



The University of Georgia

Office of International Education

**International Student & Scholar Immigration Services
Policies Governing University Sponsorship of
International Scholars, Researchers, Faculty, & Staff
Revised 02-2015**

International Student, Scholar and Immigration Services (ISSIS) within the Office of International Education (OIE) at the University of Georgia (UGA) provides centralized immigration and visa-sponsorship services to international students, scholars, faculty and staff, and UGA colleges and schools. By assisting the campus comprehensively with international-related inquiries and facilitating the presence of internationals at UGA, ISSIS contributes to the development and maintenance of a dynamic and intercultural learning environment; supports growing world-wide research endeavors; and assists all students and the University with greater opportunities for success in the global economy.

ISSIS is committed to providing accurate and timely information pertaining to constantly evolving federal regulations governing the stay of internationals at UGA. We offer relevant outreach and education pertaining to immigration matters. Through our work we strive to create the foundations for welcoming, globally diverse partnerships, and to support UGA's educational, research and internationalization goals for the 21st century.

Policies on immigration and visa sponsorships for international employees and visitors:

ISSIS, within the Office of International Education, is responsible for assisting all UGA departments and internationals with immigration related information and services. ISSIS is the primary liaison and contact with the Department of Homeland Security, the Department of State, and the Department of Labor (pertaining to Labor Certifications for international employees).

In order to reduce the University's and employing departments' risk, all University units must work with ISSIS staff in the Office of International Education when immigration services related to international scholars, interns, faculty, professional staff, and employees are required. Use of outside attorneys is not permitted in most cases. Any use of outside counsel for a UGA-based sponsorship must be approved beforehand through consultation with ISSIS and the Office of Legal Affairs.

Types of Immigration and Visa Sponsorships:

ISSIS will assist with two types of international visa/status sponsorships for international employees or visitors:

- 1) **Non-immigrant Visa Sponsorships:** Non-immigrant visas are used for internationals coming to UGA temporarily to work, teach, lecture, consult or conduct research or study. They can also be used to allow an employee hired in a permanent position (i.e. tenure-track or otherwise permanent) to begin employment at UGA while the immigrant visa petition, or “green card” application is pending. These visas have varying requirements and allowed durations. Please see *Appendix A* for a list of possible non-immigrant visa types for international employees and visitors.

All international visitors, employees, scholars or faculty coming to UGA and entering the U.S. under any visa type listed in Appendix A of this document must contact the ISSIS office to schedule an immigration check-in meeting. During this meeting the sponsored international will receive important information and assistance regarding his or her lawful status in the U.S.

- 2) **Immigrant Visa or U.S. Legal Permanent Residency (LPR) Sponsorships (also known as “green card” sponsorships):** Employees hired by UGA into qualifying permanent positions will be eligible for an employment-based sponsorship for U.S. permanent residency. ISSIS will assist the sponsoring department and international employee by determining the LPR sponsorship eligibility and the appropriate category of filing based on federal regulations. The department will be responsible for payment of the internal ISSIS fee for permanent residency sponsorship; all government filing fees; all costs relating to any required advertising. Please see *Appendix B* for LPR Eligibility criteria, filing categories and processes.

Fees for Immigration and Visa Sponsorship Processing:

There are three types of fees generally required for visa sponsorships. The first is the internal ISSIS fee. ISSIS is a cost recovery program and must charge a fee for services in order to meet its annual budget. The second is an annual scholar compliance fee, charged to all J-1 exchange visitors. The third is a government petition filing fee. Please see *Appendix C* for a link to the fee amounts.

Fees that must be paid by the sponsoring department:

1) Internal ISSIS sponsorship fees:

- a) ISSIS fees are collected at time the time the visa sponsorship process is started.
- b) The ISSIS internal sponsorship fee varies based on the type of sponsorship. Please see Appendix A at the end of this document for detailed information.
- c) Your department will be sent, or will download, the ISSIS fee form. You will need to complete the form, sign it, and return it to the ISSIS immigration advisor, in order to certify that you authorize payment of the fee. Our office manager will then work with your department representative to effect the transfer of funds

2) Government petition filing fees:

- a) These are fees charged by federal government agencies (usually the Department of Homeland Security) for filing work-based petitions.
- b) These fees can range from \$325. up to \$1,225. Please see fee listing at the end of this document for detailed information.

3) Advertising and Recruitment fees:

- a) For some categories of permanent residency cases, re-advertising and re-recruitment for the position will be required in order to meet Department of Labor guidelines and requirements.
- b) All the costs pertaining to advertising and recruitment must be paid by the sponsoring department. These costs can range from \$500. to \$4,000.

Fees assessed to the international employee or visitor (the department may choose to pay these on behalf of the international, or to reimburse the international after arrival)

1) ISSIS Annual Scholar Compliance Fee

- a) For up-to-date information regarding ISSIS and Government fees, please see the links on this page: <http://international.uga.edu/issis/issis-information/iscf-issis-fee-information>

1) Visa application fees charged by Department of State

- a) The visa application fee is \$160 (as of winter 2015), and is payable by the international employee
- b) Some countries are assessed an additional “reciprocity fee”. This will vary by country. See this website for more information: http://travel.state.gov/visa/fees/fees_3272.html
- c) The sponsoring department may choose to pay these fee(s) for the international, or to reimburse him or her after arrival.

2) SEVIS fee charged by the Student and Exchange Visitor Program Office

- a) This fee is charged only to new J-1 exchange visitors coming to the U.S., or changing immigration status within the U.S.
- b) This fee is currently \$180. (as of winter 2015)
- c) This fee is payable by the international J-1 visitor.
- d) The sponsoring department may choose to pay these fee(s) for the international, or to reimburse him or her after arrival.

3) Adjustment of Status Fees for “Green Card” Applications

- a) After UGA’s permanent residency sponsorship petition is approved by the Department of Homeland Security, the international employee must file a separate personal application to receive the status of “immigrant” and receive the permanent resident card, also known as a “green card”.
- b) The fee for this separate application is \$1,070. (as of winter 2015), and is payable by the employee.
- c) Departments may choose to pay the fee on behalf of the employee, however this is not required.

Summary

The ISSIS office staff members are pleased to assist all UGA departments and schools with accurate and timely immigration advice. We are committed to providing UGA and all internationals coming to our campuses with the best services possible. We look forward to working with you and your international employees/visitors. Please visit our website for further information: <http://www.issis.uga.edu/>, or call our office: (706) 425-3154.

Appendix A: Types of Non-Immigrant Visa Sponsorships

All internationals at UGA must check in with the International Student, Scholar and Immigration Services (ISSIS) Office upon arrival at UGA. ISSIS staff will be able to assist the internationals and the UGA hosting departments with immigration status compliance issues and other orientation and adjustment questions.

H-1B Temporary Worker in a Specialty Occupation: The H1-B visa category is a temporary work visa for non-U.S. workers in an occupation that requires at least a bachelor's degree or the equivalent at the entry level. The employee's bachelor's degree must be related to the "specialty occupation" in which the employee is working. At the University, H-1B status is typically used for tenure-track faculty, academic researchers, research associates, and professional staff. It is not available for employees in secretarial, clerical, office and administrative-support positions, or graduate assistant positions.

In order to obtain H-1B status for an employee:

- The employee's bachelor's degree must be related to the "specialty occupation" in which the employee is working.
- The employer must document the appropriateness of the wages to be paid, the duties and responsibilities of the position to be filled, and the employee's qualifications to fill that position (to be done by ISSIS in conjunction with the sponsoring department).
- A prevailing wage declaration must be made to the Department of Labor that describes the position and not the employee (to be done by ISSIS).

Other requirements related to H-1B status:

- The H-1B status may be sponsored for up to three years at a time, with a six-year maximum. The University, however, may not sponsor H status for a period of time longer than the salary can be guaranteed.
- The employment offered should be full-time. If the position is part-time, the position should be hourly paid, as the Department of Labor requires the employer to track hours worked for all part-time H-1B workers. If the position is part-time and paid as a salary, the department is responsible for maintaining evidence of actual hours worked, in the form of filed time sheets, in the case of a Department of Labor audit.
- Per Federal Regulations, the Employer is obligated to pay "... at least the Actual Wage level paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question or the Prevailing Wage Level for the occupation in the area of employment, whichever is higher" (20 CFR 730).
- If the employment is terminated in advance of the H petition end date, at the request of the UGA department or office, that office must offer to pay the return trip air fare for the employee to the home country.

To sponsor an employee for H-1B status, please review the ISSIS H-1B information on-line:
http://www.uga.edu/oie/ISSIS/Immigration_Department_H.htm

O-1 Outstanding Visa category: The O-1 non-immigrant category is for professionals who have achieved and sustained national or international acclaim for extraordinary ability in the sciences, arts, education, business, or athletics, who are in the U.S. to work. The assembly of the required evidence is the responsibility of the international employee. The application process is handled entirely by ISSIS and requires extensive documentation establishing “a level of expertise indicating that the person is one of the small percent who have risen to the very top of the field of endeavor.”

To sponsor an employee for O status, please contact the ISSIS Faculty & Staff Advisor.

Trade NAFTA (TN) Professionals under NAFTA (Canada & Mexico): The TN status permits Canadian and Mexican citizens to work for UGA in a professional occupation on a temporary basis. Only occupations specified in the NAFTA treaty can serve as the basis for TN employment. The international employee must show:

- Evidence of a temporary job offer in a position listed on the TN list of occupations.
- The original degree certificate of license required by the position.
- Evidence of Canadian or Mexican citizenship.

To sponsor an employee for TN status, please review ISSIS’s TN guidelines on-line: <http://www.issis.uga.edu/for-scholars/tn-scholars/obtaining-tn-status.html>

E-3 Visas for Australian Nationals in Specialty Occupations: The E-3 is a new visa, very similar to the H-1B temporary work visa, for Australian nationals. This visa type requires the Australian citizen to work in a specialty occupation in the U.S. The definition of “specialty occupation” is one that requires:

- A theoretical and practical application of a body of specialized knowledge; and
- The attainment of a bachelor’s or higher degree in the specific specialty (or its equivalent) as a minimum for entry into the occupation in the United States.

To sponsor an employee for E-3 status, please contact issis@uga.edu

J-1 Exchange Visitor Visa category: The J category is used for academic appointment sponsorships in any of five possible categories: Professor; Researcher; Short-term Scholar (less than 6 months’ duration); Specialist; Student (including degree, non-degree and intern).

- In the professor, researcher, or short-term scholar categories, the exchange visitor must be teaching, working or conducting research at the doctoral level or above. If the international does not hold a higher degree (at least a Master’s level equivalent), the ISSIS immigration advisor will assess eligibility for the visa category on a case-by-case basis. Maximum duration for the Professor and Researcher categories is five years. Maximum duration for the Short-term Scholar category is six months.

- In the specialist category, the international must be coming to the U.S. to share a culturally unique area of expertise, or skill. Maximum duration is one year.
- In the Student category, the Student-Intern sub-category is appropriate for UGA based internships that are paid or unpaid. The maximum duration is one year.

B-1 (or Business Waiver) Business Tourist category: This category is used for any unpaid international visitor to UGA

- For unpaid, short-term (generally less than 9 days' duration) visits, involving lecturing, conference or seminar participation, consultations, or exhibitions.
- Positions must not include any “hands-on” research; lab-based activities; or clinical patient medical or veterinary contact.
- Travel expense reimbursements and / or honoraria payments are allowed.

Appendix B: **U.S. Legal Permanent Residency (LPR) Sponsorship Eligibility and Procedures**

Eligibility:

All tenure or tenure track hires, and any permanent staff hire in positions that require a minimum of an advanced degree (Master's degree or higher) in a specialty field are eligible for U.S. permanent residency sponsorship by UGA if the hiring department:

- 1) Supports the application and agrees to assist ISSIS with all required paperwork
- 2) Provides proof of a permanent job offer
- 3) Agrees to all fee payment requirements

If it is determined that the employee qualifies for UGA sponsorship, the International Student, Scholar, and Immigration Services (ISSIS) office staff will work with the sponsoring department to determine the most appropriate (highest likelihood of approval) category of sponsorship; to assemble all required information; to complete required forms and documentation; and to file the applications with the appropriate government agency.

If it is determined that a double filing is the best option (filing in two categories at once), the department will be responsible for payment of the internal ISSIS processing fee separately for each case. Double-filing will not always be available, depending on office workload.

Staff hires in positions that require a minimum of a Bachelor's degree will be reviewed on a case-by-case basis by ISSIS to see if sponsorship is feasible in the "EB-3" category. This category will require extensive re-advertisement of the position to prove that there are no minimally qualified U.S. workers available. It is currently backlogged approximately 15 years. If sponsorship is approved, the individual would not be eligible to apply for the actual green card for 15 years. Even at that point, if the person was not in the same job that they held 15 years prior, the case would have to then be re-filed to ensure eligibility. For these reasons, sponsorship in the EB-3 category is not guaranteed.

Staff LPR filings are reserved for positions critical to UGA's mission as outlined in the most current University Strategic Plan; the employing department must demonstrate the necessity of retaining the alien, as opposed to a U.S. worker, to meet departmental and University goals, per Federal Regulations.

Positions Ineligible for UGA Sponsorship:

- 1) Postdoctoral Positions: Postdoctoral positions are not eligible for LPR, as they are considered temporary training positions, not permanent employment.
- 2) Part-time or temporary positions
- 3) Positions not funded by UGA
- 4) Secretarial, clerical, or other office- and administrative-support positions.

If ISSIS and the sponsoring department determine the employee is not otherwise eligible for sponsorship under UGA policies, the international employee may choose to submit a self-petition (alternate immigrant category not requiring employer sponsorship) on his/her own and/or with the assistance of an attorney at the employee's own cost. However, even in these

cases that do not require an employer sponsor, it is extremely important that ISSIS be made aware of the self-petition filing since it may have implications for the international's status within the United States. Self-petition categories that may be utilized by the employee without requiring ISSIS approval for sponsorship or processing are as follows:

- 1) EB-1(A) Aliens of Extraordinary Ability: Persons of extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and who will be of substantial benefit to the United States;
- 2) EB-2 National Interest Waivers: cases that are able to show work in the "national interest"
- 3) US. Department of State Diversity Lottery
- 4) Family member sponsorship

LPR Application Procedures:

The following steps must be followed to be considered for sponsorship for LPR status by UGA:

The Department Head or Department Representative seeking to sponsor the international employee must complete the online Department PR Sponsorship Form, and submit it with required copied of all supplemental documents.

- 1) LPR Sponsorship Request Forms (online): istart.uga.edu

Once the department forms are submitted, the international employee will receive an email with a link to separate intake forms. The international employee must complete the online employee forms, and submit them with required copies of all supplemental documents.

Upon review of the international employee's credentials and the University criteria for sponsorship, the ISSIS Director will make a determination regarding whether or not the employee meets University and Federal guidelines for sponsorship. The Director will contact the Department Head to schedule an appointment with the employee, the faculty sponsor and/or department representative to discuss the results of the review and the filing options available for the employee. Appeals regarding this determination may be submitted to the Associate Provost for International Education who will make a final determination.

Following the meeting the Director will identify the sponsorship category and process that is most appropriate. The sponsoring department and the employee will receive detailed instructions related to the selected process and may begin gathering and submitting all required forms and documentation pursuant to the preference category in which they will be applying.

Please visit the ISSIS LPR information on-line for more information:

<http://international.uga.edu/issis/u-s-permanent-residency-information>

Appendix C **ISSIS and Government fees**

For up-to-date information regarding ISSIS and Government fees, please see the links on this page: <http://international.uga.edu/issis/issis-information/iscf-issis-fee-information>

Fee Refunds:

ISSIS, as a Cost Recovery Program, charges fees for services relating to international employee visa sponsorships. These fees are charged to hiring or sponsoring departments, and must be paid before any sponsorship paperwork can be sent out by ISSIS to international employees or to any government agency. The fees are charged specifically for processing of the sponsorship paperwork, and not for the case approval. There is no way to guarantee government approval of any case filed, or of an individual's visa application.

In certain circumstances fees may be refunded by ISSIS to the sponsoring department.

In order for a fee refund to be approved, the following conditions must be met:

- 1) No work is processed by ISSIS on the case in question.
- 2) The request for refund must occur in the same fiscal year in which the fee was paid, and prior to May 15th to allow for processing time.

Questions on fee refunds should be directed to rcatmur@uga.edu.

International Student /Scholar Compliance Fee (ISCF)

The internal ISSIS ISCF fee is payable by the sponsored student or scholar at the time of immigration check in (arrival on campus), and as applicable, annually thereafter. If the international student or scholar fails to pay this fee, the sponsoring department will be assessed the fee.

For up-to-date information regarding the ISCF, please see the links on this page: <http://international.uga.edu/issis/issis-information/iscf-issis-fee-information>