



Date: 23 March 2006

To: Personnel Representatives

From: Deborah Ahlstedt, International Faculty and Staff Services

Re: IFSS Immigration Update

### **J-1 Scholars**

The normal maximum time a J-1 scholar may remain in the U.S. is currently three years, with an additional six months that IFSS can authorize. New regulations permit them to remain up to five years; however, SEVIS (the electronic system through which we must issue the forms) is not yet programmed to process a stay of up to five years. Until SEVIS is re-programmed, which we expect some time near the end of 2006, we must process an extension request through the Department of State. This requires documentation of the need for the additional time and a filing fee of \$198. Points to keep in mind:

- Currently the initial program can only be for three years; extensions must be requested from the State Department.
- File the extension request 90-120 days in advance with IFSS.
- If the scholar has obtained a waiver of the two-year home residence requirement, no extension will be possible. If no waiver request has been filed, the scholar may wish to discuss options with Kim Maday or Deborah Ahlstedt. Scholars who had thought they would be required to change to H-1B status may be able to complete their work in J-1 status.

Kim is planning to develop a J Scholar workshop for Department Administrators later this year. She would appreciate receiving suggestions from departments about what they would like her to cover. Her email is: [kmaday@bascom.wisc.edu](mailto:kmaday@bascom.wisc.edu).

### **H-1B Temporary Workers**

After 41 years of dedicated service to UW-Madison, Marlene Vlachina has retired. For the past two years, she has been the authority on H-1B visas. She did an excellent job, and we all miss her. Amparo Chulvi-Smith has taken over the process and is continuing the outstanding work. Some points on H-1Bs:

- Prevailing wages (the first step of the process) are taking longer (about two weeks) due to turnover at the Department of Workforce Development (DWD)
- Prevailing wages for research positions, particularly for employees-in-training, are coming in somewhat higher than what UW is offering. We must pay at least 100% of the prevailing wage, so departments have three options if the prevailing wage is high:
  - Raise the H-1B's salary to at least the prevailing wage, but be careful not to create inequities in the department
  - Appeal the high prevailing wage to DWD
  - Stop the H-1B process and not hire the individual
- The entire process is taking about five months, so be sure to allow sufficient time.

#### **Office of Human Resources**

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608/263-6561 FAX: 608/262-5203 <http://www.ohr.wisc.edu>

**Permanent Residence**

IFSS was forced to halt processing of permanent residence applications for non-instructional academic staff (the Researcher and Scientist series) under the “Outstanding Professor/Researcher” category last year. This is because the U.S. Citizenship and Immigration Service took the position that such appointments do not meet their definition of “permanent” due to their annually renewable nature. We now are ready to file under a different category called “Aliens of Extraordinary Ability,” which does not require that a person hold a permanent position. As the name of the category implies, the requirements to qualify are quite rigorous. For detailed information see: <http://www.ohr.wisc.edu/ifss/PR/index.htm>. If a department is interested in pursuing permanent residence on behalf of an academic staff person, the Department Administrator and the individual should contact Deborah to schedule their attendance at one of the monthly permanent residence workshops.

Please pass this information on to your departments. If you have any questions, please contact Deborah at [dahlstedt@bascom.wisc.edu](mailto:dahlstedt@bascom.wisc.edu).