

Visas for and Employment of Foreign Nationals

- Authority** This Guide Memo is approved by the President.
- Applicability** This policy applies to Stanford faculty, academic and regular staff, and non-matriculated students, including the SLAC National Accelerator Laboratory, except where SLAC maintains its own services. Consult <http://www-group.slac.stanford.edu/hr/> for information about SLAC.
- Summary** This Guide Memo contains policies on obtaining entry visas for foreign nationals visiting Stanford and links to web pages detailing procedural information.

Section headings are:

1. RESPONSIBILITIES
2. SPECIAL SITUATIONS IN THE IMMIGRATION AREA

1. RESPONSIBILITIES

- a. **Departments** – Responsible for filing a visa petition on behalf of a prospective foreign national seeking employment with the University. The host department will gather the necessary information, complete the required forms and secure the necessary departmental/school approvals in order to submit the completed petition to the Bechtel International Center (I-Center). See <http://icenter.stanford.edu/depts/scholars.html> for detailed procedures for each type of application and petition.

NOTE: Appointments or employment must be approved and confirmed before visa petitions or certificates will be prepared. See Guide Memo 22.1, Employment of Regular Staff at http://adminguide.stanford.edu/22_1.pdf for hiring information.

Immigration status is not to be used as a means to discriminate against foreign nationals.

Information can be found at the following websites:

- **Visa Certificate Request Instructions Stanford University J-1 (Exchange Visitor) Sponsorship** – <http://icenter.stanford.edu/depts/scholars.html>
 - **Steps for Inviting and Paying Non-Resident Aliens** – http://fingate.stanford.edu/staff/travel/arrange_foreignV.html
 - **Foreign Visitor Categories** – http://icenter.stanford.edu/scholars/atstanford/visa_overview.html
 - **Employment Eligibility** – The Immigration Reform and Control Act of 1986 requires employers to verify the identity and employment eligibility of their employees on USCIS Form I-9. See http://fingate.stanford.edu/staff/payadmin/quick_steps/update_I9.html and scroll down to section 2.b. for the downloadable form, “USCIS Employer Handbook: Instructions for Completing Form I-9”.
- b. **Foreign Scholar Services** – Coordinates procedures and provides specific instructions for departments seeking to host or employ foreign faculty, staff or researchers (internationalscholars@stanford.edu)
- c. **Foreign Student Advisor** – Assists students with immigration, social, cultural and adjustment issues. The office is located at Bechtel International Center (internationalstudents@stanford.edu)
- d. **Local Human Resources Office** – Responsible for providing guidance, reviewing and verifying materials prepared by departments for non-academic staff for H-1B visas and submitting completed petitions to Foreign Scholar Services at Bechtel Center. Guidance will also be provided on the processing of a visa petition for academic staff, post docs or faculty.

- e. **Legal Representation** – In the event that, in the opinion of the Foreign Scholar Services Office, an issue requires legal interpretation or advice, the Office of the General Counsel will review the matter and determine whether or how it should be pursued. Departments or individuals may not engage private attorneys to represent the University to government agencies. This policy, however, does not prevent an individual foreign national from retaining legal counsel (and paying for any legal fees incurred as a result) for the purpose of obtaining his or her own legal advice or pursuing a self-sponsored immigrant petition, provided the University is not named as a petitioning employer.
- f. **Office for International Visitors** – Arranges meetings and coordinates programs for short-term visits (usually one day) by international scholars, scientists, University and public delegations, and other official visitors to Stanford University. See <http://icenter.stanford.edu/oiv/index.html>.

2. SPECIAL SITUATIONS IN THE IMMIGRATION AREA

- a. **Physicians** – A physician who is to have patient contact requires a California Medical License or exemption or review letter. Contact the Director of House Staff, Stanford University Hospital, (650) 723-5948, for more information.
- b. **Volunteers** – A foreign national who is not authorized to work in the U.S. cannot volunteer at Stanford in a position for which wages would normally be paid.
- c. **Dependents** – Dependents are the responsibility of the foreign national.
- d. **Clinical Fellows** – Clinical fellows must hold a California license/exemption or review letter.
- f. **Postdoctoral scholars**

See <http://postdocs.stanford.edu/handbook/>

Immigration information for postdoctoral scholars at Stanford – <http://postdocs.stanford.edu/handbook/visas.html>

Administration of University Postdoctoral Fellows – See the Research Policy Handbook, Postdoctoral Scholars (9.4) at <http://www.stanford.edu/dept/DoR/rph/9-4.html> for policy.

Administration of Medical School Postdocs – <http://www.stanford.edu/group/OPA/>

- g. **Green Card/Permanent Residence** –

http://icenter.stanford.edu/scholars/atstanford/perm_residence.html.

The University may sponsor faculty and certain academic and other staff for permanent residence only with the approval of the cognizant dean or vice president. The USCIS processing fees and any legal fees associated with the permanent residence process are the sole responsibility of the foreign national petitioner or applicant unless otherwise agreed in writing by the sponsoring department and the individual with the approval of the cognizant dean or vice president, or his or her designee; provided, however, that, pursuant to Department of Labor regulations, the legal fees and costs associated with any labor certification application submitted in connection with the permanent residency process must be paid by the sponsoring department.

- **Faculty** – Tenure-line and tenured faculty are eligible for sponsorship.
- **Academic Staff-Research** – Research Associates must hold a continuing appointment of at least 75% of full-time effort in order to qualify internally for sponsorship for permanent residence. The individual must meet applicable USCIS criteria to establish a reasonable likelihood of success on the merits. Research Associates with fixed term appointments, or appointments that are continuing but less than 75% FTE will not be sponsored for permanent residence by the University.

- **Regular Staff/Academic Staff-Teaching/Academic Staff-Librarians** – The University will not sponsor non-exempt staff or staff with fixed term appointments for permanent residency. Exempt, regular staff, Academic Staff-Teaching and Academic Staff-Librarians are also not eligible for sponsorship of permanent residence except in instances where it is determined by the cognizant dean or vice president, or his or her designee, in consultation with the Office of the General Counsel, that the University has an important business interest in pursuing the petition and the petition has a reasonable chance of succeeding on the merits. Such instances are expected to be rare.
- h. **Validity of Temporary Petitions** – Employment-based nonimmigrant visa petitions such as H-1 or O-1 should not exceed the term of the individual's appointment at Stanford. The legal fees and USCIS processing fees associated with these petitions are the sole responsibility of the individual foreign national unless otherwise agreed in writing by the sponsoring department and the foreign national, with the exception that the \$500 USCIS fraud fee associated with H-1B petitions, which must be paid by the sponsoring department.
- i. **Two-year Residence Requirement** – Bechtel International Center does not support, administers or review waivers of section 212(e) of the Immigration and Nationality Act (two-year residence requirement).