

# Demystifying the J-1 Employment Process

Summary and Overview  
for UH Staff and Faculty



# Visa vs. Status

## *What is the difference?*

### Visa

- gives a foreign national the right to request legal entry to the United States in a particular status.

### Status

- defines allowable activities: studying, working, volunteering, etc.



# Types of Foreign National Employment

- Students in F-1 status, including CPT and OPT
- Students, Professors, Research Scholars in J-1 status
- Staff and Faculty in H-1B, TN, O-1, or E-3 status
- EAD card holders including J-2, L-2, E-3D, and DACA (Dream Act)
- Permanent Residents (Green Card holders)



# J-1 Scholar

- Status is coordinated through ISSSO.
- Not all J-1s are employable and all have restrictions.
- Duration varies by J-1 type, from 6 months to 5 years.
- Beneficiary may be subject to 2-year home residency requirement after the J-1 period ends.
- No dual intent; cannot apply for permanent residency.



# DS-2019 Application

- Box 14 of the DS-2019 application asks for HR approval if you will be offering a salary to your J-1.
- The purpose of this section is for HR to ensure that the correct hiring process was followed.
- If the J-1 applicant is a current UH employee, HR will also check to make sure that the requested job title is the one they are in at present or that an appropriate hiring process was followed.
- The HR Immigration Compliance Administrator or an Employment Representative can sign these forms.

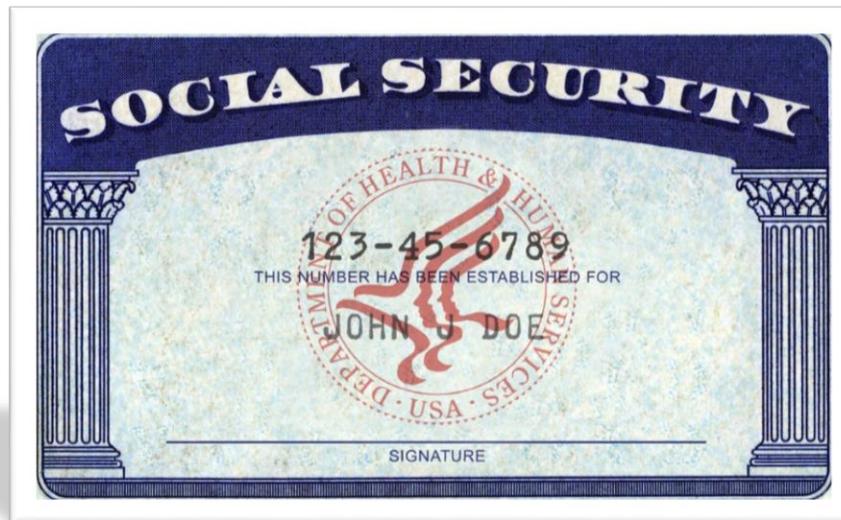
# Payments to J-1 Scholars

## Payroll vs Stipend

Employee	Intern/Trainee
UH has direction over activities	Activities driven by scholar's needs and objectives
Fills a department personnel need	Does not reduce need to hire personnel
Work primarily benefits department	Work primarily benefits scholar
Payment is in return for service to the department	Payment, if any, is to offset living or education expenses, not for service
<b>Paid through the UH payroll system</b>	<b>Unpaid or paid on a voucher</b>

# Social Security Number

- UH can issue a temporary SSN on the basis of the employee having applied for a permanent number.
- Temporary SSNs must be updated with real SSN within 30 days.
- Foreign nationals must wait 10 days after their arrival in the U.S. before visiting the SSA to apply for a SSN, to ensure their information appears in the government's computer system.
- F-1 and J-1 students must have a job offer in order to apply.
- EAD card holders may apply for an SSN without a job offer.



# Taxes

- The Foreign National Tax Information Form is part of the required International Hire Package.
- Cover page includes a matrix showing required backup documents.
- Entire packet should be scanned and attached to ePAR. HR will send packet to Tax Accounting.
- Tax Accounting will email employee, requesting verification of information needed to calculate correct taxation.
- Failure of employee to respond to Tax Accounting's request will result in US Citizen taxes being applied.



# Insurance

- A person in J-1 status is required to have medical insurance and can use either student or employee insurance.
- Employee insurance will not start until after 60 days of employment, so a new hire will need insurance from another vendor for their first two months if they want the employee insurance.
- There are no repatriation insurance options for UH employees, so a person in J-1 status will need to have a separate policy for this.

# The I-9 Form



- The I-9, or Employment Eligibility Verification form is required of all employees by federal law. This law has been in effect since 1986.
- The form's purpose is to verify the employee's identity and employment authorization, thereby protecting the university from fines and other legal consequences of employing an undocumented worker.

# The I-9 Form



OMB No. 1615-0047; Expires 08/31/12  
**Form I-9, Employment Eligibility Verification**

must be available during completion of this form.

must work-authorized individuals. Employers CANNOT refuse to hire an individual because the documents have a

signed by employee at the time employment begins.)

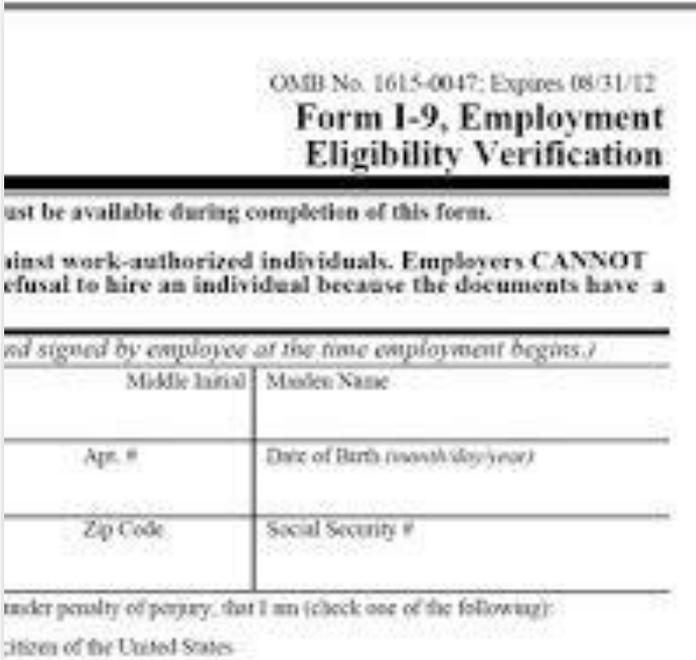
Middle Initial	Maiden Name
Apt. #	Date of Birth (month/day/year)
Zip Code	Social Security #

under penalty of perjury, that I am (check one of the following):  
citizen of the United States

- Federal law requires that a complete and valid I-9 must be on file no later than the employee's third day of work. Note that UH policy requires that the I-9 form be completed prior to approval of the hiring ePAR.
- **Any time work eligibility status changes or an extension is granted, another I-9 is required.**
- A new I-9 is not needed for rehires within the year unless there has been a change of status.
- An employee rehired after more than one year must complete a new I-9.

# I-9 Documents

- Please consult the most current list of acceptable documents, either on the UH HR website or [USCIS.gov](http://USCIS.gov). These are the **only** documents that can be accepted as proof of identity and work eligibility.
- Federal law requires that all documents be original and unexpired. The only exception is the new I-94, which is now issued online.
- In addition to the list of acceptable documents, foreign nationals must show original documentation of status (I-20, DS-2019, etc.).



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**Form I-9, Employment Eligibility Verification**

Must be available during completion of this form.

Do not work-authorized individuals. Employers CANNOT refuse to hire an individual because the documents have a date expiration.

(To be signed by employee at the time employment begins.)

Middle Initial	Full Name
Age #	Date of Birth (month/day/year)
Zip Code	Social Security #

Under penalty of perjury, that I am (check one of the following):  
Citizen of the United States

# ePARs

- For a new hire, Human Resources will check the following:
  - I-9 was completed
  - SSN application receipt (if the hire doesn't already have an SSN)
  - Foreign National Tax Packet with all the correct documents for the new hire's visa type
  - Appropriateness of FTE, if hire is an F-1 student
  - Appropriateness of job title, salary, FTE and department
- For a rehire within the year, Human Resources will check:
  - Valid SSN, not a temporary number
  - Expiration date of most recent visa on file
  - Appropriateness of FTE

# Audits

- USCIS randomly audits employers across the United States.
- A late or incorrect I-9 can result in a fine to the University.
- Fines are \$1,500 on average, *per violation*.
- If persons are found to be working without valid authorization, fines increase.
- Criminal penalties can be leveraged against employers, and these penalties can include jail time.
- H-1B irregularities can also result in fines and criminal penalties. If they are sufficiently egregious, the USCIS may suspend or cancel the University's H-1B program.



Questions?