

## OVERVIEW OF VISAS FOR WORK AUTHORIZATION

### H-1B Temporary Worker Visa

H-1B nonimmigrant status is a “temporary” work-authorizing status available to employees of Jefferson Science Associates, LLC at Jefferson Laboratory. It is the most common work-authorizing status. It is available to professionals working in their field of specialty, holding no less than a bachelor’s degree (or equivalent) in their field.

H-1B approval is specific to the employer (the organization that filed the petition) and to the location of employment as listed in the Form I-129 petition. It is not a “general” work authorization.

You may learn more about H-1B status in general on the USCIS website.

### JLab Procedure

1. **Offer and acceptance:** JSA issues an offer letter outlining the position and term length. Foreign national accepts the offer in writing.
2. **Information gathering:** Visa Office (ISO) initiates the case and prompts the foreign national to complete the questionnaire and provide supporting documents online.
3. **Forms:** Once all of the requested information is received, ISO prepares and submits the LCA to the DOL for certification. Once LCA is certified, ISO prepares the H-1B petition package, requests any missing or updated documents.
4. **Filing:** The complete H-1B package is sent to USCIS for processing. “Regular” processing takes two to seven months; “Premium” processing takes three weeks.
5. **Approval:** If “Change of Status,” new status takes effect on validity start date listed on the approval notice; if “Consular Processing” – must obtain a Visa Stamp and (re)enter the U.S. in new status (Visa Office (ISO) will provide the visa packet to the foreign national).
6. **Changes:** If anything in foreign national’s employment changes, the change must be discussed with the Visa Office (ISO) prior to the change taking place.

*What about my family?*

### Spouses and children

“Immediate” family members are eligible to accompany the employee or visitor with only a marriage and birth certificates required for a visa. They may also join you at a later date. Their status is “derivative” of yours, which means that if your status ends, so does theirs. However, if your status needs to be extended, and your family member(s) is/are in the US, a separate application must be submitted for them. If they are outside of the US, they may be able to use your approval notice to obtain a visa stamp and extend their status upon re-entry.

### E-3 Temporary Work Visa

The E-3 classification applies only to nationals of Australia. You must be coming to the United States solely to perform services in a specialty occupation. The specialty occupation requires theoretical and practical application of a body of knowledge in professional fields and at least the

attainment of a bachelor's degree, or its equivalent, as a minimum for entry into the occupation in the United States.

You may learn more about the E-3 status in general on the USCIS website.

### What about my family?

#### **Spouses and children**

“Immediate” family members are eligible to accompany the employee or visitor with only a marriage and birth certificates required for a visa. They may also join you at a later date. Their status is “derivative” of yours, which means that if your status ends, so does theirs. However, if your status needs to be extended, and your family member(s) is/are in the US, a separate application must be submitted for them. If they are outside of the US, they may be able to use your approval notice to obtain a visa stamp and extend their status upon re-entry.

#### **J-1 Exchange Visitor Visa**

J-1 visa status enables foreign nationals to enter the United States as “exchange visitors.” Exchange Visitor Programs are supervised by the U.S. Department of State (DOS), which has authorized Jefferson Science Associates, LLC to manage several J-1 Exchange Visitor programs at Jefferson Lab. Please see the Department of State for further general information about J-1 Exchange Programs.

There are different types of J-1 Exchange Visitor programs at Jefferson Lab:

- **Research scholars** program, which enables foreign research scholars (including our guest scientists and engineers and visiting scientists) the opportunity to engage in research, teaching and lecturing with their American colleagues, to participate actively in cross-cultural activities with Americans and ultimately to share with their countrymen their experiences and increased knowledge of the United States and their substantive fields. The maximum program duration is 5 years.
- **Short-term scholars** program, which enables scholars to come to the United States for a period of up to six months to lecture, observe, consult, and to participate in seminars, workshops, conferences, study tours, professional meetings, or similar types of educational and professional activities.
- **Specialists** program, for experts in a field of specialized knowledge or skill who are coming to the United States for observing, consulting or demonstrating special skills. The maximum program duration is one year.

#### **JLab Procedure**

1. **Offer and acceptance:** Recruitment/Division issues an offer/invitation letter outlining the position and term length. Foreign National accepts the offer in writing.
2. **Information gathering:** ISO initiates the case and prompts the foreign national to complete the questionnaire and provide supporting documents online. The applicant must also review and acknowledge understanding of our J-1 Orientation Presentation.
3. **Forms:** Once all of the requested information is received, ISO creates a SEVIS record and issues a Form DS-2019, and mails the original documents to the foreign national.
4. **Visa interview:** Foreign national schedules a visa interview abroad (not necessarily home country), receives a J-1 Visa Stamp, and enters the U.S.

5. **Orientation and validation:** Next day or first business day thereafter, foreign national attends the J-1 orientation with the ISO, which then “validates” the program.
6. **Extensions: It is the foreign national’s and manager’s responsibility** to initiate a J-1 program extension (if an extension is possible) or a change in status. Although the ISO monitors the J-1 expiration dates, we **do not** solicit the division, supervisor, or foreign national for extension of programs, and the programs automatically close on the last date of validity.
7. **Transfers:** Transfers between J-1 sponsors are allowed if the program is still valid. Please contact the ISO with an institution transfer request.
8. **Program ending:** Programs end automatically, and it is the foreign national’s responsibility to depart the U.S. within the 30-day grace period. Programs may be ended early by the ISO if requested. Programs may also be ended early by the ISO for various reasons including noncompliance of program regulations.

## **F-1 Student Visa**

F-1 visa status enables foreign students to enter the U.S. to pursue studies and accept employment related to the field of study. You may learn more about the F-1 status in general on the DHS website.

Jefferson Lab has agreements with many US universities which allow the students to conduct their research or practical training activities onsite at JLab, please check with your university whether you are eligible for this kind of program.

Upon graduation, eligible foreign student may work with their school to apply for a 12-months Optional Practical Training Employment Authorization Document from the USCIS. Some eligible students may further extend this work authorization by applying for the 24-months STEM OPT extension. ISO will work with you and your school to complete the OPT process.

F-1 Visa applications are handled by the student’s unique university.

## **JSA Sponsored Legal Permanent Resident Cards**

### **PROCEDURES**

1. Legal Permanent Resident Petitions (Green Card)
  - a. JSA may sponsor foreign national staff employees for "employment-based" permanent residency, provided the necessary funding is available, if the staff member meets the following qualifications:
    - i. Has completed at least one (1) year (12 consecutive months) of regular employment with JSA;
    - ii. Is in good standing overall (Achieved rating on performance review or better) and is not under any disciplinary action;
    - iii. Is eligible for employment-based sponsorship according to specific criteria established by the U.S. Citizenship and Immigration Services(USCIS) in the JSA sponsored employment based categories (Extraordinary Ability, Outstanding Researcher or PERM) or family-based sponsorship; and
    - iv. Is in a regular staff position that is expected to have continued funding

- b. Any change in employment status including, but not limited to, reduction of hours, leave of absence, change in job title or duties, or termination could result in a change of sponsorship by JSA due to USCIS regulations for the various employment based green card categories.
- c. If sponsored, JSA agrees to pay for the attorney costs and USCIS fees for the employee and dependents for the permanent resident petitions (I-140, I-485, I-765, I-131). The employee must pay all costs for medical exams and photos for themselves and dependents and any other costs associated with the process and not covered by JSA.
- d. If the sponsored employee leaves JSA employment within 1 year of receiving the Permanent Resident Alien card, the employee will be required to reimburse JSA for costs and fees expended towards the permanent resident application. The reimbursed costs will be pro-rated according to the total amount paid out by JSA and the time left in the 1 year period after receipt of the card.

Re-payment is calculated as follows:

Individuals leaving 1 month after the green card is received must repay 11/12 of the total payments made by JSA towards their green card petitions. Individuals leaving 2 months after the green card is received will have to pay back 10/12 of the total payments made by JSA towards their green card petitions; and so on.

Individuals who leave 12 months or more after receipt of the green card will not have to pay back any JSA payments.

- e. In order to begin the green card process, the employee's supervisor and hiring Department/Division determines the timeframe when to begin the sponsorship and approves the associated costs for the petition with the understanding that the petition could possibly take up to 2-3+ years for approval and the entire cost of the petition is committed upfront.

## **OVERVIEW OF BUSINESS VISIT VISAS (WB AND B1)**

### **Business visits**

Foreign nationals may visit JLab temporarily to engage in meetings, brief research benefiting their home institution or collaboration, signing agreements, attending conferences, workshops, "schools" or other events, and other activities, by entering the U.S. as a "business visitor." This is done *either* by entering with a B-1 visa (obtained from a U.S. consulate) or using the Visa Waiver Program. If you are not sure if you need a visa, you can use the U.S. Department of State's Visa Wizard to find out.

Business visitor status does not permit you to be employed by a U.S. organization (e.g., receive a salary).

All business visitors must first receive an invitation letter from their Division/Dept. host or admin support person.

## B-1 Visa

There are two types of B visas: B-1 is for business visitors and B-2 is for tourists. If you want to visit JLab in a professional capacity, you **MUST** be admitted into the US in B-1 status.

Usually, you will be allowed to remain in the U.S. either (1) for up to six months, or (2) (if coming for a conference, workshop or school) for the duration of the event. It might be possible to get a longer admission (to a maximum of six months) if *both* your home institution's letter and JLab's letter clearly justify this.

Extensions of B-1 status during your visit to the United States are obtained by filing an application (the filing fee for which is \$300). Alternatively, you can leave the United States and then re-enter with your B-1 visa again (but only if the B visa has not expired).

You may learn more about the B-1 visas on the U.S. Department of State website.

## Visa Waiver Program (WB) and ESTA

When a person visits JLab under the Visa Waiver Program, s/he is seeking admission to the U.S. as a business visitor, but without a visa stamp. It is not a separate "category" of admission – it is just a different procedure for entry as a Business Visitor. All visa waiver participants must have an approved ESTA application on file to travel to the U.S. The Officer at the port-of-entry issues the visa type, WB (business) or WT (tourist). **A guest cannot conduct hands on research or accept any funding with a WT visa. Be sure when you are visiting JLab, the officer issues a WB business visa to you.**

You may learn more about the Visa Waiver program on the U.S. Department of State website.

## JLab Procedure

1. If coming for a meeting, research or similar activities, contact your JLab host or department head. They will begin an internal process that results in the issuance of an invitation letter to you from JLab. If coming for a workshop, conference, school or other JLab event, the event organizers will issue an invitation letter to you. In either case, the invitation letter confirms the purpose and duration of the event or activity.
2. Obtain a letter from your home institution. The ISO *strongly* recommends that you do not apply for a B-1 visa without this document.
3. *If applying for a B-1 visa:* Apply for a B-1 visa at the U.S. consulate in your country of current residence, a country where you are visiting for business or other purposes, or your country of nationality. Please note that the visa application process can extend up to three months or more, depending on circumstances and the backlog of work at the particular consulate. *(If entering under the Visa Waiver Program, skip this step.)*

Contact the International Services Office at [ewing@jlab.org](mailto:ewing@jlab.org) with any questions