

# FOREIGN NATIONALS AT CIRES

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CIRES Visa Coordinator  
CIRES Human Resources

## **Visa Coordinator's Role**

Member of the CIRES HR Team

Works closely with HR team members on human resources processes

Serves as the liaison to International Student and Scholar Services (ISSS)

Guides supervisors and employees on visa/immigration procedures

Provides information to international employees and their supervisors

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## **Visa matters in selection and hiring**

### **Preparing for Foreign National Issues at the Time of Posting**

*At the time of posting*, please consider your ability to offer visa sponsorship and/or to hire a foreign national for this role. Any restrictions should be added to the “What You Should Know” section of the posting. If the project is urgent, please consider adding a targeted start date. This would allow you to decide not to process certain types of visas for foreign nationals whose visa process will require several months (the minority of our visa cases).

Exports controls and access to supercomputers may also limit eligibility for FNs.

The federal clearance process for DSRC/NOAA-based positions will take between 3 and 4 months to complete.

## **Visa matters in selection and hiring**

### **Preparing for Foreign National Issues at the Time of Posting**

Depending on visa type and candidate's immigration status and nationality, processing times will change dramatically. We will talk about timelines later.

Prepare recruiting materials and complete the hiring process as efficiently as possible.

Please consult with CIRES HR if you have a foreign national candidate and would like to discuss the feasibility of hiring them.

## **Limited Unescorted Access (LUA) and Sponsor at NOAA**

LUA stands for Limited Unescorted Access (LUA).

Allows a foreign national (FNs) to move about the NOAA facility unescorted but only if their sponsor is also in the building on any given day. The sponsor must be a federal employee with proper certification.

In the hybrid environment, when some employees are working remotely, there may not be a sponsor on site. Hiring managers should check with federal partners to see if someone is available to escort foreign nationals.

A LUA is in addition to regular security clearances required for entry into the building (site access badge).

Can take up to 30 additional days once security clearance is achieved. Sometimes LUAs are requested at the same time as clearance, but not always.

## Visa matters in selection and hiring

### Candidate Expresses Visa Need

If you find out a candidate needs a visa to work, **do not ask them their immigration status or their citizenship**. Please let CIRES HR know.

YOU CAN ASK: Are you legally allowed to work in the United States or will you need visa sponsorship now or in the future?

### EXCEPTIONS:

ITAR/exports controls restrict your position to U.S citizens and permanent residents only. If this requirement was included at the time of posting, please ask CIRES HR ([cireshr@colorado.edu](mailto:cireshr@colorado.edu)) to screen your top candidates and confirm eligibility before you proceed to an interview.

A CAC card is needed to perform specific work and a foreign national will not be issued one per your access verifier. For the majority of the positions FNs will receive an equivalent to the CAC card, but there are exceptions and certain positions require a CAC specifically. Again, CIRES HR can check on this requirement for your top applicants prior to interviews.

Also be aware, if hiring for NOAA-based roles, citizens of certain nations will not successfully complete federal clearance. If you have questions about a certain applicant. please contact CIRES HR on next steps.

## Steps in the hiring process

### Candidate Verbal Acceptance

When you have *verbal acceptance* by an international candidate, please let the CIRES HR recruitment professional know. They will let me know.

I will contact the candidate and ask relevant questions.

Next, there will be conversations between the candidate and me, the supervisor and me, and ISSS and me to determine a good path.

Sometimes candidates have a certain visa status in mind but that status may not be possible or optimal. The visa status we pursue must be determined by ISSS via communication with me as the CIRES Visa Coordinator.

Then, the offer letter is signed.

Do not send an offer letter until I have determined that a specific visa is possible and established a realistic processing time for such visa type.

## Visa matters in selection and hiring

Usually, the

**position description,**

**position requirements** and

**degree field must align closely.**

I will ask for the discipline the position is in, the degree program and CV, and the position description. I will need this information for the visa conversations.

Please mark “Yes” on the Hiring Checklist form if visa assistance is needed.



## Export controls

### WHAT ARE EXPORT CONTROLS?:

Export Controls are federal laws that restrict the transfer of some technologies to foreign nationals within and outside of the United States, and also restrict some of the financial actions and other services performed by US persons.

If hiring a foreign national, you will need to complete a form for the CIRES Export Control Team so that they can gather information. They may ask you additional questions and give you guidance to follow.

The CIRES Export Control Team will review the position and the employee's external affiliations to determine if there are any export concerns with processes, equipment, or technologies that the employee will participate in or use. The central CU Boulder Export Controls Office may also be involved. An analysis for work that needs to occur outside the United States can also be provided.

**This review must be completed before we hire a particular international employee and when any employee plans to work from abroad, even for a short period of time, such as at the end of a vacation period.**

## **Main non-immigrant visa statuses at CIRES**

J-1 Exchange Visitor

F-1 Optional Practical Training (OPT)

H-1B Temporary Worker

**Every situation is different. The current immigration status, country of citizenship, country of permanent residence, immigration history, travel plans, location of candidate at the time of hire, dependents etc. will all factor into a visa path.**

## **J-1 Status - Exchange Visitor**

Duration up to 5 years usually

J-2 dependents can apply for work permission

Can only work remotely 2 days per week (DSRC excepted for now)

Some are subject to the Two-Year Home-Country Physical Presence Requirement (depends on their country of permanent residence and/or their funding source for their J-1 program). If someone is in J-1 status and subject to the 2-Year Home-Country Physical Presence Requirement we may need to bring them here as a J-1 at first.

Cost: \$100 for the ISSS Office to process their DS-2019; this is paid by CIRES general funds. The employee pays for visa application fees (approx \$510).

If employee is inside the U.S. and needs a J-1 transfer: 2-3 months usually

If employee is outside the U.S and needs a J-1: 4-5 months, sometimes longer

## **OPT - Optional Practical Training**

Work permission associated with F-1 student status

Duration up to 3 years usually (One year and then 2 years)

F-2 dependents cannot have work permission

Faster process for bringing someone here

Cost: None for CIRES. The employee in F-1 status applies for OPT through the U.S. Citizenship and Immigration Services (USCIS) and pays processing fee (\$410 currently)

Timelines:

If employee is inside the U.S.: 2-3 weeks for administrative processes if the employee has received their OPT card already. The employee should apply for OPT several months before they finish their degree program

If employee is outside the U.S. and needs an F-1 visa to re-enter: 2-4 month usually, but it is longer if the employee has to wait for the U.S.

## H-1B - Temporary Worker Status

Duration up to 6 years usually

H-4 dependents cannot apply for work permission usually

Can be intending to immigrate or not. Usually obtain H-1B status before applying for permanent residency (a green card)

Cost: Will discuss in next slide

Timelines:

If employee is inside the U.S. and needs H-1B status: 3-4 months even with premium processing. There are several steps involving CIRES, ISSS, and 2 government entities.

If employee is outside the U.S. and needs H-1B status: 4-5 months or more even with premium processing. There are several steps involving CIRES, ISSS, and 3 government entities.

Premium processing: is a fast-track service offered by the United States Citizenship and Immigration Services (USCIS) that guarantees that an H-1B will be processed within 15 days from the time USCIS receives the H-1B petition, in most cases.

## H-1B Visa Fees

Visa Fees for retention: cost is supported by a CIRES general fund.

Visa Fees for initial recruitment: charged to the project (sponsored award) they will be working on

\$460 H-1B Government Filing Fee – (for recruitment, new employee): charged to the project (sponsored award) they will be working on. This cost is allowed on a sponsored project if the cost is in the approved/awarded budget. If not in the approved budget, we would need to properly document why it should be charged to the project and demonstrate the benefit.

\$460- H1b Government Filing fee for H-1B renewal - (for retention) Paid by CIRES.

\$500 - H1b Government Fraud Detection fee for initial (for recruitment, new employee and for retention). Charged to the project (sponsored award) they will be working on if for recruitment.

\$2,500 - NOT allowed on sponsored awards, no matter whether recruitment or retention cost.

CIRES cannot pay this fee, but we can reimburse the project for the cost.

## **Permanent Residency (Green Card)**

Allows the employee to stay inside the U.S. and work permanently (in most cases)

The employee is not able to vote or perform civic duties

CIRES may be able to sponsor a green card if the employee meets certain criteria and if the position is permanent and indefinite, and the employee must have worked at CIRES for a few years.

Costs: A few thousand dollars. There are two parts to the green card process, and the employee pays for the second part, which costs at least \$1,225 (more if the employee has dependents and/or needs to hire a lawyer to assist).

CIRES pays \$700 for first part, unless premium processing due to a business need (\$2,500 additional fee).

The process for a green card can take a few years (1.5 or more)

\*There are other immigration statuses in addition to the ones mentioned.\*

## Visa Matters for Current International Employees

### Position Changes

IMPORTANT:

Report to CIREs HR any anticipated changes to the position of an international employee **before** the changes take place.

Most changes require additional paperwork. Some changes are not permissible.

Please contact me at [cireshr@colorado.edu](mailto:cireshr@colorado.edu)

Allow plenty of lead-time for any changes. Some changes will require paperwork that takes weeks to process (examples of changes on next slide)



# Visa Matters for Current International Employees

## Examples of Position Changes

Work Location

Job Title Change

Change in Responsibilities

Change in Supervisory Duties

Percentage of Full-Time Employment

Leave of Absence

Salary Change

Work for other employers (Usually not possible)

Complete Job/Position Change or Transfer

Termination of Employment

**Contact CIRES HR ([cireshr@colorado.edu](mailto:cireshr@colorado.edu)) before any position changes are made.**

## Visa Matters for Current International Employees

### Travel

If an international employee plans to travel outside the U.S., please notify me or CIREs HR right away. There are travel instructions and possible export control concerns.

Visa issuance - Can take time

Travel restrictions

Timing related to a change of status

## Visa Matters for Current International Employees

### Change of Status:

Can take months

Usually done from OPT or J-1 to H-1B

Plan at least 8 months prior to needing a change of status

There can be obstacles, such as the two-year home-country physical presence requirement

## QUESTIONS?

We would appreciate it if you could offer feedback on this training by completing this very brief survey:

[https://cuboulder.qualtrics.com/jfe/  
form/SV\\_8Hr80ItfKiSPm1E](https://cuboulder.qualtrics.com/jfe/form/SV_8Hr80ItfKiSPm1E)

Thank you!