UMass IPO Campus Stakeholders Update

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International Programs Office

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https://www.umass.edu/ipo/
Today’s Agenda

• Review of the immigration challenges of the past few years and where we are now
• UMass President’s Office Hiring Tips
• Request UMass VIP Access
• Overview of H-1B Process
  • H-1B E-Forms, general overview and reminders
• Overview of J-1 Process
  • Processing times
  • E-form Requests in UMass VIP
  • NENs Requests
  • J-1 Scholar Orientation
• Permanent Resident Process
• Q & A
The following is not legal advice. Information within the presentation can change quickly and any questions should be addressed to the IPO.
HR Immigration & Pre-hire Do’s and Don’ts

Advertisement:

• Employers may not limit jobs to U.S. workers unless required by law, regulation, Executive Order or government contract.

• But employers are not obligated to sponsor employees for work authorized status, e.g. H-1B.

• Determination of whether or not to sponsor can be made prior to recruitment & applicant review.
  • If position not sponsored, DOJ has approved following advert language: “Applicants must be work authorized for employment in the U.S. on a full-time basis.”
HR Immigration & Pre-hire Do’s and Don’ts

• **Application**: Employers are permitted to ask all applicants:
  - Are you currently authorized to work in the U.S.?
  - Will you require sponsorship for employment in the future?

• **Candidate Selection**: Employers may not ask candidates about their specific immigration status prior to offer being accepted. *What is considered an offer? Verbal, written etc?*

• **Offer letter**: Include I-9 compliance language to alert prospective new hires of requirement to produce work authorization documentation within 3 days of hire.

By following these guidelines, foreign national applicants may not claim a violation of the law for failure to hire based on need for visa sponsorship/work authorization.
Request UMass VIP Access

For new departmental staff that need to request J-1s or H-1bs on behalf of the department, UMass VIP access is required. Alert IPO if you move to another position on campus, or end employment at UMass Amherst.

1. Go here: [https://www.umass.edu/ipo/iss/requesting-sponsorship](https://www.umass.edu/ipo/iss/requesting-sponsorship)
2. Request UMass VIP Access, using guide on website above
3. IPO will review request and approve/deny
4. Requester will receive an email with approval/denial notice
   1. You will be able to review your department’s cases/employees and your specific cases that you have started/are working on
5. IPO will add you to the UMass Dept Users Listserv for general updates/news

*Typically takes the IPO 2 business days to process.*
**My Current Cases**: Any cases you have that are open/closed within the last 90 days and initiated by you

**My Closed Cases**: Any cases that are closed or inactive for more than 90 days

**My Department's Current Cases**: Displays a list for all individuals assigned to your same department. The list displays only cases: 1. With activity in the last 90 days 2. Open or closed cases in the last 90 days

**My Department's Employees and Scholars**: displays a quick view of employees and J-1 scholar employees within the same department. The list displays: 1. employees with activity in the last 90 days. 2. active and terminated employees who have received a paycheck within the last 90 days 3. all immigration types if they have a DS-2019 or a relevant Employee Summary row*

**CAUTION**: If you open My Department's Current Cases and click the application assigned to another department user (Last Update By is not you) you become the Last Updated By and that case is added to your 'My Current Cases' list. Just like in 'My Current Cases' the Last Updated By changes according to the last action taken and/or e-form submitted. In essence, taking action on a colleagues case in this list, reassigns the case.
**Add New Person**: Only use this if the person does not exist in our database. If a record turns up with a duplicate, please contact our office. It will assign new scholar requests with a TEMPid that we use to find in our database.

**Update Your Information**: Where you can change your name, email, campus information

**Current J-1 Scholar Extension Request**: Current eForm to request extensions of existing scholars ONLY

**UMass Amherst J-1 Request (DO NOT USE)**: For requesting NEW scholars after they have been given the TEMPid in “Add New Person” and the birthday.
H-1B Process at UMass Amherst

• General H information on IPO website:
  International Students and Scholars | H-1B Employees (umass.edu)

• H-1B requests need to be initiated by department, not by employee.

• Direct any inquiries to Hvisas@umass.edu or to initiate an H1-B request for an employee. You will receive further instructions.

• Once logged into UMass VIP, you should see the H-1B visa E-form group.
H-1B Process at UMass Amherst

- 6 Department E-Forms

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<th>E-Forms</th>
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<td>H-1B Department Certification</td>
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H-1B Process at UMass Amherst

- Notify IPO of need for H-1B 6 months prior to start date of employment/end of current status
- Notify IPO when an H-1B employee ends their employment as UMass Amherst prior to their H-1B end date
- All fees associated with H-1B need to come from sponsoring department – cost cannot be passed onto employee.
- Can an H-1B UMA employee receive compensation from other institutions? Teaching an online summer course?
- Can an H-1B UMA employee work from Ohio since his job was deemed remote?
- Can an H-1B employee who was hired as a Researcher take on additional duties to teach an undergraduate course?
Export Control Screening

• New Process set up in conjunction with Export Control Office to ensure UMass is in compliance with all OFAC regulations

• If you are not sure, work with your PI to determine if their project/scholar is subject to OFAC regulations; if a license is required but not acquired, UMass receives hefty fines

• Part of the J-1 Request and H-1B Requests
  – You do not need to work with Export Control separately unless you are unsure or will need a license

• Should take 48 business hours
Do you have any export control projects or are you aware of any export controlled projects on which the visitor will work?*

No: A license or other authorization is not required from the U.S. Government to release such technology or technical data to the visitor (i.e., he/she will not be exposed to any listed technology/data, or any such technology/data qualifies as fundamental research or is otherwise available in the public domain);

Yes: A license or other authorization is required from the U.S. Government to release such technology or technical data to the visitor, and I hereby certify that I will prevent access to the controlled technology or technical data by the visitor until and unless the University has received the required license or other authorization to release it to the visitor.

Unsure: The Export Control Office will reach out to you after reviewing this form.

Sponsoring Department Certification

☐ I understand it is the responsibility of my department to authorize this individual's UMass Amherst participation with the Export Control office BEFORE THEIR ARRIVAL.*

Upload*
- CV
- Offer Letter
- Passport
- Scholar Acknowledgement Agreement (J-1s only)

*combined file size must be under 25 MB
**J-1 Exchange Visitor Visa (Scholars)**

### Requirements

- **Export Control Screening**
- **English Language Requirement**
- **Sufficient Funding**
  - 2022-2023: $25,627 per scholar, $2,640 per dependent
  - 10% only from personal funding
- **Must be temporary in nature**
- **Health Insurance Requirement**
- **IPO Processing fee**: $550 ($560 July 1, 2022)

### Processing Times

- **IPO needs** a minimum of 10 business days to review and process new J-1 Requests.
- **China Scholarship Council (CSC) funded scholars**: need 90 days from the date of DS-2019 creation to arrival. As such, the J-1 Intake request must be submitted at least 100 days from arrival.
- **Non-CSC funded scholars** need 60 days so the J-1 intake request must be submitted at least 70 days from arrival.
Departmental Considerations

- Invitation Letters and Offer letters need to be reviewed by dept.
  - Be careful of language. Dates do not need to be final but UMass VIP and offer letter dates must match. If offer letter dates change, UMass VIP must be updated. Who will keep a record of the expected arrival dates?
  - DS-2019 dates are the dates of “employment” and have immigration restrictions
  - Please review the Sample Letters on our website
UMass Amherst New J-1 Request

View/Save/Print E-Form Group

These e-Forms function best on Firefox.

Department Administrators - Please complete the department forms below to initiate the J-1 visa process for a new J-1 scholar appointment. Please submit these forms at least 2-3 months prior to appointment start date to allow time for immigration document and visa processing. Note: The department certifications form cannot be submitted until the scholar completes and submits all required forms.

To complete the department forms, the department will need to upload the following documents:

1. PI Invitation Letter
2. Scholar Passport
3. Scholar CV
4. Visiting Scholar Acknowledgment
5. Hosting an Undergraduate (if applicable)

Please contact the IPO if you have any questions.

References:
UMass Amherst J-1 Visa Sponsorship Policy

E-Forms to be Completed by the Department

- REQUIRED
  - UMass Amherst J-1 Initial Screening
- REQUIRED
  - UMass Amherst Begin J-1 Scholar Request
- REQUIRED
  - UMass Amherst English Language Proficiency
- SUBMITTED
  - UMass Amherst Program Appointment Specifics
- NOT YET AVAILABLE
  - UMass Amherst Department Certifications

1. Add new Person
2. Start UMass J-1 Request
3. Complete E-forms
   1. Initial Screening sent to Export Control after submission
   2. Begin J-1 Scholar Request
      1. Sends Scholar their E-form group for completion
   3. English Proficiency—goes to your PI after submission
   4. Program Appointment Specifics
   5. Once Scholar has submitted all their e-forms and their request, Department Certifications opens for you
Overall J-1 Process

1. Scholar (via quikpay) or department (via speedtype) pays the IPO processing fee of $550.
2. IPO reviews request and follows up as necessary
3. IPO issues DS-2019, provides information on how to get a J-1 visa at the consulate, enter the U.S., and information regarding their specific J program, and mails documents to scholar
4. IPO requests NENS access within one month of DS-2019 issuance
5. Scholar receives DS-2019, schedules Visa interview, pays consular fee for DS-160, and SEVIS. The IPO cannot advise nor intervene in U.S. Consulate matters.
6. Scholar obtains Visa Stamp and arranges travel. Scholar emails IPO when they receive their set their arrival date. Once we have their arrival date, we will set their mandatory orientation date.

1. Scholar/Department receive “DS-2019 Start Date is Approaching” Email with info. Scholar attends IPO J-1 Scholar Orientation and completes the J Arrival e-Form for SEVIS validation (mandatory). J-1 SEVIS registration and validation put them in J-1 Status.
IPO processes NENS only for UMass Sponsored scholars and Fulbright’s.

- Paid Scholars: NENS for three months
  - All PAID employees will eventually get an ID through HR
  - H employees – pre-employee NENS for 3 months prior and after H start date.
- Unpaid Scholars: NENS for duration of their DS-2019
- Fulbright’s: NENS for duration of DS-2019
  - [https://www.umass.edu/ipo/iss/third-party-sponsored-visas](https://www.umass.edu/ipo/iss/third-party-sponsored-visas)

All other NENS requests must go through OIT: [https://www.umass.edu/it/accounts/courtesy-accounts-non-employees-non-students-nens](https://www.umass.edu/it/accounts/courtesy-accounts-non-employees-non-students-nens)
J-1 Scholar Orientation

- Mandatory per J-1 Regulations
- Through Zoom—no need for the scholars to come to the IPO
- Travel and Status Maintenance Requirements
- UCard: Scholar can get through regular UCard process once NENS is set up; do not need to wait for orientation
- SSN: can apply once their J Arrival Form is approved
- Taxes: basic info only, refer to VITA
- Scams
Other Topics

• DS-2019 Extensions
• Reimbursements
• Short-term lecturing for pay, honorarium, etc.
• Out of Country Approvals
Questions?
Thank you!