How should international students & postdocs respond to visa inquiries?

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Slides at:
career.ucsf.edu/visajob
Our Agenda:

1. Clarify why internationals get differing advice from various student/postdoc service offices on how to discuss visas if they want to stay in US after graduation.
2. Fill the gaps in knowledge regarding various visa options, and the parameters of the various statuses
3. Present the private-sector employer perspective
4. Make recommendations on how to support internationals seeking private-sector employment in the U.S. (and what ISSO and OCPD)
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Why do international students & postdocs get a variety of answers about how to discuss their visa status? At UCSF…..

- Often listed as the first stop shop for any postdocs issues

- Would refer people to career or international students and scholars office when ‘how to discuss visa status for job’ came up.

Postdoc Office

Career Office

International Student & Scholars Office

- Often listed as the first stop shop for any issue based on their international status

- Most visas come with an expectation that the person is returning home

- Limited for legal reasons on what they can advise

- So if career or postdoc offices send internationals to us they won't get the information they need

- Often listed as the first stop shop for any student or postdoc career issues

- Could discuss what to say during an interview

- Didn’t have up-to-date information on visa issues. **Would refer to ISSO.**

Result?
The international had had 3 meetings and never got complete, accurate information.
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Parking Lot
Visa Options and Considerations
Visas Allowing Employment

Visa options for industry jobs:

➢ F-1 Optional Practical Training (OPT)
➢ H-1B Specialty Occupation (Cap-Subject)
➢ O-1 Person of Extraordinary Ability
➢ TN Canadian or Mexican
➢ E-3 Australian
➢ H-1B1 Chilean or Singaporean
➢ Permanent Residence, EAD
➢ J-1 Exchange Visitor
H-1B Visas

Exemptions to the H-1B cap

➢ Institution of higher education
➢ Nonprofit or governmental research organization
➢ Related or affiliated nonprofit entity

H-1B cap-subject

➢ For profit company
➢ U.S. business or corporation
H-1B Visas

H-1B visas available each year

➢ 65,000

➢ 20,000 U.S. master degree or higher

Number of petitions received

➢ FY2016: 233,000

➢ FY2015: 172,000

Employers submit H-1B petitions on April 1 for October 1 start date!
Portability of H-1B Status?

H-1B quota for private industry

➢ Must file new H-1B application if transferring from cap-exempt (i.e. UCSF) to cap-subject employer

➢ H-1Bs are ‘portable’: the status can be taken with an international, but they aren’t ‘transferable’: EVERY EMPLOYER MUST APPLY

➢ Consult with sponsoring employer, HR or their attorney for visa strategy
Permanent Resident Status

➢ Temporary Work Permission (EAD)
➢ Green card allows for unrestricted work authorization in the U.S.
➢ Employer-Sponsorship vs. Self-Sponsorship
Who pays for visa support?

For Example….

<table>
<thead>
<tr>
<th>Not Negotiable</th>
<th>Negotiable</th>
</tr>
</thead>
<tbody>
<tr>
<td>• <strong>Employer-sponsored H-1B</strong>: Obligated to pay for the application fees, and premium processing fees to USCIS must be paid by employer</td>
<td>• Any attorney fees</td>
</tr>
<tr>
<td>• <strong>Employer-sponsored permanent residency</strong>: the employer must pay portions of certain application fees.</td>
<td>• Other portions of the application fees for employee sponsored H-1B or permanent residency</td>
</tr>
<tr>
<td></td>
<td>• Visa stamp fee</td>
</tr>
</tbody>
</table>

➢ How much does it cost to obtain a visa on average - soup to nuts? $5,000-$10,000
Visa Considerations for U.S. Private Sector Positions

How to Identify Companies That May Hire Foreign Nationals
Look up J-1 Sponsors

➢ Find Designated Sponsor Organizations

Department of State website:
http://j1visa.state.gov/participants/how-to-apply/sponsor-search/
Public H-1B Data Available to Job Seekers

Research Online for top H-1B Sponsors

➢  http://www.myvisajobs.com

➢  H-1B data pulled from Labor Condition Applications submitted to U.S. Department of Labor system
## Visa Considerations for U.S. Private Sector Positions

### Search Employer Database

**Sector:** Biotechnology

**Number of employers found:** 141

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Lawrence Berkeley National Laboratory</td>
<td>6/461</td>
<td>0/15</td>
</tr>
<tr>
<td>2</td>
<td>Amgen Inc.</td>
<td>14/136</td>
<td>5/78</td>
</tr>
<tr>
<td>3</td>
<td>Monsanto Company</td>
<td>3/287</td>
<td>10/71</td>
</tr>
<tr>
<td>4</td>
<td>The Dow Chemical Company</td>
<td>12/283</td>
<td>3/26</td>
</tr>
<tr>
<td>5</td>
<td>Life Technologies Corporation</td>
<td>16/270</td>
<td>1/32</td>
</tr>
<tr>
<td>6</td>
<td>UChicago Argonne, Inc</td>
<td>11/259</td>
<td>0/9</td>
</tr>
<tr>
<td>7</td>
<td>Merck Sharp &amp; Dohme Corp</td>
<td>4/195</td>
<td>3/34</td>
</tr>
<tr>
<td>8</td>
<td>Sanford-Burnham Medical Research Institute</td>
<td>4/162</td>
<td>1/2</td>
</tr>
<tr>
<td>9</td>
<td>The Veritas Healthcare Solutions, Inc</td>
<td>10/148</td>
<td>0/2</td>
</tr>
<tr>
<td>10</td>
<td>Bio-Rad Laboratories, Inc</td>
<td>3/89</td>
<td>0/23</td>
</tr>
<tr>
<td>11</td>
<td>Lockheed Martin Operations Support, Inc</td>
<td>3/92</td>
<td>0/17</td>
</tr>
<tr>
<td>12</td>
<td>Dow AgroSciences, Inc</td>
<td>4/91</td>
<td>4/18</td>
</tr>
<tr>
<td>13</td>
<td>Pioneer Hi-Bred International, Inc</td>
<td>7/85</td>
<td>1/19</td>
</tr>
<tr>
<td>14</td>
<td>Thermo Fisher Scientific, Inc</td>
<td>9/91</td>
<td>0/13</td>
</tr>
</tbody>
</table>
Care

Indeed

Simplify
Your Life
With Our
Unique
Concierge
Services!
Call Us
Today.

Visa Considerations for U.S. Private Sector Positions

Amgen Inc. visa: 526 rank: 508

Alert: 19 LCs filed by Amgen were denied or withdrawn!

Note: When searching and applying for job opportunities in Amgen Inc., you are more likely to get visa sponsorship if you concentrate on those occupations Amgen Inc. has hired foreigners before.

Hottest H1B Job Titles
1. Scientist(24)
2. Specialist In Business Systems Analyst(17)
3. Biostatistics Manager(16)
4. Associate Scientist(11)
5. Health Economics Manager(11)
6. Senior Engineer(9)
7. Cdm Systems Manager(7)
8. Senior Associate(6)
9. Finance Manager(5)
10. Senior Statistical Programmer(4)

Hottest H1B Job Occupations
1. Statisticians(43)
2. Computer Systems Analysts(37)
3. Bioclinical and Biophysicalists(35)
4. Operations Research Analysts(18)
5. Software Developers, Applications(14)
6. Marketing Managers(13)
7. Medical Scientists, Except Epidemiologists(13)
8. Compliance Officers(11)
9. Chemists(11)
10. Market Research Analysts and Marketing Specialists(10)

If your cancer treatment includes strong chemo, it can lower your white blood cell count and put you at risk for infection.

Hottest Green Card Job Titles
1. Statisticians(19)
2. Computer Systems Analysts(8)
3. Biochemists and Biophysicalists(8)
4. Medical Scientists, Except Epidemiologists(6)

Hottest Green Card Job Occupations
1. Statisticians(19)
2. Computer Systems Analysts(8)
3. Biochemists and Biophysicalists(8)
4. Medical Scientists, Except Epidemiologists(6)
There's another way to get your Neulasta®

A new Labor Condition Application (LCA) for an H1B Visa petition should be filed for each different work location within Amgen Inc. (even in the same state), because the prevailing wage of the position depends on the job duties and geographic location. So if the new job is within the same Metropolitan Statistical Area or normal commuting distance, no new LCA is needed.

H1B Visa petition address might be different from working location. The H1B Visa petition address is often the company headquarters or the address of Human Resource Department. The most common H1B Visa petition address of Amgen Inc. is One Amgen Center Drive Thousand Oaks, CA 91320.
Visa Considerations for U.S. Private Sector Positions

Amgen Inc. Visa: 528 rank: 508
One Amgen Center Drive Thousand Oaks, CA 91320

Average Salary for H1B Visa and Green Card Jobs

<table>
<thead>
<tr>
<th>Year</th>
<th>LCA for H1B Visa</th>
<th>LC for Green Card</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>$111,202</td>
<td>$117,566</td>
</tr>
<tr>
<td>2014</td>
<td>$110,388</td>
<td>$106,523</td>
</tr>
<tr>
<td>2013</td>
<td>$105,160</td>
<td>$109,638</td>
</tr>
<tr>
<td>2012</td>
<td>$98,957</td>
<td>$94,738</td>
</tr>
<tr>
<td>2011</td>
<td>$99,292</td>
<td>$90,322</td>
</tr>
</tbody>
</table>

This table reports the average proffered salary of labor condition applications for H-1B Visa and labor certifications for green card filed by Amgen Inc. from 2011 to 2015. If a range of proffered wage was used in application, we use the middle point in the range to calculate average salary.

Salary of H1B Visa and Green Card Jobs (2001-2010)
Other Ways to Find Out Who Sponsors Visas

➢ Network with colleagues in private industry
➢ Request for informational interview
➢ Attend conferences and job fairs
Why is this so important for internationals?

➢ Time-limited decision
➢ Life changing
➢ Support systems vary
➢ Barriers to access
➢ Need to get it right the first time; not many second chances

Students and postdocs need accurate, complete information, strategy and language to navigate this experience. If you cannot offer this, don’t risk it; you might be better off just referring them to a lawyer.
Summary

➢ Key Challenges that Internationals Face
➢ Researching Public H-1B Data Online
➢ Visa Options and Considerations
➢ Ways to Respond to Visa Sponsorship Questions
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4. What ISSO and OCPD Advise
Employers aren’t just trying to be difficult

They’re thinking about:

➢ **Compliance:** Gov’t encourages hire of US citizens
➢ **Cost:** The cost can be X dollars to sponsor
➢ **Time:** the amount of time it takes for a visa to come through is…
➢ **Risk:** it’s not 100% certain an international will get the visa

So, they’re focused on the bottom line. The point is for an international to show that they’re a good business decision
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4. What ISSO and OCPD did to serve internationals
What OCPD & ISSO Did

1. The Office of Career & Professional Development and the International Students & Scholars Office offered a joint workshop, where we spoke from our areas of expertise within our parameters

2. We responded to questions, concerns, myths, generalizations, fears.

3. We developed a handout with sample language

4. We offered interviewing workshops & 1:1 counseling to practice

5. We shared the employer perspective, ISSO’s perspective, and helped them prep for conversations with other resources: their attorney, etc.
The Employer’s Questions

➢ Unclear if employers who ask about your visa status are doing so in order to eliminate you from their application pool, or if the inquiry is simply informational and a way to comply with the law

➢ It is legal for employers to ask you about your visa/immigration status. It is not legal for them to discriminate against you because of your national origin

➢ Have a strategy for responding to questions about visa status and work authorization
5 stages in a hiring process where you could potentially disclose your visa status

Stage 1: Application Materials
Stage 2: Phone Interview
Stage 3: In-Person Interview
Stage 4: After Offer, Before Acceptance
Step 5: After Offer, After Acceptance
If you need support, show proactivity.

If you don’t need support, highlight.

If you will need support, do not mention your visa status in your documents. If you do not need support, you can discuss your status somewhere in your documents.
Visa Considerations for U.S. Private Sector Positions

Step 1: Application Materials (Forms)

**Step 1: Application Materials (Forms)**

**Are you currently legally eligible to work in the US?**

- **Yes***
- **No. I am however, in the midst of securing U.S. permanent resident (green card) status**

**Will you now or in the future require visa sponsorship?**

- **Possibly. I am in the midst of securing U.S. permanent resident (green card) status**
  - *Button: Yes. (and you need to discuss the above on your cover letter)*
- **No. I am however, in the midst of securing U.S. permanent resident (green card) status**
  - *Button: No. (and you need to discuss the above on your cover letter)*

**Are you a U.S. citizen? Do you have a green card?**

1. You need to discuss the ethical & strategic implications & let the international decide*
2. You need to explain the importance of the candidate showing effort/willingness to legalize their status
3. You need to explain the reason networking has to be their strategy
4. You need to encourage them to research if the organization has a history of sponsorship
Yes, I am eligible for Optional Practical Training (OPT) and able to work for 12 months*

Possibly. I am in the midst of securing U.S. permanent resident (green card) status. I have retained my own immigration lawyer and if I am ultimately the selected candidate, I am open to assuming some of the cost to address my visa status.

Yes, I will need visa sponsorship. But I’ve had a conversation with an immigration attorney already, and I understand that with my background and my record, approval is likely.

Further, I understand that there is cost and effort involved. I really want this position, and I’m prepared to participate fully in the application process.

No. I am however, I am currently securing U.S. permanent resident (green card) status. I have retained my own immigration lawyer and if I am ultimately the selected candidate, I would be open to assuming some of the cost to address my visa status.
Step 5
After Offer, After Acceptance

If you don’t need support, highlight
If you need support, show proactivity

➢ Concern that you will have appeared deceptive. At times an employer (say, a small start
up), didn’t ask or assumed that the international was eligible to work.
➢ Schedule a meeting with whomever hired you.

Thank you for meeting me. I have a situation that I need to address. As I transition from my role at the university to working for you, I will need an employment visa.

I am definitely willing to take an active role as we go through this process.

Thank you for meeting me. I am excited to be the selected candidate. I am ready to bring my skills and knowledge to the interesting problems your research team is trying to solve.

I want to make sure that you understand that I will need an employment visa to start on the project. I am definitely willing to take an active role as we go through this process.
What we covered today:

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