

# **Immigration Services for International Students, Research Scholars, Instructional Faculty, Postdocs or Specialists VCU Office of International Education Procedures and Guidelines**

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## PURPOSE

The Office of Immigration Services is responsible for seeing that all non-U.S. persons coming to Virginia Commonwealth University in an official capacity (students, research scholars, faculty, postdocs and specialists) are legally coming to VCU with an acceptable visa which will allow them to pursue their proposed activities on the VCU campuses and to assure that all non-U.S. citizens on campus remain in status for the duration of their proposed activities.

Non-U.S. citizens coming to the VCU campuses for any reason must adhere to entry requirements and guidelines established by the U.S. departments of State and Homeland Security. Failure to adhere to any of these regulations or guidelines may result in denial of entry to the U.S. or in expulsion from the U.S. prior to the end of the international visitor's program.

All inquiries about immigration/visa issues for international persons coming to the VCU campus for whatever reason will be referred to the Director of the Office of Immigration Services to assure that the international person coming to VCU will enter the U.S. in correct and acceptable status and that he/she will remain in status for the duration of his/her presence at VCU.

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## WHO SHOULD READ THIS DOCUMENT

All faculty and administrators at VCU whose responsibilities include contacts with international students, scholars, researchers, faculty, or other specialists who are accepted to VCU to study or who are invited to VCU for purposes of teaching, research, consultation, etc.

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## CONTACTS

Questions about this document will be directed to the Executive Director of the VCU Office of Immigration Services.

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## PRINCIPAL VISA TYPES

- F1** International students who enroll at VCU in a degree program.
- Must be enrolled full-time
  - 9 credit-hours minimum for graduate students
  - 12 credit-hours minimum for undergraduate students
- F2** Dependents (spouse and/or children) of F1 visa holders.
- J1**
- Full-time, degree-seeking students who are sponsored by an outside agency (e.g., Fulbright Program).
  - Non-degree seeking students. Must be enrolled full-time. May stay at VCU up to 24 months.
  - Visiting scholars. (May stay up to five years.)\*
  - Visiting “short-term” scholars. (May stay up to six months.)
  - Visiting professors. (May stay up to five years.)\*
  - Specialists (Visitors who have special skills and do not fall into the professor or scholar categories). Come to US to observe, consult, or demonstrate special skills. One year limit on stay in US.

*\*Visiting scholars and professors have a two-year ban from coming back into the US in the same category, once they finish their original program. They are allowed to reenter the US during the two-year ban if they come back with another visa category or another J1 category (e.g., short-term scholar).*

**J2** Dependents (spouse and/or children) of J1 visa holders.

**B1, B2**

- Visitor for Business and Visitor for Tourism.
- May not begin a “course of study” in the US.
- May take avocational classes, as long as these classes are not the primary reason for the person’s being in the US. Exception: Elective medical clerkships.

**H1B**

- Temporary non-immigrant work visa.
- Applicant needs a sponsor company or organization like VCU to request an H1B visa for a specific job.
- Can be renewed for up to six years.

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## PROCEDURES

Students and other international visitors who do not remain “in status” with their visa requirements risk deportation from the U.S. and other difficulties with the United States Citizenship and Immigration Services (USCIS) and with U.S. Immigration and Customs Enforcement (USICE).

The following information concerns the major visa categories of non-U.S. citizens on the VCU campuses:

### **I. Regulations for Students with F-1 Visas**

The F-1 student visa is available only to students enrolled full-time who are working toward a degree, certificate or specified course of study at a U.S. institution. This visa is valid for as long as the student remains in school, carries a full-time course of study and has a valid Immigration Transfer-In Clearance form, I-20, (document which indicates official approval for the student to study at VCU).

#### **Full-Time Enrollment**

The Office of Immigration will track all F-1 students enrolled on the Richmond campuses to determine if each student is officially enrolled in full-time study at the beginning of each academic semester. Full-time study for **undergraduate students is considered by the U.S. government to be twelve academic hours (12) or more each semester.** Full-time study for **graduate students is considered by the U.S. government to be nine academic hours (9) or more each semester.**

Students enrolled in the English Language Program (ELP), whether enrolled full-time in ELP classes or enrolled concurrently in ELP classes and academic classes, must be enrolled in an appropriate number of classes to meet both federal and VCU “full-time” requirements.

### **Reduced Course Load**

In unusual circumstances, F-1 students may be allowed to reduce their academic load below the required levels. However, the Director of the VCU Office of Immigration Services **must** authorize the reduction in course load before the student drops below the required levels in order for the student not to fall “out of status” with his/her visa requirements.

Academic Advisors will be asked to fill out the “Request for a Reduced Course Load” (see RELATED DOCUMENTS) which the student will bring to the Director of the Office of Immigration Services. The reasons allowed by the U.S. government for a student to drop below a full-time academic load are very limited, and the Academic Advisor must indicate on the form the reason for the reduction of course load.

### **Change Field of Study**

F-1 students who decide to change their field of study must be approved for a change of major by their new department. Undergraduates will follow the “change of major” procedure. Graduate students will apply to the new School or Department through the VCU Office of International Admissions and will be accepted like all other graduate applicants.

Once the undergraduate student has completed the “change of major” procedure (the student will keep a copy of the signed “change of major” form) or the graduate student is accepted to a new graduate program (a letter of acceptance will be provided by VCU Office of International Admissions), the student will contact the Director of the VCU Office of Immigration Services who will process a new I-20 (SEVIS document which indicates official approval for the student to study at VCU). Updated financial support documents must be presented to the Office of Immigration Services before the new I-20 can be processed.

Academic Advisors will refer any international student with an F-1 visa who is changing his/her field of study to the VCU Office of Immigration Services.

### **Change Level of Study**

F-1 students who change their level of study (e.g., from Bachelor’s degree to Master’s degree or from Master’s degree to Ph.D. degree or from English Language Program to Bachelor’s program) must obtain a “change of level” I-20 from the VCU Office of Immigration Services.

The F-1 students seeking a “change of level” I-20 will provide Immigration Services with a copy of their acceptance letter to the new program (sent from the VCU Office of International Admissions) and required proof-of-financial-support documents within 60 days of the end of their old program.

Academic Advisors will refer any international student with an F-1 visa who is changing his/her level of study to the VCU Office of Immigration Services.

### **Extension of I-20**

The I-20 is a document of the Student and Exchange Visitor Information System (SEVIS) which indicates official approval from VCU for the student to study at VCU.

In some cases, circumstances may prevent a student from finishing his/her academic program before the expiration date of the student’s I-20. The I-20 must be extended by the VCU Office of Immigration Services in order for the student to stay in status with F-1 visa requirements.

Students will bring the “Office of International Education Application for Extension of Stay” (see RELATED DOCUMENTS) and appropriate financial sponsorship documentation to the Director of the VCU Office of Immigration.

Students will fill out Section A of the “Office of International Education Application for Extension of Stay.”

Academic Advisors will fill out Section B of this form and sign the form after they have written information about the student’s past academic performance and the amount of work remaining before the student can finish his/her academic program.

A student needing an extension of his/her I-20 who does not obtain an extended I-20 risks termination of his/her current I-20. An I-20 that reaches the end date before the extension has been granted will automatically terminate, and the student will fall out of status.

### **Transfers of F-1 students from VCU to another school**

Students who come to the U.S. with a VCU I-20 and F-1 visa must study at least one academic semester (fall or spring) at VCU before they are eligible to request a transfer to another school.

F-1 students who are enrolled only in the VCU English Language Program must complete one session of the English Language Program before they are eligible to transfer to another school.

The transfer of an F-1 student to another academic institution will be processed in the SEVIS System by the VCU Office of Immigration Services. A student must submit a letter of acceptance from another school and the required "Transfer Clearance Form" (see RELATED DOCUMENTS) before the VCU Office of Immigration Services will transfer that student.

### **Travel Outside of U.S.**

F-1 students who leave the U.S. for travel but plan to return to continue their studies at VCU must have their I-20 signed "for travel" by the Director of VCU Immigration Services (or designee) before leaving the U.S.

Students will need to come to VCU Immigration Services with their I-20s, passport, and supporting documentation at least two weeks prior to their departure or before they plan to apply for a travel visa to a third country. The VCU Immigration Services signature confirms that the student is in good standing at VCU and should be allowed to return to the U.S.

**IMPORTANT:** Students may stay in the U.S. with an expired visa, as long as their I-20 is valid. However, students whose visas have expired when they leave the U.S. must get their visas renewed before they can return to the U.S.

### **Medical Health Insurance**

F-1 visa students are required by VCU to have medical health insurance. VCU requires a policy with a minimum life-time benefit limit of \$1,000,000, with a minimum yearly benefit of \$250,000, and with benefits to cover medical evacuation and repatriation of remains.

International Students can obtain information on possible medical health insurance programs from the VCU Office of International Education Student and Scholar Services.

### **Employment during and after the degree program**

F-1 students are allowed to work **on campus only** up to 20 hours per week and up to 40 hours per week **on campus only** during academic year breaks (e.g., winter break, summer). Students finding on-campus employment must obtain a Social Security number (see **Applying for a U.S. Social Security Number** section below). Students are required to file income tax forms for all earned income reported to the IRS, but their paid taxes may be refunded, based on the tax treaty which may exist between the U.S. and their home country or on the amount of their income. Questions concerning tax treaties will be referred to Karin Messina (Payroll Specialist in Payroll Accounting).

### **Curricular Practical Training (CPT)**

Curricular Practical Training (CPT) is work experience that is an integral part of an established curriculum. CPT is defined as “alternative work/study, internship, cooperative education or any other type of required internship or practicum” that is offered by sponsoring employers through cooperative agreement with VCU. Sponsored employment is structured employment that is monitored by VCU through the student’s academic advisor.

An F-1 student may qualify for CPT if the three following eligibility requirements are met:

- 1) The F-1 student must be enrolled on a full-time basis for at least one academic year (two full semesters), an exception being a graduate student whose program requires that an internship begin earlier.
- 2) The internship/work experience must be “directly related” to the student’s major area of study.
- 3) The proposed employment (internship) must be required for all students for the completion of the degree or required for a particular course within the program of study.

Students with F-1 visas who want to take part in CPT must obtain written permission on their I-20 from the Office of Immigration Services before beginning any off-campus work related to their degree program.

These students must submit a “Curricular Practical Training Authorization Form” (see RELATED DOCUMENTS) to the Office of Immigration Services. Section A will be completed and signed by the student; Section B will be completed and signed by the student’s academic advisor.

The student’s employer will submit a supporting letter to the VCU Office of Immigration Services indicating the student’s job title, the exact beginning and ending dates of employment, the number of hours of work per week, the exact place of employment, and a brief description of the work to be performed.

Further details on CPT can be found on the website of the VCU Office of International Education:

<http://www.vcu.edu/oie/pdfs/CPT.pdf>

### **Optional Practical Training (OPT)**

Optional Practical Training (OPT) is a temporary employment authorization allowing 12 months of full-time off-campus work related to a student’s academic/degree program. A student may request OPT in the following circumstances:

- After completion of the course requirements for a degree, but before completion of the thesis or dissertation (full-time authorization)
- After completion of an academic program leading to a degree or certificate (full-time authorization).

F-1 students will apply for post-degree OPT by submitting the “Optional Practical Training Authorization Form” (see RELATED DOCUMENTS) to the VCU Office of Immigration Services. Section A will be completed and signed by the student; Section B will be completed and signed by the student’s academic advisor.

A change in the OPT regulations dated April 8, 2008 will allow certain students to apply for an additional seventeen (17) months of OPT, for a total of twenty-nine (29) months. These students must:

- hold degrees in subjects related to science, technology, engineering, mathematics (STEM),
- must already be participating in a 12-month period of OPT,
- must have a job offer from an employer registered in the E-verify employment verification system.

Questions related to whether specific “majors” will be eligible for STEM OPT must be addressed to the VCU Office of Immigration Services.

All requests for OPT will be processed by the Office of Immigration Services, but final approval must come from the United States Citizenship and Immigration Services (USCIS). Students may not begin their OPT until they have received both written confirmation from USCIS that they are allowed to begin their OPT and an Employment Authorization Document (EAD) which comes with the OPT approval.

Students applying for the 17-month extension, however, and who file a timely application may continue doing OPT beyond the 12-month OPT while the extension application is pending.

### **Applying for U.S. Social Security number**

Since October 13, 2004, federal law dictates that only those F-1 students and J-1 visitors or students who have a job are eligible to apply for a Social Security number. In other words, internationals who want to obtain a U.S. Social Security number must have a job first.

When applying for a Social Security number, individuals holding an F-1 or J-1 visa will need to present the following documents to the Social Security Administration Office at 1834 W. Cary Street:

1. All I-20’s or DS-2019’s
2. Passport, F-1 or J-1 visa, and I-94 card

3. Offer of employment letter. This letter will prove that the student has procured work or is employed. This letter must come from the employer (e.g., university departments) on an official letterhead and must include:
  - The student's full name
  - When the employment will start or when it started
  - The nature of the employment (duties of the employee)
  - How many hours per week the student will work
  - Where the work will be performed
  - The University EIN number (54-600-1758)
  - Employer contact information, including telephone number and the name of the student's immediate supervisor.
4. Authorization to work letter. The VCU Office of International Education Immigration Services is the only University office authorized to issue this letter. The VCU Office of Immigration Services will need the "Offer of Employment" letter in order to create the "authorization" letter. The "authorization" letter states that the applicant is eligible to work, for whom the applicant will work and job responsibilities of the applicant. Before this letter can be generated, the student must also be registered in classes at VCU in the Banner System.
5. An F-1 student who will receive or is receiving an assistantship or fellowship in exchange for teaching or other services may present his or her letter of award or acceptance, if the letter provides the necessary details about the student's responsibilities (see #3 above).
6. If the student has started receiving pay using a VCU temporary social security number, the student should take several of the most recent pay stubs (available through Banner Employee Self-Service) to the Social Security Administration Office to provide further documentation of employment.

## **II. Regulations for Students with J-1 Visas**

J-1 visa status comprises students enrolled in a full-time course of study at a U.S. institution who receive financial support from scholarships, grants and sources other than personal or family funds (e.g., Fulbright Program, scholarships from their government). The J-1 student visa may be valid for the time required to complete a degree program, or for up to 24 months for non-degree programs. The visa may be extended upon completion of the course of study for the student to engage in academic training for employment related to the field of study. This visa is valid for as long as the student remains in school, carries a full-time course of study and has a valid Certificate of Eligibility for Exchange Visitor Status form DS 2019 (document which indicates official approval for the student to study at VCU).

### **J-1 students enrolled in degree programs**

J-1 students enrolled in degree programs at VCU, whether undergraduate or graduate, will be subject to the same enrollment regulations as those outlined above for F-1 students [Full-Time Enrollment, Reduced Course Load, Change Field of Study, Change Level of Study, Transfers from VCU to another school, and Medical Health Insurance]. J-1 students enrolled in degree programs must adhere to those regulations in order to remain “in status.”

These students will apply for admission to VCU through the Office of International Admissions following the application procedure described on the website of the VCU Office of International Education (see RELATED DOCUMENTS “Application for admission - process for international students”).

### **J-1 students enrolled as “special students”**

In some cases, students may want to study at VCU for fewer than 24 months and without the goal of finishing a degree program. These students will be classed as “special non-degree seeking” students.

These students must have written permission to study at VCU from the Department in which they want to take courses, and they must have written permission from their home school indicating that their studies at VCU will be considered an integral part of their home university curriculum.

These students will apply for admission to VCU through the Office of International Admissions following the application procedure described on the website of the VCU Office of International Education (see RELATED DOCUMENTS “Application for admission - process for international students”).

### **Two-Year Foreign Residence Requirement**

Many J-1 students have a requirement to return to their own country for two years once they finish their program at VCU (the 212e two-year foreign residence requirement). An exchange visitor (EV) may be subject to the two-year foreign residence requirement of Section 212(e) of the Immigration and Nationality Act (INA), for one or more of the following reasons:

- a. The EV's participation in an exchange program was funded by the United States Government, EV's own government, or an international organization.
- b. The education, training, or skill the EV is pursuing in an exchange program appears on the Exchange Visitor Skills List (1997 Amendment) for EV's country.
- c. The EV acquired J-1 status on or after January 10, 1977, for the purpose of receiving graduate medical education or training.

### **Signatures for travel**

J-1 students who want to travel outside the U.S. must obtain signatures “for travel” on their DS-2019 before they leave the U.S. The signatures must be obtained from the VCU Office of Immigration Services and will indicate that the J-1 visa holder is in good standing at VCU and should be allowed to return to the U.S.

### **Employment of J-1 visa students**

J-1 students may work on campus only, up to 20 hours per week, and full-time during school breaks. If this work is not noted on the DS-2019 in the funding section, the employment must be approved in writing by the VCU Office of Immigration Services. The Academic Advisors of J-1 students seeking Academic Training will fill out the “Steps for J-1 Academic Training Form” (see RELATED DOCUMENTS) and forward it to the Director of VCU Immigration Services.

J-1 visa holders who will receive compensation from VCU will be required to obtain a Social Security number (see “Obtaining a Social Security Number” section above) since all compensation will be reported to the U.S. Internal Revenue Service. If the income is not from a job, but is reported to the IRS, the visa holder will be required to obtain an Individual Tax Identification Number (ITIN) <http://www.irs.gov/pub/irs-pdf/fw7.pdf>.

J-1 visa holders whose income is reported to the U.S. Internal Revenue Service will file an annual tax return. These taxes paid by J-1 visa holders may or may not be refunded, depending on the amount of their income and the tax treaty which may exist between the U.S. and their country. Questions concerning tax treaties will be referred to Karin Messina (Payroll Specialist in Payroll Accounting).

## **III. Regulations for Non-Student J-1 Visa Holders**

### **Invitation Process**

All invitations to international visitors, regardless of J-1 visa type, who will come to VCU as faculty, researcher scholars or lecturers, must be communicated to the VCU Office of Immigration Services by email or by hard copy of the invitation letter. The Office of Immigration Services will assist the inviting School or Department with visa/immigration issues.

If the inviting School or Department is funding any of the professor’s or research scholar’s activities at VCU, a copy of the letter indicating financial arrangements must be sent to the Office of Immigration Services with the invitation letter.

If VCU is funding the visitor, the Office of Immigration Services will process the visitor’s DS-2019 which he/she will then take to the U.S. Embassy/Consulate for

the J-1 visa interview. If the visitor is funded by an outside agency (e.g., the Fulbright Program), the outside agency will process the visitor's DS-2019. If the outside agency does not have a J-1 program (e.g., many foreign governments do not have a J-1 program, even though they may be financing their international visitor's presence at VCU), the VCU Office of Immigration Services will process the DS-2019.

### **Activity limitations**

The visiting professor/research scholar's School or Department is required to monitor the academic activities of the visiting professor/research scholar to ensure activities are consistent with his/her reason for being at VCU. Any changes in the professor/research scholar's responsibilities at VCU, the work location, the anticipated length of stay (i.e., extension of the program or early completion of the program) will be communicated to the Office of Immigration Services.

Any activities not originally anticipated for the professor/research scholar's program (e.g., lectures at other schools or outside consultations) must be incidental to the visitor's program at VCU and must be approved in advance by the visitor's School or Department, the visitor's J-1 sponsor and the Office of Immigration Services.

If the J-1 visitor is a physician, the physician will **only be permitted to have incidental patient contact** as part of his/her primary educational or research objectives under an Exchange Visitor Program.

The physician's Professor/Chair and Dean will send a letter to the VCU Office of Immigration Services confirming no patient contact or only incidental patient contact. (see "Information Form for Sponsoring J-1 Exchange Visitor" in RELATED DOCUMENTS).

### **Signatures for travel**

J-1 professors, scholars, and specialists who want to travel outside the U.S. must obtain signatures "for travel" on their DS-2019 before they leave the U.S. The signatures must be obtained from the VCU Office of Immigration Services and will indicate that the J-1 visa holder is in good standing at VCU and should be allowed to return to the U.S.

### **Length of Stay and Two-Year Foreign Residence Requirement**

International visitors who are at VCU as professors or research scholars may stay at VCU up to five years. However, once their program is finished and they leave VCU and return to their home country, there is a two-year ban on returning to the U.S. as a J-1 visiting professor or research scholar.

If the J-1 visiting professor or research scholar is transferring from an active J-1 program at VCU to another active J-1 program at another institution (before the end of the five year stay limitation), it is imperative that the J-1 visitor or the School or Department notify the VCU Office of Immigration Services so that the J-1 status can be maintained as “active” until the transfer date.

The visiting professor or visiting research scholar may avoid the two-year ban if he/she arranges to stay in the U.S. or returns to the U.S. in another visa status (e.g., he/she could change status to an F-1 student or could change status to another J-1 category).

Visiting professors or visiting research scholars who are being invited to VCU for a program lasting less than six months should be invited by using the Short-term Research Scholar (STRS) program. If the visiting professor or visiting research scholar is at VCU as a STRS, the two-year foreign residence requirement will not apply. However, the STRS program can never be extended beyond six months.

### **Employment of J-1 visa holders**

Work activity for J-1 professors and research scholars and specialists will be clearly defined on their DS-2019, and these J-1 holders must adhere closely to the requirements of their program. **J-1 visiting professors cannot be hired in tenure-track positions.**

J-1 visa holders who are employed by VCU or the VCU Health System will not be able to begin working until they have completed the form “I-9” (see RELATED DOCUMENTS).

J-1 visa holders who will receive compensation from VCU will be required to obtain a Social Security number (see “Obtaining a Social Security Number” section above) since all compensation will be reported to the U.S. Internal Revenue Service. If the income is not from a job, but is reported to the IRS, the visa holder will be required to obtain an Individual Tax Identification Number (ITIN) <http://www.irs.gov/pub/irs-pdf/fw7.pdf>.

J-1 visa holders whose income is reported to the U.S. Internal Revenue Service will file an annual tax return. These taxes paid by J-1 visa holders may or may not be refunded, depending on the amount of their income and the tax treaty which may exist between the U.S. and their country. Questions concerning tax treaties will be referred to Karin Messina (Payroll Specialist in Payroll Accounting).

## **Status of Non-Student J-1 Visa Holders:**

### **J-1 Professor and Scholar**

This status is not to exceed five years. Usually, employment not connected with the appointment is not permitted. Reimbursements, honoraria or per diem payments received as a guest lecturer or collaborative researcher, etc. (outside the original J-1 appointment) may be undertaken only with prior written approval from the Responsible Officer of the scholar or professor's exchange program. Generally, persons on another institution's J exchange visitor program must transfer to VCU's exchange visitor program before beginning employment at VCU.

*Note: Physicians may not perform clinical activities in this category of the J visa.*

Restrictions on returning in professor or research scholar category:

If an individual was in the U.S. during the last 24 months in J status sponsored by any organization (including those not connected with VCU) in the **professor or research scholar categories**, the OIE is prohibited from issuing a DS-2019 for this person to enter the U.S. in the J-1 **professor or research scholar category**. The J-1 Exchange Visitor Sponsor form from VCU Office of International Education Immigration Services asks the incoming visitor to list his/her visa history so our office may determine appropriate options.

However, there is the possibility that this individual could return during the two-year ban, if he/she comes back to the U.S. with another visa status (e.g., F-1) or in another J-1 visa category (e.g., J-1 Short-Term Scholar).

### **J-1 Short-Term Scholar**

The short-term scholar category is used to bring someone to the U.S. to observe, lecture, consult, or participate in conferences or meetings. This status does allow reimbursements, honoraria or per diem payments received as a guest lecturer, etc. The maximum time one can be in the U.S. in this category is six months.

No extension of stay beyond the six-month period is allowed. See restrictions above for exceptions to returning in professor or research scholar category.

### **J-1 Specialist**

This status should be used to bring a foreign national who is an expert in a field of specialized knowledge to observe, consult or demonstrate special skills - except for those who may fall into the professor/researcher category above. This visa should not be used as a means of general employment. The regulations prohibit

individuals from filling a permanent or long-term position. The specialist may receive payment and may remain in the U.S. for a maximum of one year.

#### **IV. Medical health insurance requirements for international students and visiting professors and research scholars**

All international students are required to have accident and illness insurance which covers the cost of hospitalization during their stay in the United States.

U.S. regulations governing the exchange visitor program require that J-1 visitors and dependents must obtain medical health insurance, including coverage for medical evacuation (helping a sick J-1 holder return to his/her home country) and repatriation of remains. Medical health insurance requirements can be reviewed at <http://www.vcu.edu/oie/pdfs/J-1%20InsuranceReqs.pdf>

#### **V. H-1B visas: Temporary worker nonimmigrant visa classification**

The H-1B visa is a temporary visa for someone sponsored by a U.S. employer as an employee in a specialty occupation. The H-1B visa holder receives an H-1B for a specific job and from a specific employer. The H-1B visa is only valid for that specific job and for that specific employer.

The H-1B visa is issued initially for three years, or less, but may be extended for a maximum of six years.

##### **How to obtain an H-1B visa from Virginia Commonwealth University**

Prospective international employees must be sponsored by a School or Department at VCU, and the School or Department must file an H petition which will be processed by the United States Citizenship and Immigration Services.

Schools or Departments wishing to initiate an H petition are advised to contact the Director of the VCU Office of Immigration Services who will coordinate the petition process.

##### **Documents required**

The potential employee completes the “**Request for H-1B Temporary Visa Form For Prospective Employee**” (see RELATED DOCUMENTS) in order to give the potential employee’s School or Department the information needed for the School or Department to file the H-1B petition documents.

The School or Department completes and submits the “**H-1B Worksheet for Labor Conditions Application**” (see RELATED DOCUMENTS) to the VCU Office of Immigration Services.

In addition, the School or Department completes the “Actual Wage Determination Form” (see RELATED DOCUMENTS) detailing the salary to be offered the H-1B employee. Salary must be consistent with the prevailing salary offered in the geographic area, or higher, for the job in question.

A third required document will be an **official appointment letter** prepared by the potential employee’s School or Department and signed by the Chair of the Department. A “Sample Appointment Letter” can be found in RELATED DOCUMENTS.

### **Cost of the H-1B petition process**

VCU Office of International Education charges a processing fee and the U. S. Citizenship and Immigration Services charges a petition fee, an antifraud fee for any new petitions or transfers, and a premium processing fee. VCU Immigration Services website contains detailed instructions on required forms and costs at <http://www.vcu.edu/oie/imm/forms.html>

### **Evaluating the potential employee’s academic records**

If the potential employee’s academic records need to be assessed, they will be reviewed by the VCU Credentials Evaluator in the VCU Office of International Admissions.

### **Time required for processing an H-1B petition**

Whether the potential employee is in the U.S. or outside the U.S., the H-1B petition process will take approximately five to six months, once proper documentation has been received by the VCU Office of Immigration Services. The U.S. Department of Homeland Security processing may require an additional month.

The potential employee will not be allowed to start working at VCU until his/her H-1B visa request is finalized and the employee has the H-1B visa.

## **VI. Permanent Residency Petitions**

Foreign national employees may obtain VCU sponsorship for U.S. Permanent Residency during employment at VCU. Permanent Residency petitions are prepared by state-contracted immigration attorneys, Challa Law Offices, PLC. University sponsorship involves a process that includes approval from each of several levels of university administration. The VCU policy “Sponsorship of Employees Seeking Permanent Residency Status Policy” outlines the conditions under which a foreign national employee may obtain university sponsorship for U.S. Permanent Residency during employment at Virginia Commonwealth

University (VCU). This policy can be found on the Immigration Services website:  
[http://www.vcu.edu/oie/pdfs/residency\\_policy.pdf](http://www.vcu.edu/oie/pdfs/residency_policy.pdf)

### **How to Initiate a Permanent Residency Request**

The request is initiated by the Department where the beneficiary works and is submitted to the Department Head and then the Dean of the School/College using the form “Employment-Based Immigrant Petitions” (see RELATED DOCUMENTS). After the Dean signs the document, it is forwarded to the Director of Immigration Services in the Office of International Education, 916 W. Franklin Street, P.O. Box 843043, who obtains approval from the Provost or applicable Vice President and notifies VCU General Counsel and Challa Law Offices to begin their procedures.

### **Costs related to Permanent Residency Petitions**

The Department is required by law to pay the legal fees (up to \$2,750) plus any position advertising costs through the Labor Certification process. Beyond that, the Department may agree to pay up to \$5,000 (including \$2,750 for Labor Certification) for the legal fees and the additional USCIS filing fees for the I-140 and I-485 steps.

If the Department pays up to \$5,000, the Department and the employee must sign and attach the “Reimbursement Agreement for Legal Fees of Immigration Counsel” (see RELATED DOCUMENTS) which obligates the employee to reimburse all legal fees related to the permanent residency request if the employee leaves the employ of VCU within three years of the date of the application.

The Department is allowed to pay expenses for the foreign national employee only, i.e., a department may not pay expenses associated with a permanent residency application for the employee’s dependent(s). The employee will pay the immigration attorney directly for any dependent costs.

### **Conditions which must be met before a Permanent Residency Petition can be considered:**

1. The position must be a permanent, regular appointment.
2. The position is full time.
3. The position is significant:
  - a. Teaching/Research Faculty, Administrative/Professional Faculty or certain classified positions.
  - b. Excludes Post doctoral Associates (Postdoctoral Appointments are limited to four years, hence not appropriate for employer-sponsored permanent residency).
4. The department wishes to retain the employee in the position indefinitely, and is willing to absorb the Labor Certification costs.
5. The employee intends to remain at the university and executes the “Reimbursement Agreement for Permanent Residency Petition Fees”. The agreement

provides that if the employee leaves the University within a period of three years beyond the date of the application for permanent residency, he/she will agree to reimburse the University such legal services fees paid over and above those related to the Labor Certification, and any other fees and costs paid on their behalf for the Permanent Residency Petition.

6. The university's providing the service is in the university's and Commonwealth's best interest.

### **Facilitator of the Permanent Residency Petition at VCU**

The VCU Director of Immigration Services is the University representative who facilitates the Permanent Residency paperwork with the state-contracted immigration law firm Challa Law Offices. All university-sponsored residency petitions must be processed through this University office and this law office.

### **Exception to using current state-contracted law firm**

Individuals who started but did not complete Permanent Residency proceedings at another institution or employer and who have subsequently been hired by VCU may receive University sponsorship but still use the prior firm. However, standard approval procedures must be followed, and reimbursement requirements must be adhered to with the other law firm.

**Full details on the Permanent Residency Petition process can be found at:**  
**<http://www.vcu.edu/oie/imm/residency.html>**

## **VII. Honoraria for International Visitors/Lecturers**

### **Determining eligibility for payment of an honorarium and/or incidental expenses**

Current federal law authorizes universities to pay honoraria and incidental expenses to visitors in business status or tourist status (B-1 or B-2 visas), including visitors arriving under the Visa Waiver Pilot Program.

B-1 and B-2 visitors and/or waiver visitors (WB or WT) may receive honoraria and reimbursement for incidental expenses without prior arrangements through the U.S. Embassy in their home country.

The visitor may not be paid an honorarium and/or incidental expenses if he/she has been reimbursed by more than five other U.S. institutions/organizations during the preceding six months. The visit at VCU may not last more than nine days.

### **Processing payment of honorarium and/or incidental expenses**

A School or Department which is paying an honorarium and/or incidental expenses to an international visitor must notify the VCU Office of Immigration Services of the visit with a copy of the letter of invitation (including dates and purpose of the visit) and the filled-out and signed “Compliance Statement for Payments to Visitors in Business or Tourist Status” (see RELATED DOCUMENTS).

The “Compliance Statement for Payments to Visitors in Business or Tourist Status” requires either a U.S. Social Security Number or Individual Taxpayer Identification Number (ITIN). If the visitor does not have a SS number or ITIN, the visitor can find an application for the ITIN and application instructions at

<http://www.irs.gov/pub/irs-pdf/fw7.pdf>.

The application for an ITIN must be submitted directly from the visitor to the IRS.

An Honorarium form ([www.vcu.edu/procurement/Honorarium.doc](http://www.vcu.edu/procurement/Honorarium.doc)) will be processed by the Fiscal Administrator of the inviting School or Department who will submit these documents with the “Compliance Statement for Payments to Visitors in Business or Tourist Status” ([www.vcu.edu/oie/pdfs/honorarium.pdf](http://www.vcu.edu/oie/pdfs/honorarium.pdf)) to the VCU Office of Immigration Services.

These documents must be submitted to the VCU Office of Immigration Services **before** the visitor departs from VCU. Once the documents are reviewed and approved by the VCU Office of Immigration Services, the Office of Immigration Services will forward the documents to Accounts Payable or Payroll for processing.

**It is the School’s or Department’s responsibility to verify the visa status of the visitor. Again, all invitations to international visitors who come to VCU as professors, research scholars or lecturers must be communicated to the VCU Office of Immigration Services by email or by hard copy of the invitation letter.**

## **VIII. Visa Protocol for Elective Medical Clerkships at VCU**

### **Eligibility**

International students who are pursuing a medical degree at a foreign institution and who are coming to the United States for an elective clerkship (without remuneration) at Virginia Commonwealth University may come to the U.S. with a B-1 visa for this limited purpose.

The elective medical clerkship is only for medical students pursuing their normal third or fourth year internship at Virginia Commonwealth University as part of a foreign medical school degree. The internship affords practical experience and instructions in the various disciplines of medicine under the supervision and direction of faculty physicians at VCU.

Medical Clerkship does not include **graduate** medical training, which normally requires a J-1 visa and typically includes the 212e two-year return home requirement (see section “Length of Stay”).

### **Applying for Medical Clerkship at VCU**

U.S. equivalent third and fourth-year medical students enrolled at a foreign university must apply for the elective Medical Clerkship at VCU at least six weeks before the beginning of the anticipated clerkship.

The following documents will be submitted by the student to the Associate Dean of the VCU School of Medicine, who will review the documents and make a decision on the student’s application to the elective Medical Clerkship Program:

- Photocopy of bio-information page of passport
- Transcript of grades (Evaluation of academic performance will be done by the VCU Credentials Evaluator in the VCU Office of International Admissions.)
- Proof of Proficiency in English (TOEFL, IELTS or other agreed-upon measures)
- Letter of standing and recommendation from the student’s Dean
- Copy of malpractice insurance and health insurance coverage
- Vaccination/immunization history
- Field/department in which the clerkship is requested
- Home mailing address, e-mail address, and telephone number
- Anticipated date of arrival (airport and airline information)

If the student is accepted to the elective Medical Clerkship Program, the School of Medicine will send the student’s documents to the VCU Office of Immigration Services which will verify that the student is eligible to enter the U.S. on a B1 visa and will keep the documents on file for future reference.

If the VCU Office of Immigration Services determines that a B1 visa is appropriate for the student, the student and the VCU School of Medicine will be notified by the VCU Office of Immigration Services.

If the VCU Office of Immigration Services determines that a B1 visa is not appropriate for the student, the student will be required to send financial documents showing that he/she can pay for the studies and living expenses at

VCU. Once acceptable financial documents are received, the VCU Office of Immigration Services will generate a DS-2019 which the student will take to the U.S. Embassy for a J-1 visa interview. The student will be responsible for obtaining the J-1 visa before coming to the U.S. to do the Medical Clerkship.

#### **XIV. Board of Visitors Approved Fees for Immigration Services**

\$500 processing fee for E-3 visa  
\$250 processing fee for TN visa  
\$ 30 completion fee for DS-2019

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#### **RELATED DOCUMENTS**

1. Actual Wage Determination Form  
[http://www.vcu.edu/oie/imm/im\\_information/h1\\_employees.html](http://www.vcu.edu/oie/imm/im_information/h1_employees.html)
2. Application for admission - process for international students:  
[http://www.vcu.edu/oie/ia/ia\\_app.html](http://www.vcu.edu/oie/ia/ia_app.html)
3. Application for Extension of Stay  
[http://www.vcu.edu/oie/pdfs/IS.f2Extension\\_of\\_Stay.pdf](http://www.vcu.edu/oie/pdfs/IS.f2Extension_of_Stay.pdf)
4. Application for Individual Taxpayer Identification Number (ITIN)  
<http://www.irs.gov/pub/irs-pdf/fw7.pdf>
5. Change of Major for Undergraduates:  
[http://www.enrollment.vcu.edu/records\\_reg/studentinfo.php](http://www.enrollment.vcu.edu/records_reg/studentinfo.php)
6. Compliance Statement for Payments to Visitors in Business or Tourist Status  
<http://www.vcu.edu/oie/pdfs/honorarium.pdf>
7. Curricular Practical Training Information and Authorization Form  
<http://www.vcu.edu/oie/pdfs/CPT.pdf>
8. Employment Authorization (I-765) <http://www.uscis.gov/files/form/I-765.pdf>
9. Employment-Based Immigration Petitions  
[http://www.vcu.edu/oie/pdfs/Residency\\_Approval\\_form.pdf](http://www.vcu.edu/oie/pdfs/Residency_Approval_form.pdf)
10. Employment Eligibility Verification (Form I-9)  
<http://www.uscis.gov/files/form/I-9.pdf>
11. F-1 visa related documents:  
[http://www.vcu.edu/oie/imm/forms/f1\\_students.html](http://www.vcu.edu/oie/imm/forms/f1_students.html)
12. H-1B visa related documents:
  - a. Worksheet for Labor Conditions Application
  - b. Sample Appointment Letter for the H-1B visa
  - c. Request for H-1B Temporary Visa Form for Prospective Employee
  - d. Invoice to be sent to Accounts Payable: H-1B Petition Fees  
[http://www.vcu.edu/oie/imm/im\\_information/h1\\_employees.html](http://www.vcu.edu/oie/imm/im_information/h1_employees.html)
13. Honorarium form <http://www.vcu.edu/procurement/Honorarium.doc>
14. Immigration Transfer-In Clearance form, I-20  
[http://www.vcu.edu/oie/imm/forms/f1\\_students.html](http://www.vcu.edu/oie/imm/forms/f1_students.html)
15. Individual Taxpayer Identification Number application:

- <http://www.irs.gov/pub/irs-pdf/fw7.pdf>
16. IRS information on Foreign Students and Scholars -  
<http://www.irs.gov/businesses/small/international/article/0,,id=96431,00.html>
17. J-1 visa related documents:
- a. Information Form for Sponsoring J-1 Exchange Visitor  
[http://www.vcu.edu/oie/imm/forms/j1\\_j2\\_visitor.html](http://www.vcu.edu/oie/imm/forms/j1_j2_visitor.html)
  - b. J-1 Academic Training Form  
[http://www.vcu.edu/oie/pdfs/J1\\_acad\\_training.pdf](http://www.vcu.edu/oie/pdfs/J1_acad_training.pdf)
18. Medical Insurance Requirements  
<http://www.vcu.edu/oie/pdfs/J-1%20InsuranceReqs.pdf>
19. Optional Practical Training and Authorization Form  
<http://www.vcu.edu/oie/pdfs/OptionalPracticalTraining.pdf>
20. Reimbursement Agreement For Legal Fees of Immigration Counsel  
<http://www.vcu.edu/oie/imm/forms.html>
21. Request for a Reduced Course Load  
[http://www.vcu.edu/oie/pdfs/reducedload\\_form.pdf](http://www.vcu.edu/oie/pdfs/reducedload_form.pdf)