



## **An Immigration Guide for Employing International Faculty, Scholars and Guest Speakers at North Carolina Central University**

The ability to be employed and/or compensated for services in the U.S. is dependent upon the non-immigrant visa status held by the foreign national AND specific USCIS (U.S. Customs and Immigration Services) regulations which govern the visa. Many of the numerous non-immigrant visa categories permit an individual to be employed and/or compensated by a U.S. employer. However, in almost every case, employment and compensation are restricted to an identified sponsoring employer or organization, for a fixed period of time within a specific capacity. Although the USCIS regulatory intricacies vary depending on the type of position, length of employment, and type of funding, the following will serve as an introductory guide when hiring a foreign national for a University position:

1. Contact the Office of International Affairs (OIA) four to six months in advance, if possible, of hiring a non-U.S. Citizen in need of a visa for a faculty or scholar position. We will provide you with the necessary information regarding appropriate visa type, possible compensation, length of visit, and required documentation.
2. **H-1B Visa Status for Faculty** The processing of H-1 B petitions are considered preferably for tenure-track positions; non-tenure track positions will be considered on a case by case basis. The process for hiring a non-U.S. citizen who is in need of a visa takes longer than the usual hiring process. It is necessary to contact the OIA four to six months prior to the employment start date when hiring a new non-U.S. faculty member who needs an H-1B visa and filing under the normal H-1B processing timeframe. If filing via Premium Processing, then the timeframe is two - three months prior notice. (See the note below on Premium Processing). Normal H-1B processing times by USCIS can take from at least 3 months to as long as several months. The OIA offers H-1B visa regulatory advising for tenure-track faculty positions. Financial support for living expenses is provided by salary.

**Documentation required:** Extensive petition is prepared by the OIA. Petition includes Petition Checklist prepared by OIA, Letter of support from department, copy of highest degree received and transcripts, letters of reference, Dept. of Labor approval, USCIS application form I-129, and C.V. or resume. The OIA will advise the department and the faculty candidate on preparation of required documentation. Approval of the H-1B visa status must be received before the candidate can begin employment. The OIA will provide authorized employment clearance to the EPA Office.

See section on H-1 Petition Instructions for more information.

3. **J-1 Research Scholar or Temporary Professor Visa Status** International Research Scholars are primarily engaged in conducting research, observing, or consulting in connection with North Carolina Central University (NCCU). They may also teach or lecture as required by the academic department. The minimum academic requirement for a research scholar with teaching or lecturing responsibilities is a

master's degree. The scholar may not be a candidate for a tenure-track position. Research scholars may be funded by NCCU, by their own university, by personal funds, government funds, or a combination of the above. Temporary faculty or adjunct positions are primarily engaged in part-time or full-time teaching positions that are non-tenure track. The duration of the positions may not exceed five years. The appropriate visa type for a research scholar or temporary non-tenure track faculty member is J-1. The J-1 visa type has a mandatory health insurance requirement. The OIA will advise on the minimum amount of health insurance required. The appropriate length of time for this type of visitor ranges from ten days to three years. A Masters degree or above is required for this type of visa.

The OIA must clear all J-1 scholars with EPA before employment. **Before proceeding with employing research scholars or temporary professors in J-1 status, please contact Ms. Brenda Lewis, Program Manager at (919) 530-7712 or [blewis@nccu.edu](mailto:blewis@nccu.edu) at least three months prior to the desired arrival time.**

Documentation Required - A form DS-2019 (formerly IAP-66) must be issued by the OIA. Before the DS-2019 can be issued, department/scholar must submit: J-1 Visa Request forms (Part I & II), Departmental support letter, Proof of financial support, completed insurance compliance letter, or other relevant documents.

4. **B-1 Visitor for Business Visa or VWB Visa Waiver for Business** International guest lecturers/speakers are occasionally hired for a short- term visit to campus. Effective October 21, 1998, a new law permits an academic institution to pay honoraria and associated incidental expenses for a usual academic activity lasting not longer than nine days at any single institution to persons in this visa status. The service performed must be conducted for the benefit of the academic institution AND the foreign national may not accept payment or expenses from more than five institutions within the previous six-month period. The visitor must present a valid visa and Form I-94, Record of Arrival and Departure to the Office of International Affairs (OIA) upon arrival on campus as verification of immigration status. This verification by the OIA is required before payment can be made by the University.

Documentation Required - No documentation from the OIA is required. However, visitor must be prepared to submit to the U.S. Consulate (for B-1 visa) or at the U.S. Port of Entry (for VWB visa)\* a valid passport and letter of invitation from the sponsoring University department. A copy of this letter must be forwarded to the OIA.

The Departmental invitation letter must include:

- Purpose of visit dates and duration of visit (not to exceed 9 days on campus)
- Type and amount of payment
- Instructions to call the Office of International Affairs for an appointment immediately upon arrival on campus so the OIA can provide immigration honoraria payment clearance to Office of Accounts Payable. Visits that exceed nine days on campus are not appropriate for this visa type. Please see J-1 Scholar visa.

\*VWB visa is a waiver of a visitor's visa for business purposes. A visit to the U.S. Consulate is not required and the visa is granted in customs at the U.S. Port of Entry generally in the airports. The United States currently grants this visa waiver to 29 countries: Andorra, Austria, Argentina, Australia, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, the United Kingdom, and Uruguay. The statute allowing the visa waiver has been extended through April 30, 2000.

For consultation on any of the above information, please contact: The Office of International Affairs (OIA), North Carolina Central University, 103 Lee Biology Bldg. Ms. Brenda Lewis, Program Manager

### **H-1B Petition Instructions to Departments & International Faculty**

The Office of International Affairs (OIA) is responsible for the advising and processing of the H-1B visa status for full-time tenure-track faculty. The information listed below must be submitted to the OIA at least six months prior to the employment start date when filing under normal H-1B processing times unless filing via Premium Processing, then the timeframe is two - three months prior notice. (See the note below on Premium Processing). Approval of the H-1B visa status must be obtained before the employee can be placed on North Carolina Central University Payroll.

**USCIS Premium Processing Service:** If your department wishes to request Premium Processing Service for your employee's H-1B petition, an expedited service whereby USCIS guarantees a decision within 15 days, the cost must be covered by your/the hiring Department. The premium processing fee is \$1000. The check should be made payable to Department of Homeland Security. If an address is needed for the check, use:

U.S. Citizenship and Immigration Services  
California Service Center  
Attn: CAP Exempt H-1B Processing Unit  
Laguna Niguel, CA 92607-3004

However, forward the check to OIA to be submitted with the complete H-1B petition packet.

**Other Fees:** There are other regular processing fees associated with the H-1B Petition as required by USCIS. Currently petition fees are \$820 for new H-1Bs, \$320 for H-1B Extensions. The OIA will cover the cost for regular processing, however the Premium Processing fee (currently \$1000) must be covered by the hiring Department.

The following information may be submitted by campus mail, email, or faxed to:

Brenda Lewis, Program Manager, Office of International Affairs  
North Carolina Central University  
The Office of International Affairs (OIA)  
103 Lee Biology Building  
Fax: (919) 530-7627

I. From the Dean or Department Chairperson:

A letter confirming the offer of employment to the faculty member. The letter must include the following:

1. Full name of candidate
2. Annual salary
3. Start date of employment
4. Title of position

5. Brief paragraph describing the academic department in which the faculty member will be employed,
6. Brief paragraph describing the position duties,
7. Brief paragraph describing the candidates qualifications for the position,
8. Statement to the effect, "The Department of \_\_\_\_\_ agrees to comply with all terms of the LCA (Labor Certification Application) until the end date and agrees to pay return transportation to the home country in the event that the employee is terminated prior to the end of the date on the I-129 application." (This statement may also be made by the NCCU School or College and is required by law.)

II. From the international faculty member: (if already inside the United States)

1. Your full name (and any other names used in past) and date of birth
2. Your current address, phone number, fax number, and email address
3. Your address abroad (if you no longer have one, a parent's address will do)
4. Date of birth, Country and Province of birth
5. Country of Citizenship
6. Last date of arrival in the United States
7. Copy of I-94 card (both sides) indicating current, valid Immigration status
8. Copy of social security card (both sides)
9. Copy of passport – at least passport data page which includes passport #, date issued and date expires
10. Copy of visa, if have one
11. If applicable, copies of all F-1 documents including: all I-20s current and past
12. If applicable, copies of all J documents including: current and past DS-2019s and IAP-66s
13. Copy of Employment Authorization Document (EAD) if you are currently pursuing F-1 Practical Training employment
14. Copies of any other I-797s (USCIS) Notice of Action documents: current and past, and any other immigration status documents (Ex. Copy of I-797 for O-1)
15. If currently or previously on J-1 status, copy of the waiver approval of the two-year home residency requirement (I-612) or at least "no objection letter" from D.O.S., or receipt notice for the waiver application
16. Preferred U.S. Consulate abroad in the event that USCIS requires travel abroad.
17. Confirmation that you are not in removal proceedings.
18. How many, if any, prior H-1Bs? Any ever denied? If applicable, how much time have you and dependents actually spent in H-1B, H-4, or any other "H" classification?

19. CV or Resume
  20. Copy of degrees required for your position, date obtained and address(es) of the institution. If degree is not from a U.S. university, you **must provide**: an evaluation of equivalent education and translation from the evaluation service, **Trustforte**. Visit [www.trustfortecorp.com](http://www.trustfortecorp.com).
  21. Copies of three letters of reference. You may use the same letters used to obtain your position at North Carolina Central University
  22. If currently employed as an H-1B at another institution, proof that the employment is still in effect at the time of application for the new employers H-1B petition
  23. Have you ever filed for U.S. Permanent Residency status? If yes, what is the status of your application?
- III. If you have dependents currently inside the United States who wish to obtain H-4 Dependent status, the international faculty member will be responsible for completing an I-539 form for their dependent(s) and submitting it and the following information to OIA to be sent with the I-129 petition:
1. Photocopy of their dependent's I-94 cards showing current valid immigration status
  2. Photocopy of their dependent's passport pages showing their photos and biographical Information
  3. A completed and signed I-539 form (available from the USCIS website). Only one form and one fee for all dependents are necessary.
  4. A check in the amount of \$300 made out to U.S. Department of Homeland Security. This is the USCIS fee required for the change to H4 status or extension.
- IV. From the international faculty member (if applying outside the United States):
1. Your full name and date of birth
  2. Your current phone number, fax number, and email address
  3. Your CV or resume
  4. Copy of highest degree required for your position. If non-U.S. degrees, foreign national **must provide**: translation, official credentials evaluation from the evaluation service, **Trustforte**. Visit [www.trustfortecorp.com](http://www.trustfortecorp.com).
  5. Copies of three letters of reference. (You may use the same letters used to obtain your position at North Carolina Central University
  6. Photocopy of passport page showing your photo and biographical information and passport number and passport expiration date

7. Location (City and Country) of the United States Consulate you will visit to apply for the H-1B visa
  8. Your address in your home country
  9. Have you ever been in H-1B status before? If yes, specify the dates.
  10. Have you ever filed for U.S. Permanent Residency status? If yes, what is the status of your application?
- V. If you have dependents outside the United States and they wish to obtain the H-4 visa and enter the United States, the international faculty member will be responsible for completing an I-539 form for their dependent(s) and submitting it and the following information to OIA to be sent with the I-129 petition:
1. Full names and dates of birth of all dependents
  2. Photocopy of their passport pages showing their photos and biographical information, passport number and passport expiration date
  3. Proof of relationship to the H-1B visa holder such as copy of marriage license for spouse and birth certificate for child.

The OIA will be responsible for preparing and mailing the completed H-1B petition to USCIS. Copies of the completed petition will be kept on file in the OIA and a copy of the petition will be given to the Faculty candidate for record-keeping purposes. **The faculty candidate may not begin work at North Carolina Central University until USCIS approves the H-1B status.** Visits that exceed nine days on campus are not appropriate for this visa type. Please see J-1 Scholar visa.

Checks should be made payable to (spelled out and not abbreviated): **Department of Homeland Security**

\*VWB visa is a waiver of a visitor's visa for business purposes. A visit to the U.S. Consulate is not required and the visa is granted in customs at the U.S. Port of Entry generally in the airports. The United States currently grants this visa waiver to 29 countries: Andorra, Austria, Argentina, Australia, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, the United Kingdom, and Uruguay. The statute allowing the visa waiver has been extended through April 30, 2000.

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