

# IFSS Nonimmigrant Classification Reference Guide

| Type Of Visa (Immigration Status)                     | Possible Income From Us Sources`   | Eligibility Criteria  | Max Length Stay In Us   | Advantages   | Disadvantages  | Supporting Documentation Needed   | IFSS Role  | Preferred Notice to IFSS | Minimum Notice to IFSS |
|---|--|---|---|--|--|---|--|--------------------------|------------------------|
| J-1 EXCHANGE VISITOR (PROFESSORS AND RESEARCHERS)     | Unlimited income from university; allowed financial support from foreign and personal sources;     | Invitation to teach, lecture or conduct research; indication of adequate financial support for length of program  | Up to 5 calendar years on a use or lose basis.  | Relatively easy and quick to obtain; may be self-funded; spouse may apply for work authorization     | May be subject to two- year home residence requirement; cannot change program objective; 2-year bar applies at end of program participation. | Certificate of Eligibility from program sponsor with details of program objectives and evidence of financial support            | Advise<br><br>Process for issuance of DS-2019                            | 6 mos.                   | 90 days                |
| H-1B NONIMMIGRANT WORKER                              | Unlimited income from university; no other income unless holds concurrent H-1B with other employer | Possession of professional degree and skills; indication that position to be filled requires professional skills and is temporary                                   | First period up to 3 years, renewable to total of 6 years   | Allowed to have dual intent to immigrate; not subject to two-year home country residence requirement | Extensive supporting documentation needed; must pay a prevailing wage.   | Highest US degree or evidence of US equivalent; employer letter, certified Labor Condition Application and more.                | Advise<br><br>Prepare and submit petition to USCIS                       | 6 mos.                   | 90 days                |
| O-1 NONIMMIGRANT WORKER                               | Unlimited income from University, no other income unless holds concurrent O-1 with other employer  | Possession of professional degree and skills; demonstration of extraordinary ability; indication that position to be filled is an event that is temporary in nature | First period up to 3 years, renewable annually; no specified time limit; based on duration of valid event | Not restricted by being subject to 212(e); no prevailing wage requirement                            | Extensive supporting documentation needed to demonstrate that the beneficiary is outstanding   | Letter of consultation from peer group; letter of recommendation; same degree requirements as above, and more                   | Advise<br><br>Prepare and submit petition to USCIS for extension of stay | 6 mos.                   | 90 days                |
| TN / NAFTA NONIMMIGRANT WORKER                        | Unlimited income from University; no other income without approval for new employer                | Possession of qualifying professional degree or licensure; indication that position to be filled is temporary in nature   | One year; renewable annually  | No prevailing wage requirement; Canadian TN is quick and easy to obtain through border entry         | Limited to Canadian and Mexican citizens (Mexican TN process similar to H-1B); cannot adjust to permanent status                             | Proof of qualifying citizenship; original degree diploma; letter of support from hiring department; other proof for Mexican TN  | Advise<br><br>Prepare and submit petition for extension of stay          | 6 ms.                    | 90 days                |
| B-1/B-2 VISITOR FOR BUSINESS/ PLEASURE                | Honorarium and/or reimbursement for travel and subsistence, possible, but no salary                | Proof of academic or business purpose for visit to United States  | No more than 1 year - renewable in excrements of 6 months (exceptions may apply)                          | Quick and relatively easy to obtain and use many times; no government form or petition required      | Limited stay in US; may not be paid a salary. Cannot stay for more than 9 days at any one university if being paid.                          | Invitation letter with dates and purpose of visit; proof of adequate funds; evidence of permanent residence in the home country | Advise and counsel   | n/a                      | n/a                    |
| WB (WAIVER OF BUSINESS) or WT (WAIVER OF TOURIST)     | Honorarium and/or reimbursement for travel & subsistence, possible, but no salary                  | WB: See B-1<br>WT: See B-2<br>Only applicable if from designated visa waiver country  | 90 days   | No need to visit US Consulate  | WB: see B-1<br>WT: see B-2<br>No extensions or change of immigration status possible   | WB: see B-1<br>WT: see B-2  | Advise and counsel   | n/a                      | n/a                    |
| PERM for LABOR CERTIFICATION (GREEN CARD)             | Minimum income requirement to be paid by university; no maximum limit                              | Demonstration of no minimally qualified U.S. workers available for hire; proof of qualifying education and skills   | n/a   | Obtains permanent resident status; no more need to extend visa status                                | Complex and lengthy process  | Recruitment efforts; degree, certificates and/or license, etc.  | Advise<br><br>Prepare and submit to regulatory agencies.                 | * 9 mos                  | *6 mos.                |
| EB-1 OUTSTANDING PROFESSOR or RESEARCHER (GREEN CARD) | Income must be equitable for occupation; no maximum limit from university.                         | Evidence of outstanding merit and proof of international recognition in the academic field; permanent job offer   | n/a   | Bypasses the PERM process; Obtains permanent resident status; no more need to extend visa status     | Detailed oriented process; compiling evidence can be burdensome  | Offer letter; awards, memberships, citations, publications, and more; minimum 3 years experience                                | Advise<br><br>Prepare and submit to USCIS                                | * 6 mos                  | *6 mos.                |

\*Candidates for permanent resident sponsorship must have a minimum of 18 months validity remaining as a nonimmigrant worker.