Employing International Students & Faculty/Staff

Visa & Immigration Service Advising

Purpose of Presentation

Who should read this?
- Any faculty/staff member who hires international employees or who assists in processing relevant departmental paperwork for those individuals.

Why should you be aware of this information?
- Immigration (USCIS) and the Department of Labor have very specific regulations to which international employees and ODU/Research Foundation must adhere.

When should you seek assistance?
- Any time you have a question, VISA is ready to assist you.

Nonimmigrant Employment

Definitions:
- **Nonimmigrant**: a non-citizen of the U.S. who enters the country and is allowed to stay in the U.S. for a specific reason and for a limited amount of time.
- **Visa**: issued by U.S. consulate abroad in an individual's passport and is used solely for the purpose of entry and reentry into the U.S.

Visa Status

- **Visa status**: The visa does not determine how long an individual may remain in the U.S.
- An individual may stay beyond the visa expiration date if the visa document (Form I-20, Form DS-2019, or Form I-797) is valid. The most recent valid document held by someone inside the U.S. indicates the "status" of an individual.

Types of Visa Statuses

- "Immigrant" vs. "Nonimmigrant"
  - An "immigrant" has come to the U.S. to live permanently and is referred to by the government as a "permanent resident" or a "green card holder."
  - All I-9 paperwork is handled like U.S. citizens.
  - Most international students at ODU are "nonimmigrants," which means they are not seeking to make the U.S. their permanent home at the time of entry into the country.
  - All I-9 paperwork is handled by VISA.

Most Common Visa Statuses

- 3 main visa statuses at ODU:
  - F-1 Student
  - J-1 Student or J-1 Scholar
  - H-1B temporary employee
F-1 Visa Status Documentation

- F-1 Student
  - Visa purpose: allow for study at U.S. institution
  - Visa document: I-20 (Certificate of Eligibility) that shows a begin and end date for the program of study
  - This status is valid only until the end date unless the student has other employment authorization
  - I-20 extension is possible, if academically warranted
  - Employment Authorization Document (EAD) is an additional F-1 document which, in conjunction with I-20, permits off-campus employment.

J-1 Visa Documentation

- J-1 Students & Scholars
  - Visa purpose: promote cultural exchange between the U.S. and other countries; 14 different sub-types of this visa
  - Visa document: DS-2019 (Certificate of Eligibility)
  - This status is valid only until the end date unless the student has other employment authorization
  - DS-2019 extension is possible, if warranted for academic (no official maximum if making normal progress) or research purposes (maximum time lengths vary)
  - There are limitations to employment authorizations for this category; contact VISA for further information on J-1 employment.

H-1B Temporary Employee

- H-1B
  - Visa purpose: permit employment of persons possessing a highly specialized body of knowledge; position must require at least a minimum of a bachelor’s degree
  - Visa document: no official document besides status approval notice (I-797) from Immigration
  - May only work for the department/organization granted permission to hire the visa holder
  - Time limit: two three-year authorizations with specific exceptions in the case of green card applications

Offer Letter for All On-Campus Positions

VISA needs a job offer letter on letterhead that shows:
- specific start date of employment
- salary
- job duties
- supervisor’s name and contact information
- job title (e.g. graduate assistant, adjunct instructor, etc.)
- number of hours of employment per week
- employer (ODU or Research Foundation or both)

I-9 Processing

- Never complete the I-9 and tax paperwork in the department.
- Never send an employee directly to the Social Security Administration office

Legal Responsibility

- ODU and Research Foundation have no legal responsibility to maintain an individual’s visa status individual. However, we will always advise on requirements in an effort to be as helpful as possible.
- It is the international individual who is ultimately responsible for maintaining his/her own status.

Send all nonimmigrants to VISA for ALL I-9 processing.
Unit & Departmental Responsibilities

- To assist the student and VISA in the process
- To encourage international students and employees to remain in contact with VISA
- To remind employees of paperwork deadlines so they can maintain a valid visa status
- To comply with the law
- To understand that incorrect information provided to VISA could result in a criminal investigation and/or conviction

Honoraria

- Payment for single performances, lectures, or lecture series visits by nonimmigrants who usually have a B-1/B-2 (visitor) visa.
- Social Security number is not required
- Form available on VISA' FORMS web page
- See the form for specific requirements/limitations on payment

Resources

VISA: intlstu@odu.edu, 757.683.4756
- Communication/Culture: To encourage and promote positive intercultural communication exchanges, VISA offers the Global Certificate Program in conjunction with Human Resources.
- Series of workshops over an academic year
- Language Skills: English Language Center, 757.683.4424
- Department: VISA staff members are happy to come to department/GPD/in-service sessions to speak on any topic your department needs.
- Past topics: intercultural communication, enrollment requirements for international students, internships for international students and more!

Resources (cont’d.)

- Taxation: Assistance available via a specialized taxation available for international students and scholars; announcements sent out via listserv every February
- Housing: Off-Campus Housing Services, 757.683.5840
- Financial Aid: International Admissions, 757.683.3701 (most international students do not qualify for “traditional” financial aid)