Hosting and Hiring Foreign Nationals

Elizabeth W. Smith, Ph.D.
Assistant Director, Center for International Education
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Overview of Today’s Topics

• Before arriving at UT
• Common immigration statuses at UT
• Advantages and disadvantages
• Additional visa options
• Permanent residency
• Things to consider
Before arriving at UT

- Present documents from UT at US consulate for visa issuance
- Request entry to US at the airport/border
- CBP officer grants immigration status
- I-94: i94.cbp.dhs.gov

Or

- Change of status inside the U.S.
H-1B Temporary Worker

• Employment
• Professional position
• “Specialty” occupation
• Regulated by Labor and Immigration
• Wage requirements
• Up to six years, with some exceptions
J-1 Exchange Visitor

• Cultural exchange and activities
• Employment not required but permitted
• Expected to return to home country
• Health insurance mandatory
• Adequate funding
• English ability
• Variety of categories
J-1 Categories

• Student – on campus/Academic Training
• Research Scholar – up to 5 years
• Professor – up to 5 years
• Short-term Scholar – up to 6 months
• Specialist – up to 1 year
• Intern – up to 1 year
B-1 or WB Business Visitor

• Professional visit
• No employment allowed
• May receive travel reimbursement
• “9-5-6” rule for honorarium payment
• B-1 or WB/ESTA
H-1B Advantages & Disadvantages

Advantages
• Longer period of employment
• No conflict with immigrant intent

Disadvantages
• Paperwork and length of processing
• Restrictions on position changes
• Not allowed if employee is subject to J-1 two-year rule
• Wage and fee requirements
J-1 Advantages & Disadvantages

Advantages

• Relatively little paperwork
• Flexibility: lengths of stay, funding sources, extensions and transfers

Disadvantages

• Non-immigrant intent
• Two-year home residency requirement
• Previous/current immigration history considerations
B-1/WB Advantages & Disadvantages

Advantages
• Very little or no paperwork
• No visa application for WB; ESTA

Disadvantages
• No honorarium if visit is more than 9 days
• No extension for WB
• Consulate may be reluctant to give B-1 visa
• No study/employment permitted
Additional Options: TN and O-1

TN NAFTA Professional
- Canadian and Mexican citizens
- Certain positions only

O-1 Extraordinary Ability or Achievement
- Sciences, arts, education, business or athletics
- Nationally or internationally recognized
F-1 Optional Practical Training

• Training in field of study, typically after graduation from U.S. college/university
• 12 month period
• STEM students may apply for an additional 24 months
• Field of study, level of study, over 20 hours/week
• No paperwork for hiring department
Permanent Residency

• UT Knoxville-area policy
• Labor Certification
  • Job Ad documentation
• Outstanding Professor/Researcher
• National Interest Waiver
Things to Consider

• Purpose and activity
• Length of visit
• Funding source
• Current and previous immigration status(es)
• Length of processing time
Questions?

Elizabeth W. Smith, Ph.D.
Assistant Director, Center for International Education
1620 Melrose Avenue
elizabeth@utk.edu
865-974-3177