, K, or L
- **Until 2 year rule is satisfied**

- ❑ **Satisfying the ruling:**
 - Returning to Home Country for Two Years (Aggregate)
 - Approved Waiver from both DOS and USCIS

Permanent Positions and US Permanent Residence

There are three ways to apply for U.S. Permanent Residency:

- ❑ **Government-based sponsorship:**

- Ex: Diversity Visa Lottery
 - currently open Oct 2 through Dec 1, 2008
 - [http://www.travel.state.gov/pdf/T1026V-DV-2010bulletin\(3\).pdf](http://www.travel.state.gov/pdf/T1026V-DV-2010bulletin(3).pdf)

- ❑ **Family –based sponsorship:**

- Ex: marriage to U.S. Citizen.

- ❑ **Employment-based sponsorship:**

- Employment-Based 1/A : Extraordinary Ability
- Employment-Based 1/B : Outstanding Researcher/Professor
- National Interest Waiver
 - Waives the Labor Certification Process*

Permanent Positions and US Permanent Residence – Cont.

UCSB and the Labor Certification Process

- ❑ UCSB may apply to sponsor selectees for permanent positions through Labor Certification
 - **otherwise the employment will end with the end of visa permission period.**
- ❑ Labor Certification requires documentation related to open recruitment requirement of the position, and applicant's qualifications. The department should begin this process during recruitment because of the short window of opportunity to submit the application to the Department of Labor. At UCSB, the application is submitted through OISS.
- ❑ If Approved, the Approved Labor Certification Petition may now be filed with Immigration Services for permission to apply for adjustment to U.S. Permanent Residency based on Approved Labor Certification.

Accident and Health Insurance Coverage

- ❑ Insurance coverage **during travel to U.S.** and prior to the employment start date is important.
- ❑ Insurance coverage offered by UCSB position should be clearly **defined by UCSB department** so that additional coverage can be obtained before travel to the U.S. if necessary.
- ❑ **NOTE: All family coming** with the visitor must be covered as well.

The Four Questions

Changing your Nonimmigrant category requires time and planning with your Department and OISS. To determine the best category, you should have the following information available for your UCSB Department or other employer.

- **Nationality :**
- What is your country of citizenship, and are you a Permanent Resident of any other country?
- **Length of U.S. stay:**
What time have you already spent in the U.S. and how long does your Dept. intend to employ/host you at UCSB (estimate)?
- **Payment method and starting date:**
Will you bring your own funding, or will you be on Dept. payroll?
When would your Department like to have you start?
- **Past U.S. visas used, and when (including present):**
What U.S. visa categories have you used in the past, and for how long did you stay in the U.S. in each category?

Resources and Announcements

- www.oiss.ucsb.edu (H-1B and Labor Certification information in “For Departments” Section)
- <http://www.graddiv.ucsb.edu/postdoctoralscholars/info.htm> (Graduate Division Postdoctoral Scholar Page)
- http://travel.state.gov/visa/questions/questions_1253.html#1 (For Travel Visa-related Questions)
- http://travel.state.gov/visa/temp/wait/tempvisitors_wait.php (Travel Visa Appointment and Issuance Wait Times)
- http://travel.state.gov/visa/temp/info/info_1296.html (For J-1 Waiver Process)
- www.uscis.gov (For Immigration Applications and Wait Times)
- **2010 Diversity Visa Lottery Program - <http://www.dvlottery.state.gov/> Open Oct 2 through Dec 1, 2008**
- **Adam Green UCSB Workshop – Immigration Attorney Campus visit planned for April 24, 2009**