



Brandeis University
International Students and Scholars Office
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**BASIC PROCEDURES FOR BRINGING FOREIGN NATIONAL FACULTY,
RESEARCHERS AND SCHOLARS TO BRANDEIS**
(revised September 2007)

Please encourage your faculty to inform you as soon as possible when they are intending to bring in foreign nationals (including Canadians). This will give the International Students and Scholars Office (ISSO) the time to prepare the necessary immigration documents they will need to obtain their nonimmigrant visas and enter the U.S. We recommend that departments plan on at least a three-month timeframe for foreign nationals to obtain appropriate visas and arrive at Brandeis.

To Bring Appointees to Brandeis, the Department Should Determine the Following:

- Citizenship of the Appointee
- If appointees are not U.S. Citizens (this includes Canadian Citizens, who must have the same documentation as other foreign nationals), the department should learn the appointees current visa status if they are already inside the U.S. If they are already in the U.S., please obtain copies of their current immigration documents [copy of passport identity page, I-94 card, entry visa stamp, Certificate of Eligibility (Form I-20 for F-1 visa holders; Form DS-2019 for J-1 visa holders; Form I-797 Approval Notice for H-1B visa holders)].
- If appointees are U.S. Citizens or Permanent Residents (have a “Green Card”, Alien Registration number/card, or have an immigrant visa), NONE of the following procedures apply.

VISA STATUS OPTIONS

(1) J-1 Exchange Visitor Status

This status is reserved for lecturers, visiting faculty, and researchers (including postdoctoral fellows) typically coming to the U.S. from abroad for appointments of five years or less and who have not been in the U.S. in this status within the previous 24 months [see special section on 24 MONTH RULE later in this document]. **The J-1 visa may not be used for tenure-track or tenured positions (if tenure-track, please refer to #4, H-1B Status).** Please note that if a foreign national is already in the U.S. in J-1 status in Professor or Research Scholar categories, the time spent at another institution must be deducted from the five-year total and the work to be done at Brandeis must be in keeping with the original activities they entered the U.S. to perform at the other institution. In addition, foreign

nationals already in the U.S. in J-1 Exchange Visitor status but in another category, such as J-1 student, are not normally eligible to change to a different category (such as Professor or Research Scholar category) within the U.S. – they would be required to leave the U.S. to process this change of category.

Please use the **ISSO NOTIFICATION OF APPOINTMENT OF A FOREIGN NATIONAL/REQUEST FOR IMMIGRATION DOCUMENTS form** (sample attached) to provide information necessary for visa document issuance and complete the procedures as follows. Please photocopy this form and use one form per appointee.

Procedures:

- (a) If the appointee is coming as a researcher (grant funded position), this form should be sent to the Office of Sponsored Programs for verification and approval, and issuance of letter of appointment.
- (b) For a Faculty appointment, the form should go to the Dean of Arts and Sciences Office (attention: Lorna Laurent or Stephen Hum) for verification and approval, and issuance of letter of appointment.
- (c) For the appointment of a Visiting Scholar (salaried or unsalaried, such as courtesy appointments; but not grant funded), the form should go to the Dean of Arts and Sciences Office for verification and approval, and issuance of letter of appointment.
- (d) In rare cases, if the appointee has been hired through the Employee Relations Office for staff positions (e.g. Research Technician), the form should go to the attention of the Assistant Director for Employee Relations (attention: Jessie Simone) for approval and issuance of letter of employment/job offer.

NOTE: A scholar will need to show available funding of at least \$2,000 per month to support him/herself, plus \$400 per month per dependent (spouse and children) who plan to accompany the scholar to the U.S. The appointee must provide documentation of funding to support him/herself, along with all dependents, for duration of the appointment. Documentation of financial support should be in the form of a letter (on agency/organization letterhead) regarding the grant or outside funding arrangement (e.g. private foundation, home government grant, salary from home institution). If the appointee's salary or outside source of funding will not cover this cost of living, the appointee must provide documentation of person, family, or private sponsor support to cover the difference.

Also, please make sure that the address to which the visa document should be sent is on this form and that it states whether or not the dependent family members will enter the U.S. at the same time as the appointee or plans to join at a later time.

- (e) The 'Notification of Appointment' form will prompt the Office of Sponsored Programs, Provost's Office, Dean's Office, or Human Resources/Employee Relations Office to send a copy of the official appointment letter to the ISSO, along with the completed 'Notification of Appointment' form. **THIS IS WHEN THE ISSO FIRST LEARNS ABOUT THE NEW APPOINTMENT AND THE NEED TO PREPARE IMMIGRATION DOCUMENTS ON THE APPOINTEE'S BEHALF.**
- (f) If all forms are complete, and financial ability is confirmed by salary or other supporting documents, our office then prepares the document (Form DS-2019 for J-1

visa) needed for visa application at the U.S. Embassy or Consulate abroad. The ISSO will contact the department to determine if the department wishes to have the documents mailed to the appointee by DHL express courier (the department will need to provide its chargeline to the ISSO for this express mailing). The DS-2019 will be mailed out to the appointee's address provided on the 'Notification of Appointment' form.

NOTE: Appointees who are already in the U.S. may have to do a J-1 "transfer" procedure between institutions coordinated by the ISSO. This process can take some time so we advise appointees in this situation to contact the ISSO as far in advance as possible. **Please be advised that new appointees cannot be paid until the program transfer is processed and approved.**

- (g) Renewal/Extension of Appointment: Permission to stay in the U.S. needs to be renewed periodically. For reappointing foreign nationals, departments will need to complete the above process again as outlined above. Please encourage your employees to see you first about reappointments. We cannot authorize the renewal of appointment for scholars. We can only assist them in extending their visa status after their reappointment has been approved by your department and the appropriate administrative office outlined above.

24 Month Rule – J-1 Research Scholars and Professors

In December 2006, the U.S. Department of State issued a clarification on new requirements governing the issuance of J-1 status in the Research Scholar and Professor categories. While the rule changes did provide an increase in the number of years a foreign national may hold J-1 Research Scholar or Professor category status (increase from 3 years to 5 years maximum), it provided a limitation on the time between activities a foreign national may be able to hold J-1 Research Scholar or Professor status.

A J-1 visa holder (Research Scholar or Professor category) may pursue an activity for up to 5 years from the date of entry to the U.S. in that status. This is an aggregate from the date of entry.

However, if a J-1 Research Scholar or Professor concludes their activity and leaves the U.S., they may NOT re-enter the U.S. in J-1 status (Research Scholar or Professor category) for at least 24 months from the date of the end of the initial activity. As an example, if an individual comes to Brandeis University as a Postdoctoral Fellow for one year in J-1 Research Scholar category, finishes their activity at Brandeis and then returns to their home country (or another country), they may NOT return to the U.S. (to Brandeis or another institution) in J-1 Research Scholar or Professor category until they have been out of the U.S. for at least 24 months from the date they ended their initial activity at Brandeis.

While this rule does not prevent an individual from re-entering the U.S. in tourist (B-1, B-2, or VisaWaiverTourist) status, or as a J-1 Short-Term Scholar (for activity less than 6 months of duration), this can be inconvenient to an individual who gets invited to pursue another exchange visitor objective within 24 months of the previous objective. An individual in this scenario described above could not return to the U.S. as a Postdoctoral Fellow in J-1 status for that second period if the term of stay was greater than six months.

****IMPORTANT NOTE:** Please note that this 24 Month Bar is NOT the same as the J-1 Two-Year Homestay requirement – these are two different conditions that can effect J-1 visa holders.

For this reason, if you are inviting a scholar who has recently been in the U.S. in any visa status, but especially J-1, it will be important for the ISSO to receive documentation and verification of the period of stay in that previous visa status to determine eligibility for a new visa status to come to Brandeis. Please feel free to contact the ISSO for further details and consultation.

(2) **TRADE-NAFTA (TN) STATUS FOR CITIZENS OF CANADA OR MEXICO**

Citizens of Canada or Mexico may be eligible for the TradeNAFTA (TN) visa. This visa enables Canadians and Mexicans to be admitted to the U.S. to engage in “business activities at a professional level” in certain fields, for one or more specific employers. To be eligible, the individual must intend to engage in employment which is on the list of qualifying professions (available in the ISSO and online). The ‘Notification of Appointment’ form and the procedure outlined above should be completed so that the ISSO is notified of the appointment and we can determine whether the TN visa is possible and/or appropriate. The ISSO will work closely with the appointee through the visa process if indeed the TN visa is feasible. If the TN is not possible, the appointee will be advised to apply for a J-1 or other appropriate visa status.

(3) **SEMINAR SPEAKERS AND CONSULTANTS**

Short-term visitors (anywhere from one day to three months) must enter the U.S. with a proper visa status appropriate for the purpose of their visit. If we have arranged to pay such persons a salary, honorarium, or even to reimburse for travel and expenses, it is especially important for such visitors to obtain a visa that will allow them to make such payments.

While immigration regulations now allow for tourist (B-1 or B-2, or WT) visa holders to receive honorarium and reimbursement of expenses for travel and lodging, please be advised that not all short-term appointments fit this option. It will be important to consult with the ISSO to determine the most appropriate visa for the type of work to be performed and payment to be made.

NOTE: Please be advised that individuals receiving honorarium or reimbursement **MUST** have a Social Security Number (SSN) or Individual Taxpayer Identification Number (ITIN) in order to receive payment due to U.S. Internal Revenue Service regulations. If the individual does not have either a SSN or ITIN, please note it can take at least 3 weeks to obtain a Social Security Number (which can only be applied for after arrival in the U.S.; and note that Tourist visa holders are NOT eligible for an SSN) and at least 4 months to obtain an ITIN (though it may be possible to start the application process from abroad). Please note that it will also be important to coordinate payment with the Accounts Payable Office at Brandeis to insure timely availability of reimbursement/honorarium checks.

(4) **H-1B STATUS**

When the total stay of 5 years in J-1 status comes to an end, or if your appointee is a tenure-track faculty member or ineligible for J status for any other reason, the usual procedure is for Brandeis to petition for H-1B status on behalf of the foreign national. This can only be done for foreign nationals who are not subject to the J-1 visa two-year home country physical presence requirement, which requires certain individuals in J-1 status to return to their home countries upon completion of their appointments here (citizens of China in all fields, as well as most fields from India are subject to this requirement). In addition, there are certain minimum salary and degree requirements for this visa category.

The H-1B application process is complex, and it can take as long as **6 months** to prepare, file, and have the application approved by the U.S. Citizenship and Immigration Service. Details of the H-1B visa process are available at the ISSO website (<http://www.brandeis.edu/isso/Administrators/H1B.html>). Please consult David Elwell at the ISSO for details and any questions.

(5) **PERMANENT RESIDENCE (“GREEN CARD”) POLICY**

All petitions for Permanent Residence (“Green Cards”) for foreign faculty (tenured or tenure-track) and senior research staff (Research Associate or above) must be approved in advance by the Provost. Individual faculty members are **not** authorized to sign as the employer in these applications; only the Provost may do so. Application for Brandeis-sponsored, employment-based Permanent Residency is coordinated through the ISSO with an authorized, referred immigration attorney. For more information regarding Brandeis’ Permanent Residence Policy, please contact David Elwell, ISSO Director, by phone (6-3480) or via email (elwell@brandeis.edu).

PLEASE REMEMBER TO LET US KNOW AS SOON AS POSSIBLE IF YOUR APPOINTEES ARE ALREADY IN THE U.S. SO THAT THE ISSO CAN CONTACT THEM AND DISCUSS THEIR WORK AUTHORIZATION AND VISA STATUS WELL IN ADVANCE OF THEIR COMING TO BRANDEIS.

The ISSO is making this information, and more detailed application outlines, available on the ISSO Website. We encourage you to visit the ISSO Website (<http://www.brandeis.edu/isso> -- click on “Department Administrators”). The ISSO will continue to update departments as to resources available from the ISSO via the web and printed formats pertaining to inviting and hiring foreign nationals at Brandeis University.

If you have any questions, please feel free to contact David Elwell, ISSO Director, by phone (781-736-3480), by fax (781-736-3484), or via email (elwell@brandeis.edu). Thank you for your time and assistance.