

UC Davis Academic Personnel Manual

Recruitment

Section UCD-530, Recruitment and Appointment of ~~Aliens (NoncitizenNonimmigrants)Nonresidents~~

Date: [date]

Supersedes: 6/25/97

Responsible Department: Academic Personnel and Services for International Students and Scholars

Source Document: UC APM-530

I. Purpose

This section outlines responsibilities and procedures for the sponsorship of individuals who are neither U.S. citizens nor permanent residents relative to the academic recruitment and appointment process. These procedures also apply to those cases where a nonresident ~~alien~~ is uniquely qualified for a research position but requires a change in immigration status that will allow temporary or permanent employment (see Policy & Procedure Manual Section 380-14).

II. Definitions

- A. Immigrant (Permanent Resident)--a ~~foreign national~~person who is not a U.S. citizen who has been lawfully admitted to the U.S. for permanent residence, but who is still a citizen of another country. An immigrant is issued an Alien Registration ~~Receipt Card~~ (Form I-551 or "green card") by the U.S. Citizenship and Immigration Services (USCIS).
- B. Nonimmigrant AlienNonresident--a ~~foreign national whose reason for coming to the U.S. involves a temporary stay that will end when its purpose has been accomplished~~person who is not a citizen or permanent resident of the United States. In this document nonresident and international are synonyms when referring to persons.
- C. Visa--a stamped entry in the passport that enables the ~~foreign national~~nonresident to enter the U.S. under conditions specified for the visa classification. Visas are issued by a U.S. consulate abroad. Visas do not confirm legal stay or employment eligibility. This can only be confirmed by the status granted at the port-of-entry on the I-94 admission record.
- D. Arrival-Departure Record (I-94)—The I-94 Form is a government document that records a traveler's arrival/departure information. Those who need to prove their legal status can download their I-94 form from a U.S. Customs and Border Protection webpage. The I-94 shows a person's entry date, entry port, and the period for which the person has been given permission to remain in the U.S.
- In the case of F-1 and J-1 visa holders, the I-94 will have "D/S", instead of an expiration date.
 - For F-1 and J-1 visa holders, their stay is linked to their I-20 or DS-2019 document expiration date.

III. Responsibilities

As with any recruitment or appointment, all campus search and recruitment requirements must first be

satisfied; refer to Section UCD-500, Academic Recruitment Guidelines, or Personnel Policies for Staff Members, Policy 21, Appointment. The ~~alien~~nonresident candidate, the hiring department, Services for International Students & Scholars (~~S.I.S.S.~~SISS), the School or College Dean's office, and the Office of the Provost must then work cooperatively to ensure that the campus can benefit from the unique talents and skills of certain ~~noncitizen~~nonimmigrantnonresident scholars.

- A. The candidate and the recruiting department are responsible for initiating the review of the candidate's eligibility for an appropriate visa status through consultation with ~~S.I.S.S.~~SISS. ~~(See Policy & Procedure Manual Section 380-64 for further information regarding the various visa classifications.)~~ Once eligibility and status have been determined, the candidate and the department must compile materials as directed by ~~S.I.S.S.~~SISS that document that ~~her/his~~the nonresident's credentials and the proffered position meet the requirements for the desired immigration classification in relation to U.S. Department of Labor (DOL), USCIS and ~~INS~~Department of Homeland Security (DHS) regulations. The department is also responsible for the preparation of ~~INS~~USCIS and DOL applications/petitions as directed by ~~S.I.S.S.~~SISS as well as for any USCIS~~INS~~ filing fees and any expenses (such as long-distance telephone calls, faxes, or express mail charges) incurred by ~~S.I.S.S.~~SISS in connection with the case.
- B. The responsibilities of ~~S.I.S.S.~~SISS are: to facilitate the University's invitation and employment of international faculty and researchers; to advise the department regarding University and Federal regulations pertaining to the employment of ~~foreign national~~nonresident; to provide ~~complete~~ information regarding various visa classifications and employment authorization; to provide instruction and assistance concerning the appropriate application procedures; to monitor the processing of materials by government agencies; and to provide advocacy as necessary. ~~When necessary, S.I.S.S.~~SISS will make the final determination as to the appropriateness of a particular visa classification, petition, or strategy.
- C. Upon receipt from the department of the requested documentation, ~~S.I.S.S.~~SISS will provide government authorities with sworn certification on behalf of the University. All actions will be within the framework provided by the letter and the spirit of State and Federal laws.

IV. International Scholar Fee-For-Service

- A. ~~Cost-sharing fees~~Fees designed to cover a portion of the cost of ~~the range of~~ professional services provided by ~~S.I.S.S.~~SISS will be charged to the academic department or program that hosts or hires the international faculty member or researcher where official visa documents or immigration petitions are required. ~~This fee structure does~~These fees do not apply to ~~nonimmigrant students nor, at this time, to~~ individuals who qualify to come to UCDUC Davis in the B-1, TN, or WB status. ~~(See Policy & Procedure Manual Section 380-64.)~~
- B. The fees are assessed for the DS-2019 document required for initial or extension of J-1 status; the petition for approval of initial, extension or amendment of E-3, H-1B, O-1 or TN status; only when the initial Form IAP-66 is prepared for the J-1 status, when the H-1B or O-1 visa petition is filed, or when a permanent visa petition is filed for permanent residence through employment at UC Davis, either by SISS or in conjunction with University-approved outside counsel, coordinated by SISS. or application for alien employment certification is filed. Subsequent J-1, H-1B, or O-1 extensions will be processed at no additional charge. Fees charged to departments also cover all advising of departmental faculty and staff on all immigration issues, as well as advising for all current and potential international scholars, orientations for J-1 scholars, and other programs and services offered to international scholars through SISS. There is no charge for departmental consultations prior to the invitation of international faculty and researchers. Information on current recharge fees is available from S.I.S.S. can be found at

siss.ucdavis.edu

- C. Departments must pay all fees, including SISS recharge fees and USCIS fees, related to petitions filed for international scholars at UC Davis who will be sponsored for E-3, H-1B, O-1, and TN status, as well as those who seek an approved I-140 to qualify for permanent residence. International faculty, staff and researchers who gain an approved I-140 through a permanent resident petition sponsored by the University can be expected to pay for USCIS fees related to adjustment of status to permanent resident, which is the final step in gaining permanent residence (this includes form I-485 for adjustment of status and any attorney fees). All other fees must be paid by the department and requiring reimbursement from international scholars in the above categories in any form is not allowed by either USCIS or University policy.
- D. Departments must pay all recharge fees directly to SISS for requesting a DS-2019 for new or continuing J-1 status in the international scholar category. However, departments may create internal policies regarding requesting reimbursement of the recharge fee from J-1 international scholars upon their entry to the US.
- E. University departments are not responsible for any fees related to petitions filed for dependent family members, including family members in the E-3D, H-4, J-2, O-3 or TD visa categories.

V. Time Frame

Departments must allow sufficient time for processing visa applications, petitions, or immigration applications. Procedures should begin at least 2 months in advance for DS-2019 requests, at least 6 months in advance for H-1B visa applicants, and as far in advance as possible for applicants seeking ~~for~~ permanent residence. Obtaining an immigrant visa or permanent resident status may take from 6 months to 2 years, depending on individual circumstances.

VI. Permanent Employment of Nonresidents (Immigrant Status)

UC Davis sponsorship for permanent resident status may be sought for a nonresident who is proposed for permanent UC Davis employment.

- A. In order to qualify for University sponsorship for legal permanent resident status, the proffered position must be full-time and permanent, meet the prevailing wage standard, and require professional skills. Tenured or tenure-track faculty positions normally meet these requirements. Those positions that do not qualify for such sponsorship include postgraduate researchers, visiting postdoctoral scholars, and lecturers. In addition, only those positions directly engaged in teaching or research will be sponsored.
- B. To establish that a grant-funded research position may be considered permanent for the purpose of sponsorship for permanent residence, the following conditions must be met:
 - 1. Funding to support the position must be available for at least 3 years.
 - 2. There must be a reasonable expectation that the funding will be renewed beyond the 3-year maximum.
 - 3. The department must intend to continue to employ the nonresident for more than 3 years (assuming funding).
 - 4. The foreign national must intend to remain at UC Davis for more than 3 years.

- C. University sponsorship includes the assistance of SISS to the academic department in the preparation and filing of a labor certification and/or permanent visa petition with the State Employment Development Department (EDD), Department of Labor (DOL), and USCIS, and to the nonresident and her/his accompanying immediate family members in the preparation of documents for applications to adjust status to legal permanent resident. SISS will represent the University in all legal matters related to immigration situations. Private immigration attorneys will not be authorized to represent the University in any situation, and individual faculty and department representatives should not sign immigration petitions, attorney authorizations, or letters to USCIS without consulting SISS

D. Procedures

All procedures, forms and instructions to initiate immigration processes can be found on the SISS website at siss.ucdavis.edu. Departments should contact the relevant advisor listed on the SISS staff webpage.

VII. Temporary Employment of Nonresidents ~~Aliens~~ (Nonimmigrant Visa)

~~SISS provides support to departments hosting. A nonimmigrant visa classification may be sought for an alien nonresident who is proposed for a visiting or temporary appointment and who does not already have permanent (immigrant) status. A new nonimmigrant visa petition, a change of status to a different visa classification, or a legal transfer of J-1 program may be required for individuals proposed for a temporary appointment at UCD who are already in the U.S. in nonimmigrant status.~~ The right to temporarily live and engage in professional employment in the U.S. as a nonimmigrant nonresident is relatively simple to obtain for qualified foreign nationals persons. When permanent residence is a goal, however, one temporary visa classification may be more appropriate than another, and the situation should be fully discussed with S.I.S.S. SISS before proceeding with the initial temporary invitation.

1. An H-1B nonimmigrant visa petition will be filed by the University only for temporary faculty positions or for those professional research positions that are full-time, i.e., 100% appointments. When there is an interest in subsequently pursuing permanent employment and permanent resident status for the individual, it is particularly appropriate to use the H-1B status, which accommodates this "dual intent," rather than the J-1 status, which is specifically restricted to temporary appointments.
2. The J-1 Exchange Visitor Visa is appropriate for appointments of visiting faculty, researchers, or specialists (experts in a field of specialized knowledge or skills invited to UC Davis for the purpose of observing, consulting, or demonstrating their special skills). Some of these visiting researchers may be students in their home countries, coming to UC Davis to engage in research.
3. SISS recommends that all visiting nonresident scholars receive an appropriate academic appointment given their position or purpose at UC Davis. An appropriate appointment will facilitate obtaining necessary or useful campus services for the visiting scholar.

Information on these and other nonimmigrant visa classifications most commonly used by campus departments can be found on the SISS website.

A. J-1 Exchange Visitor Visa

1. The J-1 visa is issued to: professors or researchers for 35 years or less; specialists for 1 year or less; short-term scholars for 6 months or less; or students who are sponsored by

~~the U.S. or other governments or by certain international organizations, or who participate in certain exchange programs, for the period of their course of study plus any period of approved academic training employment. (See Policy & Procedure Manual Section 380-64 for more information on the J-1 exchange visitor classification.)~~

2. ~~— A J-1 exchange visitor may not be a candidate for a tenure-track position.~~

3. ~~— Procedures~~

~~The request for a new or extended DS-2019 document which is necessary to obtain or continue J-1 status, as well as information on procedures and support services, for both J-1 scholars and departments who host them, can be found on the SISS website at siss.ucdavis.edu.~~

Responsibility	Action
Department	1. Obtains from S.I.S.S. a Request for IAP-66 (Certificate of Eligibility for Exchange Visitor [J-1] Status). NOTE: New UCD students obtain Form IAP-66 through the admission process. 2. Completes all items on request form; obtains foreign national's signature on health insurance memorandum of understanding and, if necessary, documentation of her/his funding; returns request to S.I.S.S. at least 10 weeks before the individual's anticipated arrival at UCD.
S.I.S.S.	3. Prepares Form IAP-66 and sends with prearrival information to originating department.
Department	4. Transmits Form IAP-66 and prearrival information to visitor 7 weeks before visitor's arrival.
Foreign national	5. Presents Form IAP-66 to U.S. consulate with application for J-1 visa.
Department	6. Refers visitor immediately upon arrival to S.I.S.S. for check-in and orientation.
S.I.S.S.	7. Conducts check-in and orientation; provides support services to visitor and family throughout her/his stay at UCD.

B. — H-1B Temporary Worker Visa

1. ~~— An H-1B nonimmigrant visa petition will be filed by the University only for temporary faculty positions or for those professional research positions that are full-time, i.e., 100% appointments. When there is an interest in subsequently pursuing permanent employment and permanent resident status for the individual, it is particularly appropriate to utilize the H-1B status, which accommodates this "dual intent," rather than the J-1 status, which is~~

~~specifically restricted to temporary appointments.~~

~~2. The foreign national's admission to the U.S. in H-1B status is based on a petition filed with INS USCIS by a particular employer for a specific job. Additional employment, or a substantive change in the initial employment, is not possible unless an amended petition is filed with USCIS. Subsequent petition has been approved by INS. Prior to filing the H-1B petition with USCIS, the employer (S.I.S.S.) must file a Labor Condition Application with DOL, confirming certain information pertaining to the wages and working conditions of the proposed employment.~~

~~3. The employing department must post a notice of the intention to file a Labor Condition Application and keep on file, and upon request make available for public examination, documentation to support the Labor Condition Application and other information pertaining to the position and to the visa petition.~~

~~4. Procedures~~

~~The request for a new or extended H-1B status, as well as information on procedures and support services for departments hiring H-1B workers and for H-1B scholars, can be found on the SISS website at siss.ucdavis.edu.~~

~~Note: Comparable procedures are followed in the appointment of a Mexican citizen in the TN status as established by the North American Free Trade Agreement (NAFTA). See Policy & Procedure Manual Section 380-64 and VII-D, below.~~

Responsibility	Action
Department	1. Contacts S.I.S.S. regarding prospective temporary worker in a speciality occupation.
S.I.S.S.	2. In accordance with established policy, makes determination regarding University support of individual cases. 3. If approved, sends department H-1B petition packet and directions for completing petition and related forms and compiling supporting documentation.
Department	4. Prepares applications and related documentation according to S.I.S.S. instructions.
S.I.S.S.	5. Submits Request for Prevailing Wage to EDD, Labor Condition Application to DOL, and H-1B petition to INS; monitors processing by each agency and provides advocacy as necessary; notifies department of approval at each step; forwards notice of approval for H-1B petition to department.
Department	6. Forwards notice of approval to foreign national to facilitate visa application if he/she is outside of U.S.; provides copy of Labor Condition Application to individual no later than first day of employment. 7. Refers foreign national to S.I.S.S. for check-in and

	orientation.
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~~C. O-1 Temporary Worker of Extraordinary Ability~~

- ~~1. The O-1 classification applies to an individual who has extraordinary ability in the sciences, education, or business that has been demonstrated by sustained national or international acclaim, who is coming to the U.S. to work in the area of extraordinary ability, and whose admission will substantially benefit the U.S. The services to be performed must involve a specific scientific or educational project that is appropriate for an extraordinary or highly technical person due to the complexity of the project and in which the O-1 will play a critical role. An O-1 petition may be approved for up to 3 years.~~
- ~~2. The spouse and dependents of the O-1 are admitted in the O-3 status and may apply to USCIS/INS for employment authorization.~~
- ~~3. A petition for an O-1 alien of extraordinary ability must be accompanied by evidence of sustained national or international acclaim and recognition for achievements in the field of expertise by providing evidence of:
 - ~~a. Receipt of a major internationally recognized award, such as the Nobel Prize, or~~
 - ~~b. At least three of the following forms of documentation:
 - ~~1) Documentation of the foreign national's receipt of nationally or internationally recognized prizes or awards for excellence in the field of endeavor.~~
 - ~~2) Documentation of the foreign national's membership in associations in the field for which classification is sought that require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields.~~
 - ~~3) Material in professional or major trade publications or other major media relating to the individual's work in the field for which classification is sought. Such evidence shall include the title, date, and author of the material and any necessary translation.~~
 - ~~4) Evidence of the foreign national's participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specification for which classification is sought.~~
 - ~~5) Evidence of the foreign national's original scientific, scholarly, or business-related contributions of major significance in the field.~~
 - ~~6) Evidence of the individual's authorship of scholarly articles in the field, in professional journals, or other major media.~~
 - ~~7) Evidence of the display of the foreign national's work in the field of artistic exhibitions or showcases.~~
 - ~~8) Evidence that the foreign national has been employed in a critical or essential capacity for organizations or establishments that have a distinguished~~~~~~

reputation.

9) — Evidence that he/she has commanded and now commands a high salary or other remuneration for services, evidenced by contracts or other reliable evidence.

c. — Written evidence of consultation with the appropriate peer group, i.e., an association or entity with expertise in that area, and signed by an authorized official of the organization, describing the alien's ability and achievements in the field of endeavor and stating whether the position requires the services of an individual of extraordinary ability.

4. — Procedures

The O-1 status is rarely used unless the employee is not eligible under current law to obtain any other work status and the employee qualifies as a person of extraordinary ability. The request for a new or extended O-1 status and information about the status can be found on the SISS website at siss.ucdavis.edu.

Responsibility	Action
Department	1. Consults with S.I.S.S. regarding individual situation.
S.I.S.S.	2. Makes determination of appropriateness and viability of O-1 petition; provides to department materials and directions for completing forms and compiling supporting documentation.
Department	3. Completes forms and compiles supporting materials; returns all to S.I.S.S. for review.
S.I.S.S.	4. Reviews petition and supporting materials; submits petition to INS; monitors progress; provides advocacy as necessary; notifies department of approval; forwards notice of approval.
Department	5. Forwards notice of approval to facilitate visa application if individual is outside U.S.; refers foreign national to S.I.S.S. for check-in and orientation.

D. — TN professional status under NAFTA

1. — Qualified Canadian or Mexican citizens may enter the U.S. to engage in professional activities in one of the specified professional occupations under the NAFTA Free Trade Agreement, which includes university professors and scientists in specified fields. A complete listing of professional occupations covered under NAFTA is available through a link on the SISS website. Entry is granted for employment with a specified employer for a maximum initial period of 3 years, 1 year, which can subsequently be extended indefinitely for up to three years at time in yearly increments.

2. — A Mexican citizen must obtain a nonimmigrant TN visa stamp at a U.S. consulate in order to enter the US in TN status. To apply for the visa, the Mexican citizen must have an appropriate job offer letter. SISS assists departments in crafting these letters, based on a

previously approved petition to INS by the prospective employer. This TN process is similar to that for the H-1B (see VII-B, above).

3. ~~A Canadian citizen seeking TN professional status presents at the U.S. port of entry evidence of Canadian citizenship, a letter offering employment in one of the professions specified under NAFTA, professional status, evidence of qualifications, and evidence of compliance with licensing requirements if appropriate. A TN visa stamp in the passport is not necessary in the case of Canadian citizens.~~

4. ~~The spouse and dependents of the TN are admitted into the U.S. in TD (trade dependent) status and may not be employed unless they obtain a change of status.~~

5. ~~Procedures (for Canadian citizens)~~

~~SISS assists departments in either crafting a letter for admission as a TN scholar directly from abroad or changing or extending TN status from inside the US. The request for a change to TN status or extension of TN status from inside the US, as well as information on the status and procedures, can be found on the SISS website at sis.ucdavis.edu.~~

Responsibility	Action
Department	1. Forwards following materials to S.I.S.S. well in advance of proposed entry of prospective TN: a. Letter describing employment (see S.I.S.S. for sample). b. Curriculum vitae or current resume. c. University check for U.S. \$50 payable to INS. d. Manila envelope addressed to foreign national with department return address and mail ID number.
S.I.S.S.	2. Forwards materials to foreign national with prearrival information and instructions; forwards copies of materials to port of entry as appropriate.
Department	3. Upon foreign national's arrival, refers her/him to S.I.S.S. for check-in and orientation.

VIII. ~~Potential Bars/Delays to Obtaining the Desired U.S. Temporary or Permanent Residence Status~~

A. ~~The individual circumstances of a foreign national the University wishes to employ or invite may preclude or delay obtaining the desired temporary or permanent status. Examples of such situations include:~~

1. ~~The foreign national may, as a condition of current or previous J-1 status, be barred from adjusting status because he/she is subject to the 2-year home country residence requirement. (See Policy & Procedure Manual Section 380-64.) Departments or individuals may consult with S.I.S.S. regarding possible waiver of this requirement.~~

2. ~~Foreign nationals who have been out of legal status or have worked illegally in the U.S. may have to pay a penalty before adjusting status to permanent resident, or they may have to complete their processing at a U.S. consulate abroad. Individuals who have been out of status for an extended period may even be barred from reentering the U.S. for a period of years.~~

~~B. Where such impediments to employing or inviting an international professor or researcher to UCD seem to exist, it is important to consult with S.I.S.S. regarding possible remedies before abandoning the planned activity. Consultation with S.I.S.S. prior to making an invitation or offer of employment to a foreign national is recommended in all cases.~~

IX. References and Related Policies

- A. Office of the President: UC Group Insurance Regulations.
- B. Academic Personnel Manual Sections 500-~~(Recruitment/General)~~, [530 \(Recruitment/Nonresidents\)](#), and UCD-500, Academic Recruitment Guidelines.
- C. Personnel Policies for Staff Members, Policy 21, Appointment.
- D. Policy & Procedure Manual:
 - 1. Section 380-06, Employment Eligibility Authorization.
 - 2. Section 380-14, Employment of Aliens(Nonimmigrants).
 - ~~3. Section 380-64, Conditions of Visas for Alien (NoncitizenNonimmigrant) Students, Scholars, and Visitors.~~
 - 3. Section 380-65, Income Tax Withholding and Reports of Earnings for Citizens and Resident Aliens.
 - 4. Section 380-66, Income Tax Withholding and Reports of Earnings for Nonresident Aliens.
 - 5. Section 380-76, Honorarium Payments and Other Additional Compensation.

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Date: [date]

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I. Purpose

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II. Definitions

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- B. Nonresident — a person who is not a citizen or permanent resident of the United States. In this document nonresident and international are synonyms when referring to persons.
- C. Visa — a stamped entry in the passport that enables the nonresident to enter the U.S. under conditions specified for the visa classification. Visas are issued by a U.S. consulate abroad. Visas do not confirm legal stay or employment eligibility. This can only be confirmed by the status granted at the port-of-entry on the I-94 admission record.
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 - 1. In the case of F-1 and J-1 visa holders, the I-94 will have "D/S", instead of an expiration date.
 - 2. For F-1 and J-1 visa holders, their stay is linked to their I-20 or DS-2019 document expiration date.

III. Responsibilities

As with any recruitment or appointment, all campus search and recruitment requirements must first be satisfied; refer to Section UCD-500, Academic Recruitment Guidelines, or Personnel Policies for Staff Members, Policy 21, Appointment. The nonresident candidate, the hiring department, Services for International Students & Scholars (SISS), the School or College Dean's office, and the Office of the Provost must then work cooperatively to ensure that the campus can benefit from the unique talents and skills of certain nonresident scholars.

- A. The candidate and the recruiting department are responsible for initiating the review of the candidate's eligibility for an appropriate visa status through consultation with SISS. Once eligibility and status have been determined, the candidate and the department must compile materials as directed by SISS that document that the nonresident's credentials and the proffered position meet the requirements for the desired immigration classification in relation to U.S. Department of Labor (DOL), USCIS and Department of Homeland Security (DHS) regulations. The department is also responsible for the preparation of USCIS and DOL applications/petitions as directed by SISS as well as for any USCIS filing fees and any expenses (such as long-distance telephone calls, faxes, or express mail charges) incurred by SISS in connection with the case.
- B. The responsibilities of SISS are: to facilitate the University's invitation and employment of international faculty and researchers; to advise the department regarding University and Federal regulations pertaining to the employment of nonresidents; to provide information regarding various visa classifications and employment authorization; to provide instruction and assistance concerning the appropriate application procedures; to monitor the processing of materials by government agencies; and to provide advocacy as necessary. SISS will make the final determination as to the appropriateness of a particular visa classification, petition, or strategy.
- C. Upon receipt from the department of the requested documentation, SISS will provide government authorities with sworn certification on behalf of the University. All actions will be within the framework provided by the letter and the spirit of State and Federal laws.

IV. International Scholar Fee-For-Service

- A. Fees designed to cover a portion of the cost of professional services provided by SISS will be charged to the academic department or program that hosts or hires the international faculty member or researcher where official visa documents or immigration petitions are required. These fees do not apply to individuals who qualify to come to UC Davis in the B-1, or WB status.
- B. The fees are assessed for the DS-2019 document required for initial or extension of J-1 status; the petition for approval of initial, extension or amendment of E-3, H-1B, O-1 or TN status; or when a petition is filed for permanent residence through employment at UC Davis, either by SISS or in conjunction with University-approved outside counsel, coordinated by SISS. Fees charged to departments also cover advising of department faculty and staff on immigration issues, as well as advising for current and potential international scholars, orientations for J-1 scholars, and other programs and services offered to international scholars through SISS. Information on current recharge fees can be found at <http://siss.ucdavis.edu/>.
- C. Departments must pay all fees, including SISS recharge fees and USCIS fees, related to petitions filed for international scholars at UC Davis who will be sponsored for E-3, H-1B, O-1, and TN status, as well as those who seek an approved I-140 to qualify for permanent residence. International faculty, staff and researchers who gain an approved I-140 through a permanent resident petition sponsored by the University can be expected to pay for USCIS fees related to adjustment of status to permanent resident, which is the final step in gaining permanent residence (this includes form I-485 for adjustment of status and any attorney fees). All other fees must be paid by the department and requiring reimbursement from international scholars in the above categories in any form is not allowed by either USCIS or University policy.
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internal policies regarding requesting reimbursement of the recharge fee from J-1 international scholars upon their entry to the US.

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- C. University sponsorship includes the assistance of SISS to the academic department in the preparation and filing of a labor certification and/or permanent visa petition with the State Employment Development Department (EDD), Department of Labor (DOL), and USCIS, and to the nonresident and her/his accompanying immediate family members in the preparation of documents for applications to adjust status to legal permanent resident. SISS will represent the University in all legal matters related to immigration situations. Private immigration attorneys will not be authorized to represent the University in any situation, and individual faculty and department representatives should not sign immigration petitions, attorney authorizations, or letters to USCIS without consulting SISS
- D. Procedures: All procedures, forms and instructions to initiate immigration processes can be found on the SISS website at <http://siss.ucdavis.edu/>. Departments should contact the relevant

advisor listed on the SISS staff webpage.

VII. Temporary Employment of Nonresidents (Nonimmigrant Visa)

SISS provides support to departments hosting a nonresident who is proposed for a visiting or temporary appointment. The right to temporarily live and engage in employment in the U.S. as a nonresident is relatively simple to obtain for qualified persons. When permanent residence is a goal, however, one temporary visa classification may be more appropriate than another, and the situation should be fully discussed with SISS before proceeding with the initial temporary invitation.

1. An H-1B nonimmigrant visa petition will be filed by the University only for temporary faculty positions or for those professional research positions that are full-time, i.e., 100% appointments. When there is an interest in subsequently pursuing permanent employment and permanent resident status for the individual, it is particularly appropriate to use the H-1B status, which accommodates this "dual intent," rather than the J-1 status, which is specifically restricted to temporary appointments.
2. The J-1 Exchange Visitor Visa is appropriate for appointments of visiting faculty, researchers, or specialists (experts in a field of specialized knowledge or skills invited to UC Davis for the purpose of observing, consulting, or demonstrating their special skills). Some of these visiting researchers may be students in their home countries, coming to UC Davis to engage in research.
3. SISS recommends that all visiting nonresident scholars receive an appropriate academic appointment given their position or purpose at UC Davis. An appropriate appointment will facilitate obtaining necessary or useful campus services for the visiting scholar.

Information on these and other nonimmigrant visa classifications most commonly used by campus departments can be found on the SISS website.

IX. References and Related Policies

- A. Office of the President: UC Group Insurance Regulations.
- B. Academic Personnel Manual Sections 500 (Recruitment/General), 530 (Recruitment/Nonresidents), and UCD-500, Academic Recruitment Guidelines.
- C. Personnel Policies for Staff Members, Policy 21, Appointment.
- D. Policy & Procedure Manual:
 1. Section 380-06, Employment Eligibility Authorization.
 2. Section 380-14, Employment of Aliens (Nonimmigrants).
 3. Section 380-65, Income Tax Withholding and Reports of Earnings for Citizens and Resident Aliens.
 4. Section 380-66, Income Tax Withholding and Reports of Earnings for Nonresident Aliens.
 5. Section 380-76, Honoraria and Other Additional Compensation.