

IFAS HR Immigration 101

**The Basics of
Sponsoring a Foreign National
on a Sponsored Work Visa**

Common Visa Types at UF

F student visas

Our foreign national students usually come to UF with an F-1 visa. This visa allows them to work up to 20 hours per week (0.50 FTE). This is very strict, so don't give your F1 employees a workload that will exceed this hour limit.

Remember: They are primarily here to learn, not work for your department.

Graduate Assistantships are most common. This is usually their first experience working within the United States and you may need to walk them through all the strange form names (W4, I-9, W-8, W-8BEN, etc) and why you're asking for so much documentation.

Graduating Students – they are thinking about their careers and where that career will be. Many will go home. Many will want to remain in the US and will be asking about work permits and sponsored work visas.

Next options:

F-1 OPT followed by a possible F-1 STEM OPT or H-1B

Common Visa Types at UF

F-1 OPT (Optional Practical Training) – 12 months

This post-graduate work permit can be applied for prior to graduation but the applicant will need an offered position first. Takes about 3-5 months to get the Employment Authorization Card in the mail allowing work to begin. Cannot work without the card “in hand”.

F-1 STEM OPT (Science Technology Engineering Mathematics) – 24-month extension

Only available for certain graduating CIP codes (Classification for Instructional Programs). An automatic 180-day extension on the F-1 OPT expiration date is allowed as long as the application is received by USCIS no later than the expiration on the EAD card.

Common Visa Types at UF

J visas

Exchange Visitors/Scholars are here to continue their post graduate learning. They may be paid by UF, sponsored by a government agency, given a stipend by their home country, self-funded, etc.

Visiting Teaching/Research Scholars may extend their stay to a maximum of 5 years. They are here to exchange knowledge with us and afterwards possibly return to their home countries for a minimum of two years.

This is not a work visa. This is an Exchange Visitor Program.

Next options:

Return to home country, H1B, O1

2-year Home Residency Requirement [212(e)]

DS-2019 and/or visa stamp will state this requirement. If subject to this requirement they cannot:

1. Apply for an immigrant visa or AOS to legal permanent resident
2. Change status or receive an H-1B, K, or L-1 visa

Many can apply for a waiver of this rule. The process may take 6+ months to obtain.

Common Visa Types at UF

H-1B visa – Specialty Occupation

Path to Citizenship

Given in 3-year increments with a maximum of 6 years

Minimum qualification must be a bachelor's degree without an equivalency statement

Subject to the Prevailing Wage

Cannot be subject to the 212(e) home-residency requirement

O-1 visa – Extraordinary Ability or Achievement

Not for immigrant intent

Initially given for 3 years with 1-year increments. No official maximum number of extensions. Proof of extraordinary ability is on the foreign national

Next Options:

Permanent Residency

Common Visa Types at UF

TN visa – NAFTA Professionals (Canadian or Mexican Nationals)

Not for immigrant intent

Given in 3-year increments

No official maximum number of extensions.

E-3 visa – Specialty Occupation – Australian Nationals

Not for immigrant intent

Given in 2-year increments. No official maximum number of extensions.

COSTS

H-1B Costs

\$1,000 attorney fee
\$ 460 DHS filing fee
\$ 500 DHS anti-fraud fee
\$2,500 Premium Processing fee

\$4,460 Total for 1st H-1B at UF

+\$1,500-\$3,500 attorney rush fee
+\$1,500 attorney fee for RFE

H1B amendment/extension

\$1,000 attorney fee
\$ 460 DHS filing fee

O-1 Costs

\$5,250 attorney fee
\$ 460 DHS filing fee
\$2,500 Premium Processing fee

\$8,210 Total for 1st O-1 at UF

+\$1,500-\$3,500 attorney rush fee
+\$1,500 attorney fee for RFE

O-1 amendment/extension

\$3,750 attorney fee
\$ 460 DHS filing fee

COSTS

TN Costs – Port of Entry

\$1,000 attorney fee

\$1,000 Total for 1st TN at UF

+\$1,500-\$3,500 attorney rush fee

TN Costs – In country

\$1,000 attorney fee

\$ 460 DHS filing fee

\$2,500 Premium Processing fee

\$3,960 Total for 1st TN at UF

+\$1,500-\$3,500 attorney rush fee

E-3 Costs – US Consulate in Australia

\$1,000 attorney fee

\$1,000 Total for 1st E-3 at UF

+\$1,500-\$3,500 attorney rush fee

E-3 Costs – In country

\$1,000 attorney fee

\$ 460 DHS filing fee

\$1,460 Total for 1st E-3 at UF

+\$1,500-\$3,500 attorney rush fee

**same costs for amendment/extension*

FULL DOCUMENT LIST

From the Department:

1. Resume / CV
2. Academic Credential Evaluation
3. Signed Letter of Offer
4. Signed Letter of Addendum
5. Job Description
6. Copies and websites of all advertisements
7. CTTD = Controlled Technology/Technical Data License Compliance Attestation
8. AWR = Actual Wage Report
9. AWRM = Actual Wage Report Memorandum
10. Course Sampling

From the Foreign National:

1. Resume / CV
2. Academic Credential Evaluation
3. Degree Diploma
4. Official Degree Transcripts
5. Passport pages
6. Latest I-94
7. Latest Travel History
8. All I-20s, DS-2019s, EADs (as applicable)
9. All receipt or approval notices to active green card case (as applicable)
10. 212(e) waiver or proof of home residency (as applicable)

TIMELINE

Ideal H-1B timeline:

- 9 months prior to start date – department gives you the signed offer letter to begin the visa process
- 1-2 weeks – gather documents and information and initiate case
- 1-2 weeks – UFHR reviews and requests follow-up information. They submit case to Fragomen

TIMELINE

Ideal H-1B timeline (cont.):

- *1-3 weeks – Fragomen reviews case, requests follow-up clarifications. They file application for the Prevailing Wage Determination
- *Wait 5 months to get the response, which we hope will be below offered salary
- *10-14 days – Labor Condition Application posted and filed

*O-1 visa, gathering extensive supporting documents and create petition

TIMELINE

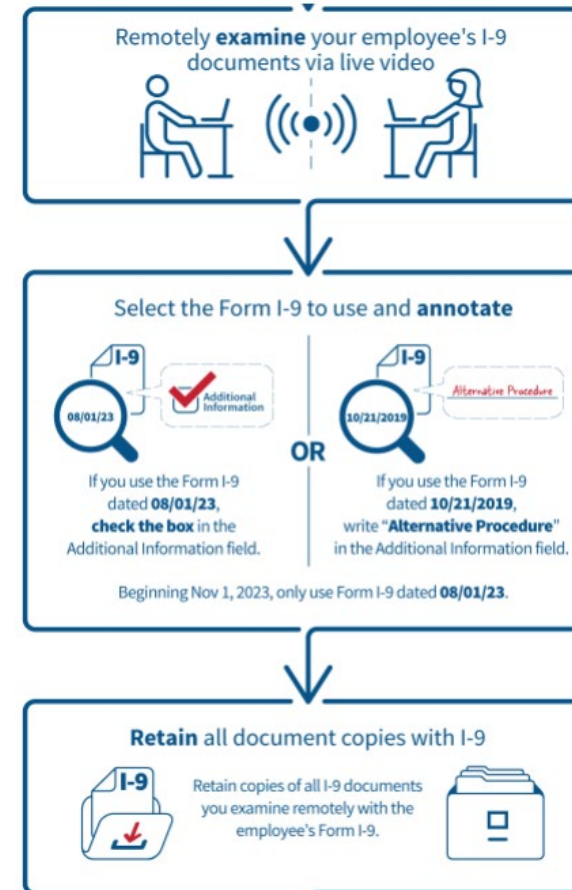
Ideal H-1B timeline (cont. again):

- Within one month of start date, Fragomen will file H-1B petition
- If we filed with Premium Processing, adjudication within 15 business days.
- Email confirmation of approval and 1 week for Fragomen to get the digital copy of the I-797 approval notice.
- 1 week, paper copy is received by UFHR

New I-9 Procedures Update

New Virtual Inspection Procedure

- ❑ Is available to now use if the required steps are followed (see image)
- ❑ Once front and back copies are provided after virtual inspection and Form I-9 is completed, units will then submit case in I-9 Management
- ❑ New Form I-9 and other changes are **still being updated** by Equifax
 - ❑ EOR will communicate to campus once updates are available to use in I-9 Management



E-VERIFY CASE STATUSES

Section 2 Completion in I-9 Management

Once the new hire completes their GatorStart packet and the department completes Section 2, the E-Verify case will update to the following statuses.

Regardless of any of the statuses below, no action is needed by the department after submitting an E-Verify case unless Employment Operations & Records reaches out.

- Photo Matching
- Pending Referral
- Unconfirmed Data
- Error – Request Help
- Queued/Manual Review
- Employment Authorized

E-VERIFY CASE STATUSES

Error – Request Help Cases

Most Common Issue: International employees using the UF TempID instead of the Social Security Number and the case is submitted with the temporary number instead of removing the SSN and selecting “SSN Applied For” directly underneath.

Steps to Prevent:

1. Click on Review/Change Section 1 Information link in I-9 Management
2. Delete UF TempID in the SSN Field
3. Select “SSN Applied For” box directly underneath
4. Proceed to complete Section 2

Important: Remember to update and submit the E-Verify case once the employee provides their social security number after receiving their card from the Social Security Administration (SSA).

E-VERIFY CASE STATUSES

Pending Referral Cases

- Occasionally cases will go into a pending referral/tentative non-confirmation, which may require the employee to contact the appropriate agency: DHS or SSA
- If E-Verify case is in this status, Employment Operations & Records (EOR) will review and contact both the employee and department if action is needed
- Employee should abstain from contacting any outside agencies until speaking with EOR
- During this time, employee may continue to work until their case has been resolved