TWO POINTS BEFORE WE BEGIN:

1. I’m not an immigration attorney and neither are you. NEVER dispense immigration advice without a license.

2. We are under contract with a local law firm, Fragomen, Del Rey, Bernsen & Loewy for immigration services. Expertise is a phone call away. Refer questions to Bill Tallman at (305) 284-3386, or btall@miami.edu.

HOW DO WE FIND OUT A FACULTY MEMBER WILL NEED A VISA?

- We ask. Carefully.

- Right: “Are you authorized to work in the U.S.? Will you require assistance in obtaining employment authorization?”

- Wrong: “Are you a U.S. Citizen?” ... “What Nationality are you?” ... “You’re not from around here, are you?”

WHEN SHOULD WE FIND OUT IF A FACULTY MEMBER WILL NEED A VISA?

- As soon as possible in the process. A visa can take upwards of five months or more through “regular” processing. If your appointment begins on August 15, you need to start the process in February/March.

- If you do not have that much time, certain visas (H-1B and O-1) can be adjudicated in 15 calendar days for a $1000 fee. This is known as “Premium Processing.”
BEGIN WITH THE END IN MIND

• Faculty who need a visa usually become faculty who need to obtain permanent residency (the “green card”)

• Permanent Residency for teaching faculty can be expedited under Dept of Labor “Special Handling” rules if two conditions are met:
  – A competitive search was conducted, with an ad in a printed publication of national circulation (e.g., Chronicle of Higher Education.)
  – The special handling petition must be filed within 18 months of the initial date of offer.

IF WE CAN’T USE SPECIAL HANDLING?

• Conduct a post-hoc search under PERM Guidelines:
  – One Sunday Miami Herald ad
  – One Sunday Miami Herald ad
  – Posting on Careerbuilder.com
  – Posting on Employflorida.com
  – Ad in Miami Times
  – Posting on UM website
  – Internal Physical Posting of Job Availability

• Departments must bear all costs of advertising.

• Search must document all applicants and the legitimate, job-related reasons why they were not selected.

THE H-1B VISA

• The most commonly used visa for foreign national faculty members.

• Allows for “dual intent” – that is, faculty can transition from H-1B status to permanent residency.

• Applicants must meet minimum degree requirements and positions must meet minimum prevailing wage as determined by the Department of Labor.

• Department Costs: $320 Filing Fee; $500 Anti-Fraud Fee; optional $1,000 Premium Processing Fee.

THE H-1B VISA CONTINUED...

• Employer-Specific, can only work at UM while on our H-1B. Status is dependent on employment.

• Allows for spouses and dependents to enter the country in H-4, status, but they may not work.

• Can file for up to three years at a time, to a maximum of six years total.

• If a position is terminated prior to the end of the H-1B, the employer is liable for the cost of return transportation to the country of origin.
THE TN VISA

- Status for selected occupations (including faculty) through the NAFTA treaty. Only Mexican and Canadian Nationals are eligible.
- Status is obtained/extended at the port of entry or renewed by mail. Inexpensive, but must be renewed yearly.
- Does not allow for “dual intent” – a faculty member in TN status must transition to another status such as H-1B before petitioning for residency.

THE F-1 OPT VISA

- An extension of F-1 student visa status for one year to obtain “Optional Practical Training” – work experience.
- Candidate applies for OPT through the International Student Office at their institution prior to graduating.
- Does not allow for “dual intent” – a faculty member in OPT status must transition to another status such as H-1B before petitioning for residency.

THE O-1 VISA

- Less frequently used at UM due to cost, and because we are not subject to the H-1B cap.
- Reserved for “outstanding” professionals. Petitions are developed in a similar fashion to tenure cases, with outside letters of reference.

STARTING THE PROCESS

- All Visa Actions now handled by Fragomen, and initiated electronically at http://miami.fdbl.com
- Contact Bill Tallman for a login and password to the site.
INFORMATION NEEDED TO COMPLETE THE ONLINE CASE INITIATION

• Basic information about the position (use Ariba document for reference)
• Electronic Copy (pdf) of the Offer Letter
• Scan of Position Advertisement (if applicable)
• Departmental FedEx, DHL, UPS Account Number (will be charged for the overnight filing of the case, and for shipping of approval documents)
• Actual Wage Form and Memorandum

H-1B VISA PAYMENT

• All H-1B and Labor Certification Costs are covered under the contract. Incidental and filing fees must be paid by the department.

• Submit check requisitions for individual fees payable to “Department of Homeland Security” with attached envelopes addressed to Fragomen for inclusion with the petition when it is filed.
H-1B VISA PAYMENT CONTINUED...

• Hand Deliver completed Check Requisitions to Elsa Liauwapau or Alice Williams by 2:00 p.m. for next day service.
• The Tax ID# for Department of Homeland Security is 20-1027111.
• Object Code for requisitions is 3811 – “Service by Outsiders”
• Attach completed online questionnaire as backup to your check requisition.

ATTORNEY OFFICE HOURS

• Under our contract, Fragomen holds periodic office hours on campus. These appointments are free of charge and are open to all UM employees.
• To schedule an appointment, employees can send email to UMVisas@fragomen.com.

DISCUSSION AND QUESTIONS