

Hiring International Faculty and Staff

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*Note: ISSS was formerly known as Office of International Programs (OIP),
a unit under the Office of Global Engagement (OGE).*





Agenda

Topic 1: *J-1 Scholars*

Topic 2: *H-1B visas*

Topic 3: *Permanent Residency
(LPR process)*

Topic 4: *Form 13-S*

Introduction

University of Mississippi welcomes international faculty, staff and visiting scholars from around the world who enliven our community and enrich our scholarship.

Various departments invite professors, scholars, researchers, and staff members, and sponsor different visa types.



To help navigate the US immigration system, ISSS provides a basic overview of sponsorship on the office [website](#).



Topic 1: J-1 Scholars

SHORT-TERM SCHOLARS

- The J-1 category is for persons who are coming to the US for a short-term program in a variety of fields.
- The J-program is a temporary program, and J-visa holders should have no immigrant intent.
- Limited to 6 months or less.

LONG-TERM SCHOLARS

- J-1 areas include long-term research, teaching, etc. UM authorizes documents for professors, research scholars, specialists, and (graduate) students.
- J-1 scholars have intent to return to their home country, have sufficient funding (by UM or home institution), and adequate English proficiency.

LIMITATIONS FOR J-1 RESEARCHERS/PROFESSORS

- Engage in research and teaching for no more than 5 years.
- J-1 specific objectives sponsored by UM.

Topic 1: J-1 Scholars

DOCUMENTS ISSUED BY ISSS

- DS-2019 – SEVIS (Student Exchange and Visitor Information System)
- ISSS Welcome Letter
- Both documents are used for a visa appointment at the US Consulate or US Embassy abroad.

FINANCES

- All J-1 scholars and professors must show financial support of at least **\$1,944 per month**.
- Government funding sources may make the scholar subject to a rule [212(e)] which requires the scholar to return home for 2 years before being able to seek an H-1B visa or Permanent Residency.
- To bring a spouse or children, the scholar must show additional financial support for each dependent. For a spouse: additional **\$6,982** per year.

EMPLOYMENT INFORMATION

- A J-1 can enter the US up to 30 days prior to their intended start date.
- A J-1 cannot enter the US after the start date. If the scholar is delayed, additional paperwork (travel letter) will be sent to the scholar abroad.
- When the J-1 scholars arrives, they should check-in with ISSS within 10 days. They need to present the following documents to ISSS:
 - Passport
 - DS-2019 signed by the US Consulate
 - I-94
 - Local contact Information
 - Insurance that meets the Department of State requirements.

Topic 2: H-1B Visas

H-1B VISA OVERVIEW

- H-1B status may be granted for 3 years (or less) period with a maximum total stay of 6 years.
- This type of visa can fill permanent positions but must leave the country at the end of their approved stay.
- The H-1B visa is considered both non-immigrant and immigrant intent.
- An H-1B is used while in the process of Permanent Residency (PR).

H-1B TIMING OF FILING PETITIONS

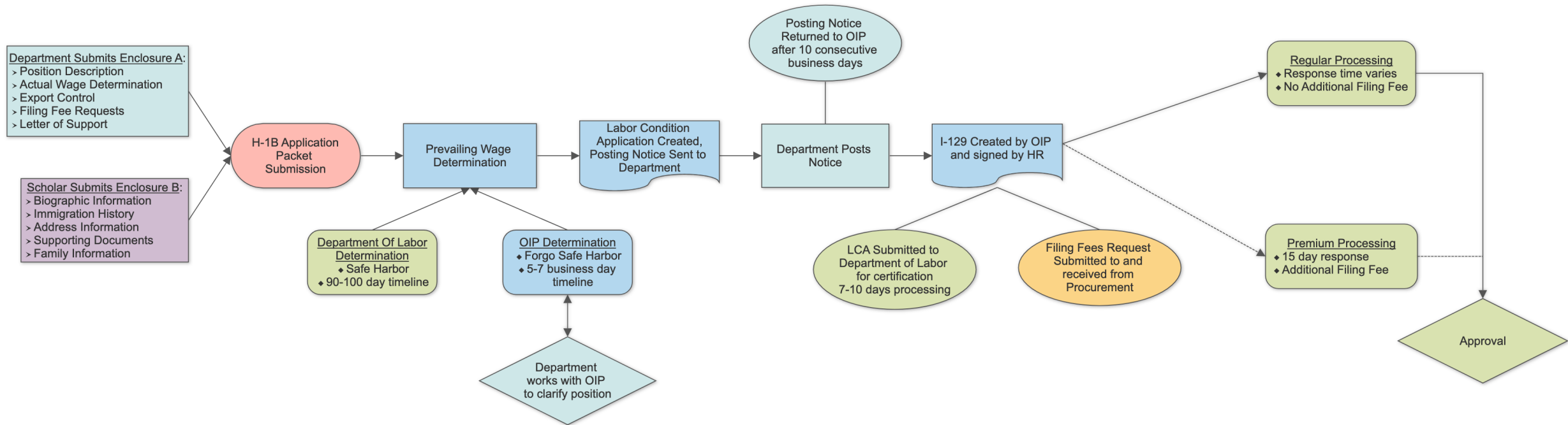
- The H-1B is a very long process and requires a lot of documentation from both the department and the beneficiary.
- ISSS uses software (The Scholar Portal) that allows online submission of necessary forms.

H-1B PREMIUM PROCESSING (PP)

- If timing is critical and a new professor hired in the summer must begin work at the beginning of Fall semester, then PP is preferred.
- The PP fee is \$2,500. In addition, the antifraud fee, payable by all new applications, is \$500 and the I-129 (H1B) petition is \$460.
- Fees are processed by Procurement and checks are issued to USCIS (US Citizen and Immigration Services).
- The employer must pay for all fees.

Timeline

H-1B Process (simplified overview)



Note: International Student and Scholar Services (ISSS) was formerly known as the Office of International Programs (OIP).

Topic 2: H-1B Visas

LCA: WAGES AND SALARY

- UM must offer the prevailing wage or the actual wage of the position, whichever is higher.
- The “Prevailing Wage” is determined by the job title and job duties listed by the department.
- The H1B worker will be offered benefits on the same basis as similarly-employed US workers.
- A requirement in the H-1B process is to determine whether an Export Control license is necessary for the sponsored scholar.
- A form will be completed by department for the Export Control requirement. Forthcoming guidance from Research and Security will be communicated to departments.
- UM, as employer, can choose to rely on a written prevailing wage determination (PWD) provided by the Department of Labor.
- PWD and the Labor Certification Application (LCA) is typically completed in-house to avoid the long DoL waiting time.
- Form: *Departmental Request to waive the safe harbor provision*

Topic 2: H-1B Visas

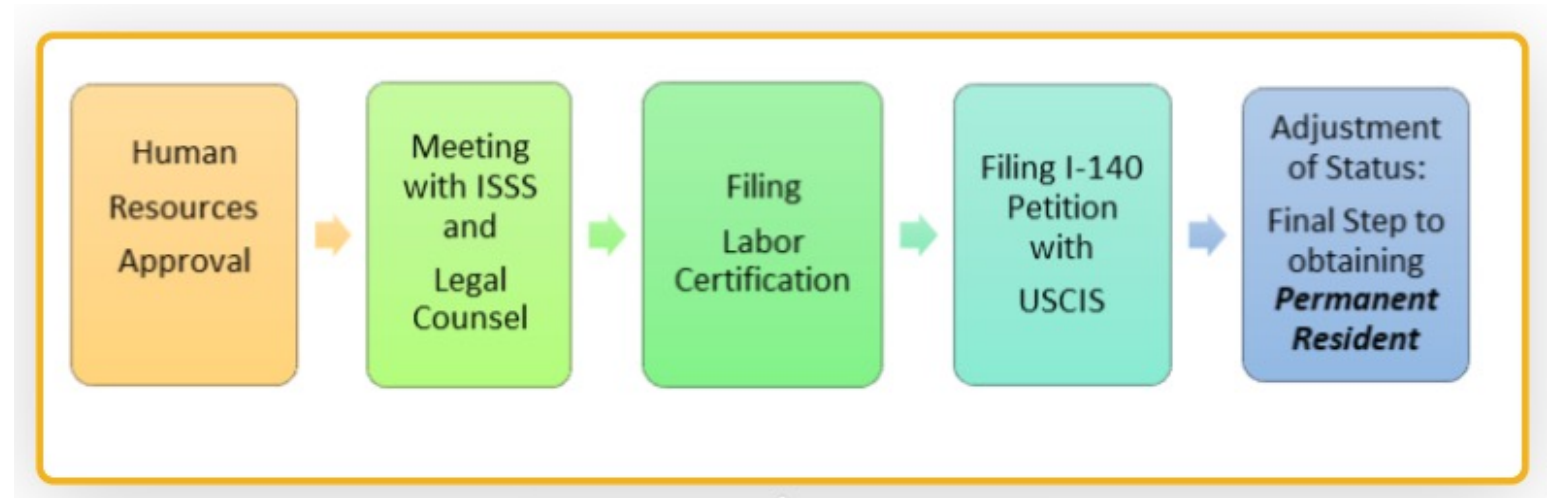
H-1B PROCESSING STEPS

- The beneficiary must complete paperwork with ISSS. They must submit all requested supporting documents:
 - CV, Diplomas, Transcripts
 - I-94, current passport, most recent visa, current and previous immigration documents, if any: H-1B approval notice for extensions, recent paystubs, EAD, I-20s, etc.
- Once ISSS receives all documents, it can start processing the application.
- ISSS will first process the Prevailing Wage Request and LCA with the Department of Labor.
- ISSS will create the I-129 which must be approved by HR.
- Once the LCA has been created, the I-129 has been approved by HR, and the checks are prepared by Procurement, ISSS will compile and send the H-1B application to USCIS.
- Once the USCIS receives the complete H-1B application and the filing fees, they will send the H-1B approval notice to ISSS.
- The applicant, the department, and HR will be notified of the approval. Copies of the I-797 will be given to the applicant and HR.
- The original will be kept in ISSS.

Topic 3: Permanent Residency (PR)

- Permanent Residency (Green Card) is an immigrant visa status.
- There are several factors that determine how long it takes to obtain U.S. PR status. A department may initiate the process as early as it wishes.
- We recommend beginning the process within 9 months from the offer date on the Provost's letter. It is advisable to maintain the current visa status (usually H-1B) throughout the entire process and to have either a labor certification or an I-140 filed by the end of the 5th year of H-1B status.

PR PROCESS



Topic 3: Permanent Residency

1) HUMAN RESOURCES APPROVAL

- To begin the PR process, the employee's department must contact HR to request that the University sponsor a PR petition on the employee's behalf.
- If the position is not permanent or if the funding source for the position is from grants or outside funds, HR may not approve the sponsorship.

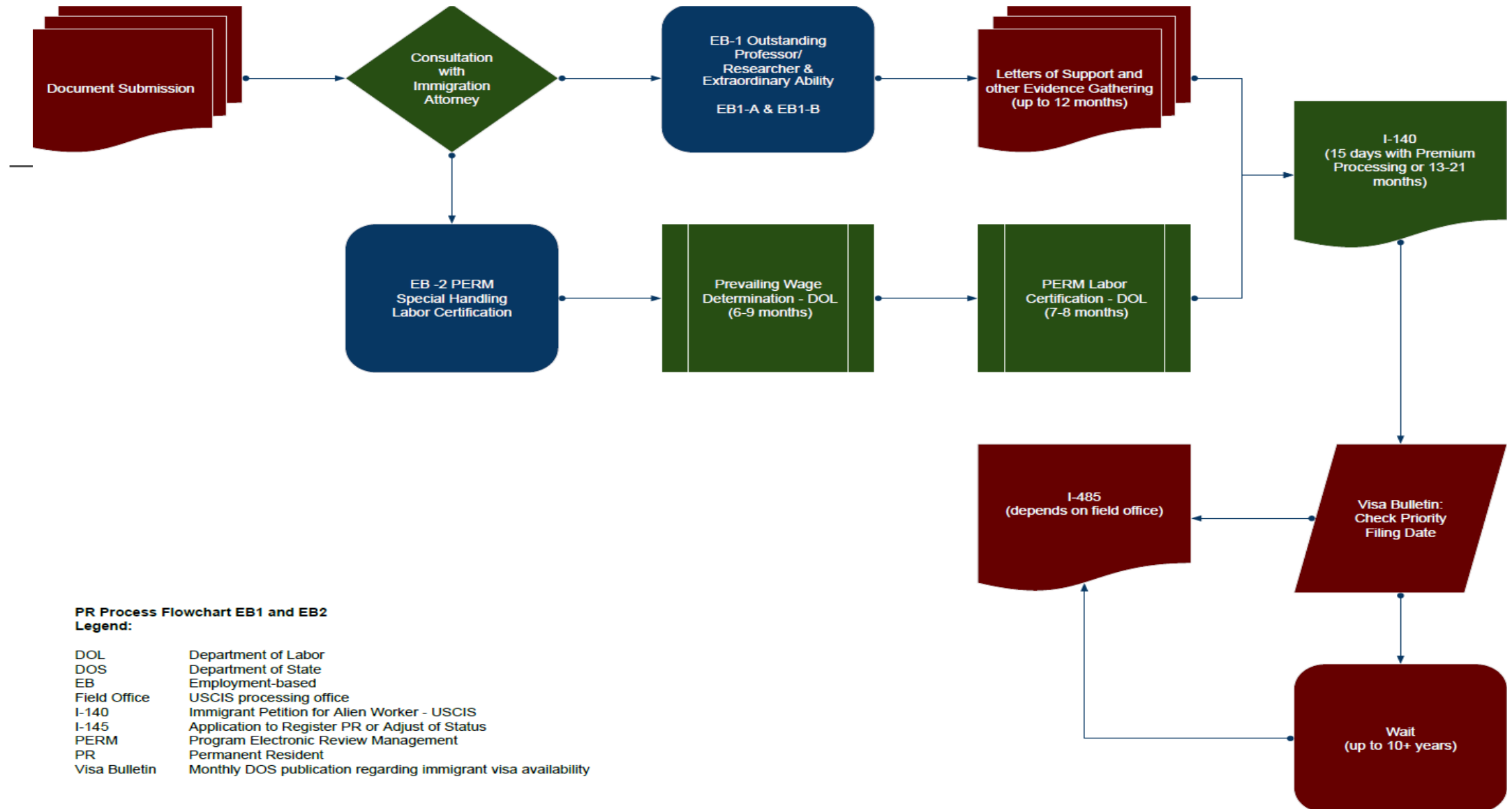
2) MEETING WITH ISSS AND LEGAL COUNSEL

- After ISSS has received the approval to proceed with the PR application, the employee must submit supporting documents to ISSS.
- ISSS will arrange a meeting with the employee, the department, and outside legal counsel, Ware Immigration.
- The meeting is important to establish the requirements and documentation for both the department and applicant.

3) TYPES OF PERMANENT RESIDENCY

- UM sponsors 3 types of PR:
 - EB-1 Outstanding Researcher/Professor
 - EB-2 Advanced Degree Holders and Exceptional Ability in Science, Arts, and Business.
 - EB-3 Professional or Skilled Worker

Topic 3: Permanent Residency



Topic 3: Permanent Residency

- PR petitions are employer-based sponsorship and must be processed by ISSS via Ware Immigration.
- The university required to use Ware Immigration for permanent residency petitions. We cannot make payments to other firms.
- At certain point, those in the PR process can apply for EAD (employment authorization document). We require that the H-1B be maintained so that the applicant does not lose employment authorization.



- PR Card:



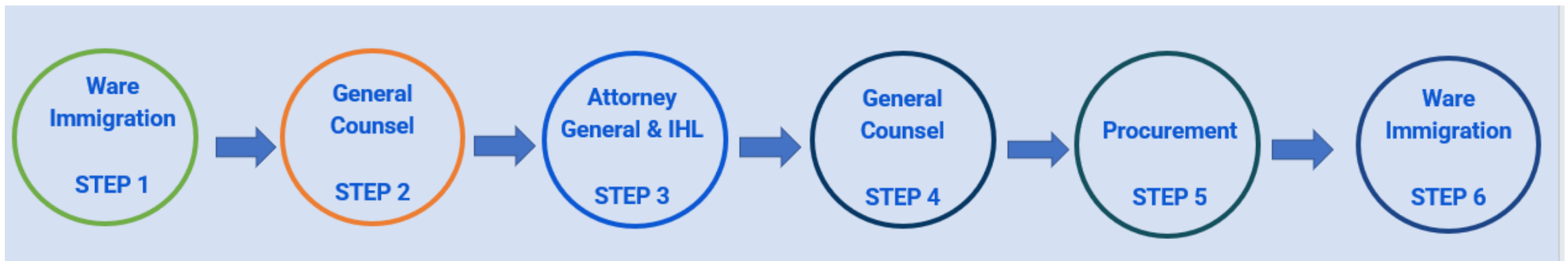
- EB cases are granted for 10 years.

Topic 3: Permanent Residency – Fees

Schedule of Legal Fees for Academia

- **Permanent Residence Process with Labor Certification: Faculty**
 - Special Handling labor certification (If position must be readvertised) \$2,500 (\$3,000)*
 - Additional fee if audited \$500-\$1,500*
 - Immigrant petition (I-140) \$2,500
- **Permanent Residence Process with Labor Certification: Non-Faculty**
 - Labor certification \$6,000*
 - Additional fee if audited \$1,500-\$2,500*
 - Additional fee if subject to supervised recruitment \$2,500*
 - Immigrant petition (I-140) \$2,500
- **Permanent Residence Process: Outstanding Professors and Researchers**
 - Immigrant petition (I-140) \$7,000
- Any fees related to the Department of Labor process is the employer's responsibility. Marked with asterisk.
- Filing fees and adjustment of status fees are additional and negotiable with the employee. ISSS recommends that UM pay the I-140 filing fee because UM is the petitioner.

Topic 3: Permanent Residency – Payment



The payment process starts when Ware Immigration sends an invoice to ISSS. We review the charges and send the invoices to the Office of General Counsel. General Counsel then reviews it to ensure that it is correct and sends it to the Attorney General. The Attorney General must then review and approve it, send it to IHL who will review and approve it, and then it is returned to General Counsel. General Counsel submits an E- form to the department to ask for the account to be used. For the final step, payment to WI is processed by UM Procurement.

It is imperative that these invoices be processed quickly to avoid any delays in the case or past-due payments.

Topic 4: Form 13-S

PURPOSE

- For services rendered by a non-US-citizen individual or a stipend paid to a non-US-citizen participant.
- A Form 13-S cannot be used for a current employee, including a student employee.

SUPPLEMENT TO HR FORM 13

- UM encourages the free exchange of ideas and knowledge through hosting of visiting lecturers and performers.
- When hosting an international guest lecturer who will perform services within the US, UM is limited by specific regulations from the Department of Homeland Security and the Department of Labor regarding the payment and honoraria.

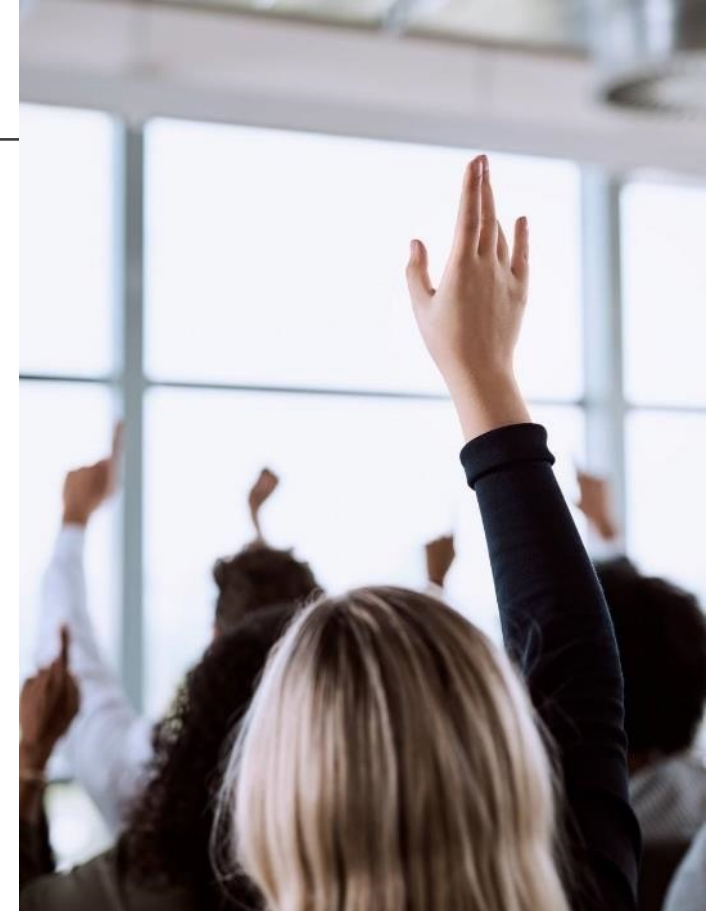
FORM 13-S

- Restrictions are associated with different types of visa statuses.
- Each visa type requires submittal of different supporting documents.
- The 13-S form is on the ISSS website [here](#).

Summary

When you are planning to hire international employees, please consult with ISSS regarding any related questions, so we can assist you in making the right decision for your unit as well as the candidate.

Diversity from international employees adds great value to the UM community, and we want a pleasant roadmap for your hire.





Thank you.

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