



## Department Checklist International Scholar Immigration Document Processing

### Documents required for initial and extension requests – all immigration classifications

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- Form A:** Completed and signed by department host, chair and dean. For graded staff positions, signatures are required from the scholar's principal supervisor and unit director.
- Letter of Appointment:** Required for all faculty and research positions. Appointments are generally approved by the Dean of the school or college on the Charles River Campus. Appointment letters for scholars at the School of Medicine (MED) must be requested from the Office of Human Resources at the Medical Campus.  
  
Sponsorship requests for employees in graded staff positions should include an Employment Offer Letter from the Office of Human Resources.
- Form B:** Completed and signed by the prospective scholar.
- Supporting Documentation from Scholar** (see checklist on Form B)
- Additional Items\*** : those required for the specific visa classification as listed below.

### \* Additional Items for Specific Classifications

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#### J-1 Exchange Visitor Requests

- Financial Documentation:** For scholars paid by BU, funding should be reflected on Appointment Letter. Supplemental documentation is required if the scholar will receive funding from source other than BU. Must meet minimum BU [financial requirement](#) for sponsorship.
- No Patient Care Letter** (Required for all J-1 scholars who hold a medical degree): Boston University is designated as a J-1 Program Sponsor for teaching, research and study only. We are not qualified to sponsor foreign medical graduates for programs which include clinical care of patients. Prospective scholars who hold a medical degree from a country outside of the U.S. must submit a letter from the Dean of their BU host school or college to indicate that their intent is to conduct academic research only and that they will not have responsibility for any clinical patient care. Prospective scholars or employees whose responsibilities will include clinical patient care should consult with ISSO to determine a more appropriate immigration sponsorship alternative.

#### J-1 Student Interns (These supplemental "Student Intern" forms are required in addition to the standard J-1 support documents above)

- BU Host Department Certification**
- Home Academic Institution Certification**

#### H-1 Temporary Worker Requests

- H-1 Supplement Form**
- H-1 Letter of Support**
- [Premium Processing Check](#):** Make payable to "US Department of Homeland Security" if department wishes to request USCIS Premium Processing expedite service

#### TN (Trade NAFTA) Employee Requests

- TN Supplement Form**

#### O-1 Persons of Extraordinary Ability Requests

- O-1 Supplement Form**



International Students & Scholars Office ♦ 888 Commonwealth Avenue, Second Floor ♦ Boston, Massachusetts ♦ 02215
Telephone: 617/353-3565 ♦ issosch@bu.edu ♦ www.bu.edu/isso ♦ Facsimile: 617/358-1170

A. BU Host Department Information

Form section A containing fields for School/College, Department, Address, and Contact Information for both BU Host and Department.

B. Requested Visa Classification (please select one)

Form section B containing checkboxes for visa types: J-1, H-1B, TN, O-1, F-1 STEM OPT, and EXTENSION of checked status.

C. Scholar Personal Information

Form section C containing fields for Name Prefix, Last Name, First Name, Date of Birth, Gender, and Immigration Status.

D. Academic Appointment/ Employment Information

Form section D containing fields for Boston University Academic Appointment, Field of Teaching, Brief description of research, and Employment Status.

Please continue on Page 2

**E. Location(s) of Employment/ Activity**

Primary address where this scholar will teach, research, or work (include city, state and zip code):

Will scholar engage in collaborative research or related activities at any locations other than the principal address listed above?

 Yes  NoIf yes, provide **all** addresses at which teaching, research or employment activity may occur (include city, state and zip code for each). Attach separate sheet if needed.Will scholar work/be placed at any secondary work locations for more than five days? Yes  No**F. Funding Information**

Total annual salary and/or other funding:

Scholar's principal source of funding is:

- BU salary
- BU per diem, stipend or housing (in lieu of salary)
- Boston Medical Center salary
- Personal funding
- Other - Please explain: \_\_\_\_\_

If J-1 scholar sponsorship requested:

- The host department has reviewed the financial documents of this scholar and the funding meets the minimum requirement established by BU per: <http://www.bu.edu/isso/scholars/minimum-funding.html>

**G. Handling Instructions***(please select one)**For initial J-1 and TN Requests Only:*

- Email department contact for pick up.  Express to scholar (requires a **completed and signed** Fedex or DHL air bill)

**H. Attestations and Certifications:**

In requesting immigration sponsorship for the above-named individual, WE CERTIFY THE FOLLOWING:

- We have read all of the information on both sides of this form as well as on the corresponding Supplement form (Supplement H, TN, O or J Student Intern) and it is, to the **best of our knowledge**, true and correct.
- We understand that, pursuant to Boston University policy, neither we, nor our employees, are authorized to retain **private counsel** (attorneys/lawyers) to represent BU's interests. All nonimmigrant petitions (i.e. H, O, TN) must be channeled through the International Students and Scholars Office (ISSO); and all immigrant petitions (i.e., permanent residence, also known as "green card") require approval of the Provost on the Charles River Campus.
- If the **terms this scholar's employment** (or activity, if not employed) change in any way, or if the scholar ceases to be employed before the expiration of the approval documentation, we will immediately notify the ISSO in advance via the appropriate departure or change of activity form as found at: <http://www.bu.edu/isso/administrators/index.html>
- Timing of requests:** We understand that this department must submit requests for initial appointments, extensions, and changes in the scholar's employment/activity in accordance with the ISSO's processing timelines as published on the ISSO web site ([www.bu.edu/isso](http://www.bu.edu/isso)). We understand that failure to comply with the timeline specific to this scholar's immigration status (visa type) could result in one of the following (**NOTE:** this is particularly important for time-sensitive petitions such as TN, H-1B and O.)
  - A significant delay in beginning employment/activity (for new scholars).
  - A period of time in which the scholar must stop employment/activity without any possibility of compensation (retroactive payments are not permitted).
  - Require the scholar (and her/his dependents) to travel to her/his home country.
- We understand that the **immigration category** petitioned for is determined by the International Students and Scholars Office (ISSO) in accordance with University policy and government regulations.
- We understand that other provisions and restrictions may apply before employing/hosting the scholar based upon the prospective employee's **individual circumstances and visa history**. For example: individuals who are currently or have been recently in the U.S. in "J" nonimmigrant status may be subject to a home country physical presence ("residence") requirement which may prevent a change of status.
- We understand that **noncompliance with federal and state regulations** to which we are attesting through this and other documentation we have and will submit can result in significant fines and will jeopardize BU's ability to sponsor international scholars in the future.
- Change in **date of arrival:** if the scholar will not arrive by the appointed start date, we understand that we are required to report this to the ISSO immediately as it may require additional immigration processing.
- We understand that we **may not make the following changes** unless the ISSO files a new or amended petition and receives approval (retroactive payments are not permitted) pursuant to U.S. law and related procedures:
  - Promotion or other change in job title or rank.
  - Substantial changes in job duties/responsibilities.
  - Any decrease in salary/benefits.
  - A substantial increase in salary/benefits.
  - Change in location of work
- Boston University (including the ISSO, the Offices of Human Resources, or individual host departments) may be subject to **audits or on-site compliance reviews** pertaining to the sponsorship of nonimmigrant employees. These audits and on-site inspections may be made by agents or designates from U.S. Department of Homeland Security (Immigration and Customs Enforcement), U.S. Department of State, U.S. Department of Labor or other agencies, as applicable. Any questions related to audits or compliance visits should be referred immediately to the ISSO.

**Please continue on Page 3 – Signed Attestations Required**

If sponsorship in **H-1B** or **O-1** category is requested, then **WE FURTHER CERTIFY/ ATTEST TO THE FOLLOWING:**

11. If the scholar will obtain H-1B or O-1 status, this **department attests** to the following:
  - a. Employment of this individual will not adversely affect the working conditions of workers similarly employed. Further, this employee will be afforded working conditions on the same basis, and in accordance with the same criteria, as offered to similarly employed U.S. workers.
  - b. The department **will pay at least the higher of either the actual wage** to be paid by the department to all other individuals with similar experience and qualifications for the specific employment in question **or, the prevailing wage** as determined by the Department of Labor for those in similar occupations in the Boston area. (Note: ISSO will seek a determination of the prevailing wage in accordance with U.S Department of Labor standards.)  
  
In cases where an employee may work at more than one distinct work site, the employer must obtain a prevailing wage for each work site and the employee must then be paid (at minimum) the highest of the required wages – either the actual wage or the highest of the prevailing wage assignments received for the multiple work locations.
  - c. By requesting H-1B sponsorship on behalf of this employee, this department will agree to, and **will abide by, the terms of the labor condition application (LCA)** for the duration of the employee's authorized period of stay for H-1B employment.
    - o We certify that we will maintain a valid employer-employee relationship with the employee at all times.
    - o If the beneficiary is assigned to a position in a new location, we will notify the ISSO in advance in order to post an LCA prior to the employee's reassignment.
    - o We further understand that the employee cannot be charged the ACWIA fee and that any other required reimbursements will be considered an offset against wages and benefits relative to the LCA.
  - d. If employee will be placed at any location other than the one(s) listed on page one of Form A, for a period longer than five (5) days, the ISSO must be notified in advance by completing a [Change in H-1B Employment Form](#).
    - o If the new location is deemed a "short-term placement" then the employer must cover all actual expenses (travel, housing, living) for work and non-work days spent by the employee on site.
    - o If the new location is deemed to be a "work site," then filing of a new Labor Condition Application and amended H-1B petition may be required.
  - e. **If the employee is terminated** by Boston University prior to the expiration date of the approved petition, the department will pay the reasonable travel expenses necessary for the employee to return to her/his home country or country of last legal residence.
  - f. There is **no strike or work stoppage** in the department at the time of signing this form.
  - g. The scholar will **not be placed on unpaid leave** or any type of non-pay status at any time without ISSO approval.
12. We understand that the University must **certify that the scholar does not need a license** from the U.S. Department of Commerce or the U.S. Department of State **to have access to technology and data** in connection with his or her research at the University and we understand that the University will rely on this certification for that purpose. Specifically, this academic Department understands that it is essential that the Department maintain the University commitment to openness in research and by ensuring that the scholar does not:
  - a. Formally or informally agree to keep confidential technology or data that is export controlled; or
  - b. Formally or informally agree to restrictions on the scholar's ability to disseminate and publish the results of his or her research; or
  - c. Travel outside the U.S. in connection with his or her work for the University without seeking the advice of the Office of Sponsored Programs.
13. We understand that all members of the academic Department, and the University are obliged to comply with **export control laws**. In addition to affirming the statements in Paragraph 10, the Department Host certifies that:
  - a. The research in which the Host expects the scholar will be involved does not involve activities related to the proliferation of nuclear, chemical or biological weapons or missile technology.
  - b. The research in which the Host expects the scholar will be involved does not involve materials, technology or services listed on the **Commerce Control List**: [http://www.access.gpo.gov/bis/ear/ear\\_data.html](http://www.access.gpo.gov/bis/ear/ear_data.html) or the **Munitions List**: <http://www.fas.org/spp/starwars/offdocs/itar/p121.htm>
14. For Department Hosts (Principal Investigators or Supervisors) from the College of **Engineering**, the Departments of **Earth Science, Computer Science, Computational Science, Cognitive and Neural Systems, Math, Physics**, and the Centers for **Remote Sensing, Space Physics and Photonics**, the attestation below includes an individual certification of the following:
  - a. I work, or will work with the scholar, should he/she be granted permission from the U.S. Government to work within the University. I will work with the International Scholar in a capacity that enables me to anticipate the particulars of his/her research and work at the University.
  - b. I affirm that the contents of the [Request for Visa-Related Documents for an International Scholar \(Form A\)](#) are true, to the best of my knowledge, information and belief. I confirm that I have reviewed the Munitions List (<http://www.fas.org/spp/starwars/offdocs/itar/p121.htm>) and I do not expect that the International Scholar's work will involve technology or technical data on that list.
  - c. If at any time during the International Scholar's employment I become aware that technology or technical data have/are/ or will be released to the International Scholar in ways that were not anticipated, or that work in the International Scholar's lab is governed by a confidentiality agreement of any kind, I will immediately notify the Office of Research Compliance. I will notify the Office of Research Compliance before the International Scholar begins work activity outside my control or knowledge.

Department Host \*

Department Chair \*

Dean

Signature

Print Name

Date

\* Requests for sponsorship for graded staff positions require signature from (1) employee's direct supervisor and (2) administrative department director.



## J Exchange Visitor Overview

**Purpose:** This handout is designed to provide a general overview of the J-1 Exchange Visitor classification. It will provide information for department faculty and staff to invite international scholars to the United States to teach, conduct research or perform other academic activities at Boston University. This handout does not address the J-1 student classification at Boston University.

**The J Exchange Visitor Classification:** The J Exchange Visitor Program is administered by the U.S. Department of State. The program was founded in 1961 to invite international students and scholars to the U.S. on a temporary basis in the interest of cultural, scientific and educational exchange.

Boston University has been designated as a program sponsor to facilitate non-clinical research and educational exchange. As a J Exchange Visitor Program sponsor, Boston University is required to comply with all program regulations and procedures. There are several categories of J Exchange Visitors. Boston University has been approved by the Department of State to sponsor students, professors, research scholars, short-term scholars and specialists. Professors and research scholars must be appointed for a minimum of three (3) weeks up to a maximum of five (5) years. A short-term scholar may be appointed for a maximum of six (6) months; there is no minimum stay required. A specialist must be appointment for a minimum of three (3) weeks up to a maximum of one (1) year.

J-1 Exchange Visitors are limited to employment at Boston University or, under certain circumstances, at Boston Medical Center as well. Occasional lectures and short-term consultations at other institutions may be approved with advanced written authorization from the International Students and Scholars Office (ISSO).

**J Exchange Visitor Eligibility:** The J Exchange Visitor classification is designed to invite international professors and researchers who qualify for temporary, non-tenure track academic appointments. Please consult the Boston University Faculty Handbook for a description of these titles and positions. Boston University will sponsor instructors and researchers that have attained the academic equivalent of a U.S. master's degree. Our institution is not authorized by the Department of State to sponsor programs that are clinical in nature and involve direct patient care. Therefore, residency, clinical fellowship, technical and administrative positions do not qualify for J-1 Exchange Visitor sponsorship at Boston University.

In addition, the exchange visitor must demonstrate sufficient financial support for the duration of his/her academic appointment. Please refer to the most recent *Estimate of Expenses for J Exchange Visitors* for detailed information.

Finally, if the prospective scholar is outside the United States, he/she must be eligible for the J Exchange Visitor classification according to the grounds of admissibility to the United States determined by the U.S. Department of Homeland Security and the Department of State. If the scholar is currently in the United States, he/she must be eligible for a change to, or extension of, J immigration classification. Please contact the ISSO for more information.

**J Exchange Visitor Application Process:** The academic department should contact the ISSO as soon as they identify a prospective exchange visitor to discuss eligibility and appropriate visa classifications. The department and the prospective scholar must submit the documents requested on the [Department Checklist – International Scholar Processing](#) and the [International Scholar Application Checklist](#). We recommend that the department submit the J-1 application packet at least 60 days prior to the projected start date of the appointment as processing times at the U.S. embassy or consulate vary and could take several weeks.

The ISSO will review the application packet and, provided all of the information is complete and the scholar meets the eligibility criteria, prepare and issue a SEVIS<sup>1</sup> Form DS-2019 *Certificate of Eligibility for Exchange Visitor (J-1) Status* to the prospective scholar. If the prospective scholar is not in the United States, he/she must take the SEVIS Form DS-2019 form to the nearest U.S. embassy or consulate to apply for a J-1 visa stamp in his/her passport. Once the J-1 visa has been issued, he/she can then travel to the United States. If the prospective scholar is in the United States, he/she should contact the ISSO to discuss further immigration status processing.

**Scholar Orientation:** Federal regulations require that all J-1 exchange visitors report their arrival to the ISSO. Furthermore, the Department of State also requires that all J-1 exchange visitors attend an orientation upon arrival. The ISSO offers Scholar Orientation sessions every Monday morning at 11am and every Thursday afternoon at 3pm. During Scholar Orientation, the ISSO certifies the J-1 Exchange Visitor's arrival, provides information about immigration and insurance regulations, and informs the scholar about Boston University and the surrounding community.

Please note that all scholars who receive a salary from Boston University must also complete Form I-9 *Employment Eligibility Verification* at the ISSO prior to the end of their third day of employment. The ISSO will review and verify the I-9 form during Scholar Orientation.

**Extensions:** If the initial appointment is less than the maximum stay allowed in the J-1 exchange visitor's category, the department may request an extension of the exchange visitor's immigration status. There is no limit to the number of extensions allowed within the maximum period of stay.

Once the new SEVIS Form DS-2019 is produced, the ISSO will distribute it as the departments instructs on Form A. If the J-1 Exchange Visitor is on Boston University's payroll, he/she must also complete an I-9 form at the ISSO to extend the scholar's employment eligibility. Please note that this extension process and the updated I-9 form must be completed prior to the expiration of the current SEVIS Form DS-2019. Extension request should be submitted to the ISSO at least two weeks prior to the expiration of the current SEVIS Form DS-2019.

**Health Insurance Requirement:** All exchange visitors are required to maintain health insurance in accordance with guidelines determined by the Department of State. Refer to the *J Exchange Visitor Health Insurance Requirement* handout for specific information. Non-compliance will result in failure to maintain proper immigration status and could result in program termination.

**J-2 Dependents:** A dependent of a J-1 exchange visitor is defined as a spouse, or child under the age of 21. A J-1 exchange visitor may request a separate SEVIS Form DS-2019 for each dependant to enable them to apply for a J-2 visa stamp at a U.S. embassy or consulate. The dependents may accompany the J-1 exchange visitor to the U.S. or follow to join the scholar later in the program. The J-1 exchange visitor must submit financial documentation to demonstrate support for the dependents for the duration of his/her academic program.

All J-2 exchange visitors must also be covered by health insurance that meets the minimum criteria determined by the Department of State. Refer to the *Exchange Visitor Health Insurance Requirement* handout for more information. Finally, a J-2 dependents who are at least 16 years old may apply to U.S. Citizenship and Immigration Services for work authorization after they arrive in the United States. The J-1 exchange visitor should contact the ISSO for more information.

**Two-Year Home Residence Requirement:** Because the J Exchange Visitor Program was designed to promote temporary, academic exchange, some J-1 and J-2 exchange visitors are required to return home to fulfill a two-year home residence requirement. This requirement varies depending on country of citizenship and source of funding. This regulation prohibits them from obtaining U.S. permanent residence and from applying for other non-immigrant classifications such as H or L, unless they fulfill the two-year home residence requirement or obtain an official waiver from the U.S. Citizenship and Immigration Services. Please contact the ISSO for more information.

**Studying at Boston University:** A J-1 or J-2 exchange visitor is allowed to register for part-time classes provided he/she has met all department and program obligations. The J exchange visitor is required to pay all registration and tuition fees unless he/she qualifies for Boston University tuition remission as a full-time employee with benefits. Please contact the Office of Personnel for more information.

**Boston University Scholars Sponsored by Other Agencies:** Occasionally, an academic department may wish to invite a scholar who may already have a sponsor for J exchange visitor status. Because Boston University will not need to issue a SEVIS Form DS-2019 to this scholar, the department must contact the ISSO and forward a letter of appointment so the ISSO can maintain a file for the scholar. In addition, the scholar must report his/her arrival to the ISSO. If the scholar will be paid from Boston University payroll, the scholar will also need to complete an I-9 (Employment Eligibility Verification Form) within the first three days of employment.

**Estimate of Expenses:** In order for the ISSO to issue a DS-2019 Certificate of Eligibility for Exchange Visitor (J-1) Status, the scholar and/or the host department must demonstrate financial support to meet or exceed minimum funding requirements for the full period of the scholar's academic appointment. These minimum funding requirements are reviewed by the ISSO annually, with the current estimates posted on-line at <http://www.bu.edu/isso/scholars/minimum-funding.html>.

Boston University salary, per diem, stipends, grants and other non-salary funding should be reflected in the appointment letter and on page 3 of the scholar's Form B. If funding from other sources is to be considered (e.g., private or family sponsor, ministry of the scholar's government, scholar's savings), **original** documentation must be submitted to the ISSO. All documents must be **translated into English** and figures **converted to US dollars**.

The minimum financial estimate is provided as a guide to visiting scholars (researchers, professors, short-term scholars and specialists) under the J Exchange Visitor Program at Boston University. Please keep in mind that these figures are estimates only; actual costs may be higher depending on lifestyle. The figures also include an estimate for the cost of health insurance.

For scholars in J-1 status who will be paid by Boston University, the ISSO funding estimate should not be used to calculate the scholar's salary. Researchers, faculty members and other visiting scholars paid by Boston University should be awarded a salary that meets department and university equity standards and is commensurate with the scholar's related experience.

1. "Student and Exchange Visitor Information System." The U.S. Department of Homeland Security database used to produce visa-related documents and to track international student and scholars.