

# Vanderbilt-Sponsored Work Authorization/Visas & Comparison Chart

This is a guideline to provide you with basic information on the common categories of employment for international persons at Vanderbilt. Contact International Student & Scholar Services (ISSS) or Office of International Services (OIS) for further information, specific questions, and to determine eligibility.

The J-1 Exchange Visitor Program (EVP) was developed by the Department of State (DOS) in 1961 “to increase mutual understanding between the people of the United States and the people of other countries by means of educational and cultural exchanges.” J-1 scholars are non-immigrants pursuing a specific program objective at academic institutions in the U.S., as designated by the Department of State and the United States Citizenship & Immigration Services (USCIS). J-1 scholars are categorized as research scholars, professors, short-term scholars, or specialists. ISSS staff members are DOS-designated Responsible Officer (RO) & Alternate ROs for Vanderbilt’s EVP.

The H-1B category is for the temporary employment of foreign nationals in a specialty occupation category by a specific employer. The position must require at minimum a Bachelor’s degree. In addition, the foreign national must meet the minimum qualifications for the position and be paid the higher of the prevailing wage, as determined by the Department of Labor, or the actual wage paid by Vanderbilt to all other similarly situated employees in the same specified employment. OIS must be notified in the early stages of employment negotiations so that complications related to salary are avoided. The position must be approved by the Department of Labor through the filing of a Labor Condition Application. H-1B worker applications are processed by OIS.

The TN-1 category was created as part of the North American Free Trade Agreement (NAFTA) for individuals from Canada or Mexico employed in specific fields. Persons who qualify may apply at the border or inside the United States. Contact OIS for information regarding positions that qualify under NAFTA.

The O-1 category is specifically for the employment of professionals with “Extraordinary Ability.” To qualify, the foreign national must be in the top 3-5% of his/her field of specialty. Contact OIS to determine if a foreign national will qualify for this category.

The E-3 category was established in 2005 as a Free Trade program authorizing temporary employment of Australian foreign nationals in a specialty occupation by a specific US employer. The employment requirements mirror those of the H-1B category (see above). Please contact OIS with any questions (not included in chart below).

## Other Work Authorization Categories

Several additional work authorization categories can be found at Vanderbilt, which are not detailed on the chart below. Contact the offices for details.

Contact ISSS regarding:	F-1 Student - Optional Practical Training	F-1 Student - Curricular Practical Training
	J-1 Student - Academic Training (for J-1 student categories)	J-2 Dependent - Employment Authorization Card (EAD)
Contact International Tax or ISSS regarding:	B-1/B-2/Visa Waiver Visitors - Honorarium for 9 or fewer days work	
Contact OIS regarding:	Permanent Residency	E-3 Free Trade Australian
		H-1B1 Free Trade Chile & Singapore

## Volunteering

Volunteering is not permitted at Vanderbilt unless in an established volunteer-only position. Furthermore, it is not permissible to allow foreign nationals to volunteer until they obtain work authorization. Contact OIS with any questions.

## Contact Information:

ISSS	Student Life Center	310 25 <sup>th</sup> Ave South	Suite 103	Nashville, TN 37240	615-322-2753	<a href="http://www.vanderbilt.edu/issss">www.vanderbilt.edu/issss</a>
OIS	Student Life Center	310 25 <sup>th</sup> Ave South	Suite 103	Nashville, TN 37240	615-343-7467	<a href="http://www.vanderbilt.edu/ois">www.vanderbilt.edu/ois</a>

	<b>J - I Scholar</b> (administered by ISSS)	<b>H-1B Temporary Worker</b> (administered by OIS)	<b>TN-1 Temporary Worker</b> (administered by OIS)	<b>O-1 Temporary Worker</b> (administered by OIS)
<b>Purpose of category</b>	Research, teaching, observation, consulting, or collaboration, and/or demonstration. Includes non-tenure track faculty, postdoctoral scholars, staff, and visiting scholars.	Employment authorization for temporary employment in specialty occupations (position must require at least a bachelor's degree.) Includes faculty, postdoctoral scholars, and staff.	Temporary employment in a professional occupation authorized under NAFTA – <i>only available to Canadian or Mexican nationals</i> . Includes non-tenure track faculty, postdoctoral scholars, and staff.	Extraordinary ability in sciences, arts, education, business, or athletics. Authorizes temporary employment for professionals in top 3-5% of field of expertise.
<b>Maximum length of stay</b>	Research Scholars - 5 years Professors - 5 years Specialists - 1 year Short Term Scholars - 6 months  (After completing a 5 year Exchange Visitor program, the J-1 is barred from returning as a research scholar or professor for 2 years)	Approved in increments of up to 3 years at a time, but renewable up to a maximum of 6 years continuous stay in the US.  (Extensions beyond the 6 <sup>th</sup> year possible in limited circumstances related to pending green card applications).	Approved in 1 year increments with no defined maximum on extensions, but must maintain evidence of intent to return to home country.	Approved for up to 3 years initially and renewable in 1 year increments thereafter until program/employment objective completed.
<b>Fees</b>	\$100 SEVIS fee for new J-1 applicants (no additional SEVIS fees for dependents).  (Does not include visa issuance fees levied at US Consulates / Embassies for applicants outside of the US)	\$300 – OIS Intake Fee \$320 I-129 fee <u>Other possible fees:</u> \$500 Fraud fee \$300 for dependents only \$1,000 premium processing fee  (Does not include visa issuance fees levied at US Consulates / Embassies for applicants outside of the US)	\$300 – OIS Intake Fee If processed with USCIS: \$320 I-129 fee <u>Other possible fees:</u> \$300 for dependents only \$1,000 premium processing fee  (Does not include visa issuance fees levied at US Consulates / Embassies for applicants outside the US)	\$300 – OIS Intake Fee \$320 I-129 fee <u>Other possible fees:</u> \$3000 OIS legal services fee (1 <sup>st</sup> application only) \$300 for dependents only \$1,000 premium processing fee  (Does not include visa issuance fees levied at US Consulates / Embassies for applicants outside the US)
<b>Length of application process (prior to visa application)</b>	DS-2019 issued within 1-2 weeks of receipt of completed Exchange Visitor Application at ISSS.	Processing times vary depending on USCIS caseload & hiring department document preparation: 3-5 month average for regular processing; 5-7 week average for premium processing.	Processing times vary depending on USCIS caseload & hiring department document preparation; 2-3 months average for regular processing; 2-6 weeks average for premium processing; processing times at border: N/A	Processing times vary depending on USCIS caseload, hiring department document preparation & time required to obtain testimonial letters; 3-5 month average for regular processing; 1-2 month average for premium processing. before filing with USCIS)

	<b>J - I Scholar</b> (administered by ISSS)	<b>H-IB Temporary Worker</b> (administered by OIS)	<b>TN-I Temporary Worker</b> (administered by OIS)	<b>O-I Temporary Worker</b> (administered by OIS)
<b>When to Contact ISSS or OIS</b>	As soon as an offer of employment is extended or accepted.	As soon as an offer of employment is extended or a final candidate is selected.	As soon as an offer of employment is extended or a final candidate is selected.	As soon as an offer of employment is extended or a final candidate is selected.
<b>Documentation Issued for Approval</b>	Form DS-2019 issued by ISSS based upon departmental documentation via Exchange Visitor Application.	Form I-797A/B issued by USCIS via OIS.	I-94 Card with TN-I stamp if obtained at border; Form I-797A/B issued by USCIS via OIS if obtained inside U.S.	Form I-797A/B issued by USCIS via OIS.
<b>Salary requirements and funding source</b>	Vanderbilt salary; personal funds; outside sources (such as fellowships awarded to applicant or grants); or funding from home government.	Salary amount paid by Vanderbilt must be the higher of either the prevailing wage or the actual wage Vanderbilt pays other employees in the specified employment in question. OIS will advise.	Vanderbilt salary; personal funds; outside sources (such as fellowships awarded to applicant or grants); or funding from home government.	Vanderbilt salary; personal funds; outside sources (such as fellowships awarded to applicant or grants); or funding from home government.
<b>Tenure</b>	Tenure track not applicable.	Tenure track may be applicable.	Tenure track not applicable.	Tenure track applicable.
<b>Transfers</b>	<p>May transfer to another institution if J-I program objective is maintained. ISSS must be consulted for approval and processing.</p> <p>J-Is from other institutions may transfer to Vanderbilt if their program objective is maintained. Consult with ISSS for approval and processing.</p>	<p>May transfer within Vanderbilt in same specific employment (OIS must be consulted to confirm transfer).</p> <p>If transferring to Vanderbilt from another employer, OIS must file H-IB petition before current employment is terminated; receipt notice required to work.</p>	<p>May transfer within Vanderbilt, however, OIS must confirm that new employment at Vanderbilt is authorized under NAFTA.</p> <p>If transferring to Vanderbilt from another employer, OIS must receive approval notice prior to employment.</p>	<p>May transfer within Vanderbilt if new position continues to satisfy original program objective covered by existing O-I status.</p> <p>If transferring to Vanderbilt from another employer, OIS must receive approval notice prior to employment.</p>
<b>Is direct patient care permitted?</b>	<p>Direct patient care only permitted under ECFMG-sponsored J-I program.</p> <p>Contact the Office of Graduate Medical Education office for further information about ECFMG sponsored J-I programs.</p> <p>In certain circumstances, incidental, limited patient care under direct supervision may be allowed via</p>	<p>Physicians, Residents and Clinical Fellows: Foreign medical school graduates (FMG) providing direct patient care must have passed steps 1, 2 &amp; 3 of the USMLE or parts 1 &amp; 2 of the FLEX exam or parts 1, 2 &amp; 3 of the NBME certifying exam and have appropriate Tennessee licensure. H-IB status is not available if a</p>	<p>Physicians: Direct patient care not permitted.</p> <p>Nurses: Yes. CGFNS certification required.</p> <p>Allied Health Professionals: Yes, if specific occupation authorized under NAFTA.</p>	<p>Appropriate for physicians who are at the top of their field of specialty. Difficult to obtain approval from USCIS unless physician is nationally or internationally recognized. OIS can provide an evaluation of credentials.</p>

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	Vanderbilt's J-I program, but must be determined in advance and additional internal steps must be taken for approval. Contact ISSS for detailed information.	<p>physician has been in J-I status, is subject to the two-year home residency requirement and has not satisfied or obtained a waiver of that requirement.</p> <p>Nurses: generally no; exception if position requires at least 4 years education/ advanced credentialing. OIS will evaluate on a case-by-case basis. CGFNS certification required.</p> <p>Allied Health Professionals: yes, if position requires at least a Bachelor's degree or higher. CGFNS certification required.</p>	CGFNS certification required.	
<b>Employee's intention to remain in the United States (if a departmental concern)</b>	Dual intent is not inherent to the J-I. Some are subject to two-year home residency requirement, based on governmental funding or field (which must be fulfilled or waived prior to changes to certain other visa categories)	Dual intent inherent. Person may apply for permanent residency directly from H-IB status and typically can renew H-IB status until permanent residency approved.	Dual intent is not inherent; application for Permanent residency will eliminate ability to renew/extend TN-I status; also, may not be able to renew after extended period of stay in U.S.	Dual intent is not inherent; application for Permanent residency will eliminate ability to renew/extend O-I status; also, may not be able to renew after extended period of stay in U.S.
<b>Dependents</b>	Type: J-2 Eligible for work permit valid in periods of up to 1 year at a time, renewable for length of J-I validity; may not volunteer unless traditionally a volunteer position; may study. J-2s are issued DS-2019 forms and their records are maintained by ISSS.	Type: H-4 Obtained at the US Consulate or Embassy if dependent outside the US when OIS obtains H-IB status for employee; if in the US, then OIS can assist in filing a petition for H-4 status for dependent family member. Not authorized for employment; may not volunteer unless traditionally a volunteer position; may study.	Type: TD Obtained at the US Consulate or Embassy if dependent outside the US when OIS obtains TN-I status for employee; if in the US, then OIS can assist in filing a petition for TD status for dependent family member. Not authorized for employment; may not volunteer unless traditionally a volunteer position; may study.	Type: O-3 Obtained at the US Consulate or Embassy if dependent outside the US when OIS obtains O-I status for employee; if in the US, then OIS can assist in filing a petition for O-3 status for dependent family member. Not authorized for employment; may not volunteer unless traditionally a volunteer position; may study.