



ISFS Operating Guidelines

International Support for Faculty and Staff is the USC office designated to guide system campuses on matters related to hosting or hiring non-US citizen scholars. In support of the teaching, research, and community service goals of USC, the office serves as a nexus for monitoring and shaping legislation, regulations, and policies at the federal, state, and local levels that affect international education exchange, and for interpreting and applying those directives and controls in the University environment. The office provides a range of services to support faculty exchange and University internationalization efforts, including those required by U.S. government agencies when the university must recruit from a world-wide talent pool. Following are University guidelines by which ISFS operates:

- 1) **International Support is the only office authorized to represent the University to outside government agencies with respect to filing employment-based petitions necessary to hire foreign nationals.** Departments that wish to host or to hire international faculty and researchers must plan well in advance.
- 2) **International Support has the final authority** in determining the U.S. visa classification most appropriate to an appointment at USC.
- 3) **All payments to internationals are vetted for immigration purposes.** This includes payments for short-term visits involving honoraria or reimbursements for travel and expenses. The USC Division of Administration and Finance has issued a policy on payments to internationals that articulates their procedures: <http://www.sc.edu/policies/busf801.html>
- 4) **For a short-term academic activity** such as a conference or colloquium, the host department should issue an invitation letter on departmental letterhead that articulates the purpose, time frame, name of USC faculty host, and any payment that the department intends to make to the international. (U.S. visa and entry requirements are driven by Visa Reciprocity Agreements, which vary by country.) Department is urged to contact International Support in advance for a sample invitation letter and information specific to the international scholar and visit.
- 5) **For a formal affiliation or appointment exceeding 9 days**, department should complete Form IS-1 *Advance Notice of Prospective Employee or Sponsored Visitor* and send as soon as possible to International Support. [See also items 6-14 below].
- 6) **An offer of employment or an affiliation appointment extended to a non-U.S. citizen** should be made in writing and must include the appropriate international contingency paragraph (below); International Support must be open copied on the letter.
If you are a non-U.S. citizen, this offer is contingent upon the following three conditions: (1) upon acceptance of this offer, you must work with the USC International Support for Faculty and Staff office to provide documents required by U.S. immigration law; (2) if needed, you must work with International Support to obtain approval from U.S. Citizenship and Immigration Services to be employed (or affiliated) at USC in an appropriate immigration

classification prior to the starting date; and (3) the University cannot be responsible for your failure to comply with U.S. immigration laws nor can we be held liable for limitations set forth in the U.S. Immigration and Nationality Act.

- 7) **Job titles for international faculty or researchers** (including non-salaried University Affiliates) must conform to USC approved titles found ACAF 1.06 or at the Human Resources web site, <http://hr.sc.edu/>. The title and duties reported to International Support must be consistent with information submitted to Human Resources, and, when applicable, with that appearing in the original job advertisement.

- 8) **An offer of a permanent tenure-track or tenured position to an international** will require the University to petition the U.S. Department of Labor (DOL) and U.S. Citizenship & Immigration Services (USCIS) for permission to employ and retain that individual. DOL requires:
 - Full documentation of national search including (ideally) original print journal ads;
 - Evidence that print ads and job postings were in place at least 30 days PRIOR to screening candidates for interview (to insure that U.S. workers had adequate notice of the opening);
 - All applicant records (including electronic records) and screening materials that show why candidates other than the international either did not meet minimum advertised requirements or were clearly less qualified than the international;
 - That international has academic degree that appears in job ad *in hand* by the beginning date of employment, regardless of what appears in the offer letter;
 - A salary that meets DOL wage requirements defined as *the higher* of (a) the average paid to similarly employed workers (e.g., other Assistant Professors in the department); or (b) the prevailing wage assigned by DOL based on the occupational category and level of the position.

Of Note:

 - The University supports *only* permanent teaching positions for the DOL Permanent Alien Employment/Labor Certification process (“PERM”)
 - It is the responsibility of the USC hiring unit to consult with International Support, to provide the search documentation needed, and to sequester and retain all search records for the period required by DOL. For consistency, ISFS recommends 6.5 years from the date on the offer letter. USC policy guidance on faculty searches is available at <http://www.sc.edu/policies/policyindex.shtml>

- 9) **Individuals appointed to tenure-track or tenured faculty positions** must generally be hired utilizing the H-1B Temporary Worker program. It is best to notify ISFS 6-8 months in advance of the anticipated employment start date.
 - Employment in H-1B status is both employer- and position - specific;
 - Per DOL regulations, H-1B employees may not be “benched” (i.e., furloughed).
 - To limit University liability and to protect the international scholar, hiring unit should advise International Support *in advance* of prospective changes in employment status so that appropriate actions can be taken vis-à-vis DOL and USCIS.

10) **Fees:**

- Employment-based, employer-driven application fees, including those for the H-1B Temporary Worker Petition and Form I-140 Immigrant Petition for Alien Worker, will be the responsibility of the USC hiring unit.
- Payment of USCIS premium processing (expedite) fee will be at the discretion of the hiring unit, with careful consideration of compelling University need.
- Fees for employee dependents will be the responsibility of the international scholar. Non-immigrant visa application fees at U.S. consular offices for the international scholar and their derivative beneficiaries will be the responsibility of the international scholar.
- When applicable, fees related to the Form I-485 application for U.S. permanent residence (including required medical tests/exam, etc.) will be the responsibility of the international scholar.

11) **International faculty or researchers seeking a non-salaried affiliation** with the University must contact the academic unit with which they hope to be affiliated. The appointment must conform to the newly issued University Affiliate Policy set forth at <http://www.sc.edu/policies/univ250.pdf>. To be approved by ISFS, a USC faculty member must accept responsibility for hosting and collaborating as a faculty supervisor/associate with the prospective affiliate. Depending on the particulars of the proposed visit, International Support will recommend the visa status that is best for the prospective affiliate and will guide the department and the prospective scholar on immigration related documentation necessary to enter the U.S. If the scholar is already in the U.S., International Support will confirm that the international's immigration status is appropriate for the proposed affiliation. If the affiliation is to exceed 90 days, an international may be required to enter the U.S. via the J-1 Exchange Visitor program (see item 12 below). *The host department should be prepared to provide arrival assistance to the affiliate, including assistance with locating suitable housing.*

12) **J-1 Exchange Visitor Program:** As part of a formal designation from the U.S. Department of State, USC is allowed to host foreign scholars on the J-1 Exchange Visitor Program to engage in teaching, training, observation, consultation, collaborative research, or to participate in university conferences or colloquia. An outgrowth of the Fulbright Hays Act, the J-1 Exchange Visitor Program was established by Congress as a public diplomacy program to promote international educational and cultural exchange and to provide a window on American culture and values for J-1 visitors. While the J program may not be used for tenure-track, tenured or other permanent positions, it is ideal for research and teaching exchanges, research grant positions, or for short term academic activities of 3 weeks or longer where the University plans to provide a stipend or honorarium. It is expected that each program will include cross-cultural exchange activities for the Exchange Visitor Program participants and their families.

Essential J-1 Program regulatory requirements:

- Prospective scholars must occupy a position in the home country wherein duties are similar to those in which the scholar will be involved when coming to the U.S.
- All J program participants and accompanying family members must provide proof of health insurance coverage and financial certification that covers all health costs and living

- expenses during their proposed stay in the U.S.
- Depending on telecommunications capabilities and certain foreign government procedures, it generally takes several weeks to obtain the documentation needed *before* International Support can mail the J visa-qualifying document to the scholar overseas. **For best results, at least 2 months' advance notice to International Support is recommended.**
 - The additional time needed to apply for and obtain a J *visa* (travel/entry permit) varies widely depending upon the scholar's home country, field of academic endeavor and U.S. security considerations. Additional information on the U.S. visa application process is available at http://travel.state.gov/visa/visa_1750.html
 - In certain cases, the J program mandates a return to the home country for 1-2 years at the end of the scholar's program.
 - All J scholars and dependents are tracked through SEVIS, (the U.S. government's Student and Exchange Visitor Information System).
 - **Individuals in J-1 status may not be appointed to tenure-track, tenured or other permanent positions.**
- 13) **Financial Certification requirements** for non-salaried visiting international scholars at USC will be determined by International Support. Assessments and minimum requirements are based in part on annually published guidelines from the U.S. Department of Health and Human Services as applied in an immigration context by U.S. Citizenship and Immigration Services.
- 14) **Change of Address Requirements for non-US citizens:** All non-U.S. citizens, *including U.S. permanent residents and individuals with a non-immigrant visa status*, are required to report any change of residence address **within 10 days** to the Department of Homeland Security- U.S. Citizenship and Immigration Services. Failure to do so carries severe fines and penalties. Information on these requirements can be found at: <https://egov.uscis.gov/crisgwi/go?action=coa>
- 15) **Fulbright:** For U.S. faculty, International Support coordinates the Fulbright Program for American Scholars. The office develops upon request, a briefing packet for those whose USC work takes them abroad, and may provide information on international programs and services at USC which may help to strengthen certain grant applications. Information on Fulbright at USC can be found on our website, including a list of Faculty Fulbright Alumni and tips on applying for a Fulbright grant. Additional Fulbright information and application forms are available at www.cies.org

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