2.4.1 VISAS FOR AND EMPLOYMENT OF FOREIGN NATIONALS

Last updated on: 08/09/2018

Formerly Known As Policy Number: 28.1

This Guide Memo contains policies on obtaining entry visas for foreign nationals visiting Stanford and links to web pages detailing procedural information.

Authority:
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 SLAC Human Resources [1] for information about SLAC.

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. See Working with the Bechtel International Center [2] 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 2.1.2 [3]: Recruiting & Hiring of Regular Staff Employment of Regular Staff, 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 [4]
- Stanford University J-1 (Exchange Visitor) Sponsorship
- Steps for Inviting and Paying Foreign Visitors [5]
- Foreign Visitor Categories [6]
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 [8])

c. Foreign Student Advisor
Assists students with immigration, social, cultural and adjustment issues. The office is located at Bechtel International Center (internationalstudents@stanford.edu [9])

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 https://international.stanford.edu/ [10]

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
- Immigration information for postdoctoral scholars at Stanford: Visas for Postdoctoral Scholars [12].
- Administration of University Postdoctoral Fellows: See the Research Policy Handbook [13].
行政管理：

**g. Green Card/Permanent Residence** [15]: 美国大学可以赞助教职员工和某些学术和其他人员永久居留，但须经负责的院长或副校长批准。美国移民和归化局（USCIS）的处理费用和任何与永久居留程序相关的法律费用应由外国申请人或申请人负担，除非与赞助单位和该外国人或其受托人书面同意，或其设计人，或按照劳动部的规定，与永久居留申请相关的法律费用和成本必须由赞助单位支付。

**Faculty**: 持聘线和终身教授有资格申请。 **Academic Staff-Research**: 研究助理必须有至少75%的全职工作时间，以备资格申请永久居留。该个人须满足适用的USCIS标准，以建立成功判断的合理可能性。研究助理有固定任期，或任期低于75%全职的，将不会由美国大学赞助永久居留。

**Regular Staff/Academic Staff-Teaching/Academic Staff-Librarians**: 美国大学不会赞助非豁免的员工或有固定任期的员工申请永久居留。豁免、常规员工、教员和学术人员- librarian也是不申请永久居留的。但在由负责的院长或副校长，或其代表，与法律顾问办公室商议，确认该大学有重要的业务利益，并且该申请有合理的成功可能性时，这些情况是很少见的。

**h. Validity of Temporary Petitions**: 雇佣非移民签证申请，如H-1或O-1，不应超过该个人在斯坦福的任期。美国移民和归化局的处理费用和O-1申请的法律费用应由外国申请人负担，除非与赞助单位和该外国人书面同意，或其设计人，或按照劳动部的规定，H-1B申请的法律和申请费用应由赞助单位承担，除非1,410.00的USCIS优先处理费用由外国人支付。

**i. Two-year Residence Requirement**: 贝切特国际中心不支持、管理或审查《移民和国籍法》第212(e)条的两年居住要求。


**Links**

[8] mailto:internationalscholars@stanford.edu
[9] mailto:internationalstudents@stanford.edu
[10] https://international.stanford.edu/