



Immigration Compliance

Guidance and Updates

A presentation by
the International Students
and Scholars Office
(ISSO)



Presentation Objectives

Compliance

To ensure compliance with federal regulations at the institutional level and to safeguard each scholar's status

Communication

To promote partnership between our offices, as communication is key to our shared goals of compliance and support for our international scholars

Compliance Presentation: Visa Categories

This presentation will focus on employment-based and research-based visas sponsored by Columbia University

- ❖ H-1B and E-3 Specialty Occupations
- ❖ J-1 Exchange Visitors
- ❖ TN Canadian and Mexican USMCA
- ❖ O-1 Employees of Extraordinary Ability
- ❖ F-1 STEM Optional Practical Training

We will also provide an overview of Columbia's B-visitor/ESTA policy

B-1/B-2/ESTA Visitor Waiver Program

Inappropriate B-1/B-2/ESTA activities at Columbia include:

- Collaborative research and academic appointments (even if zero-salary)
- Visiting Scholar/Scientist designations and Visiting Student Internships

Currently, those admitted to the U.S. as B-1/B-2 or ESTA not eligible for a University ID Card or UNI

U.S. immigration regulations require that the nature of the activities determine the appropriate visa, not the duration or what is “easier”.

Export Controls, Sanctions and Restricted Parties

Export Controls:

U.S. regulations restrict the export of certain commodities, software, technical information and services outside the U.S. or to certain foreign nationals within the U.S.

Economic Sanctions and Restricted Parties:

Certain countries, entities and individuals are subject to economic sanctions or other restrictions.

U.S. law may prohibit certain research and financial transactions with certain “restricted” parties without a U.S. government license.

Visual Compliance and Scholar Sponsorship

Visual Compliance:

This is a web-based restricted party screening tool used by Columbia to comply with federal requirements regarding Economic Sanctions and Restricted Parties.

It screens the name of the scholar and the home institution(s) to identify a potential match with government lists prior to visa sponsorship.

Important Guidance for the Scholar Sponsorship Portal (SSP):

In the SSP, be sure to type the scholar's name as it appears in the passport and the full name of the home country institution(s).

Compliance Reminder: VC Screening in the SSP

If Visual Compliance flags a potential “match” in the SSP:

- Processing pauses in the SSP
- It must be escalated to your Designated Reviewer and/or the Office of Research Compliance and Training (RCT) to be resolved

False-positive matches can be cleared

Real matches might require compliance plans and mandatory trainings for all lab members

RCT contacts are:

Michelle Avallone (mla25)
and
Jan Cheesman (jtc2168)

Compliance Reminder: H-1B and E-3

Contact ISSO in advance if there are any changes in employment:

Job Title

Work Location (Including Remote Work)

Leaves of Absence

Change in Source of Funding or Loss of Funding

Compliance Reminder: H-1Bs and “Benching”

“**Benching**” occurs when an H-1B employee is inside the U.S. and available for work, but is not on payroll.

H-1B employers must still pay the required wage even during non-productive periods such as:

- ❑ Lack of assigned work (such as project funding issues/delays)
- ❑ Waiting for internal CU processes (appointments, lab/campus access issues)

Failure to comply can result in penalties for the employer

Compliance Reminder: Early Termination

Employers are **not** obligated to pay the required wage when USCIS is notified that employment ended and the LCA is withdrawn.

It is extremely important to notify ISSO when an employment ends earlier than the H-1B approval end date.

Failure to comply can result in penalties for the employer

Worksite Visits: USCIS Office of Fraud Detection and National Security (FDNS)

FDNS Site Visits are not new, though frequency varies.

ISSO has Site Visit Guidance and FAQs at the bottom of our H-1B webpage.

FDNS site visits are random, without advance notice and done to verify:

Job Title	Salary	Number of Hours worked
Job Location *including remote work location*	Job description and duties	Degree requirements

H-1B Worksite Visit Guidance (FDNS)

Compliance guidance before (and regardless of) any site visit:

Review the reported worksite(s) for your H-1B employees
(Reminder: Routine work-from-home is a “worksite”)

Notify ISSO of any work location changes/additions
(If a work-from home location changes, notify ISSO)

Follow ISSO’s guidance on whether updated wage forms and other documentation are needed.

H-1B Worksite Visit Guidance (FDNS)

With school leadership, establish and communicate protocol to your department:

**Contact ISSO and OGC in case of an FDNS site visit
(Public Safety can assist with this connection)**

**Designate a department “go-to” person and a back-up.
Communicate this to staff.**

**Verify investigator’s identity and agency
(badge, business card)**

**Maintain spirit of cooperation
while waiting for ISSO/OGC/Public Safety guidance**

F-1 STEM OPT Site Visits



Regulations permit government site visits for F-1 STEM OPT employment. This is not new.

Hiring departments must complete a Form I-983 Training Plan when employing someone with F-1 STEM OPT.

Site visits related to STEM OPT will likely focus on the information provided on the Form I-983.

Remote Work from a Residence



J-1 regulations require that remote activities not exceed 40% of each week

H-1B regulations require regularly scheduled remote work to be included in the Labor Condition Application (LCA)

These requirements are in addition to Columbia University's Remote Work Policy

Reporting Work from a Residence



J-1 regulations require:

- all sites of activity to be reported in SEVIS (e.g. off-campus lab)
- the J-1 Exchange Visitor to report local address

H-1B regulations require:

- all worksites to be included in the Labor Condition Application (LCA)
- the employee to report any address change on Form AR-11

Compliance Reminder: Report Serious Situations

J-1 regulations require ISSO to notify the Department of State when serious situations occur, including: *(complete list on ISSO website)*

Serious Illness or Injury	Missing Person	Death
Legal Issues	Sexually-related incidents or abuse	Lost or stolen passport
Violations of export control and intellectual property theft	Negative interactions in the workplace, such as any type of discrimination	Other situations impacting exchange visitor's visit or safety

J-1 Health Insurance Coverage Requirements

J-1 Exchange Visitors must obtain insurance coverage which meets Department of State's minimum standards listed on the ISSO website.

ISSO provides this guidance to the J-1 Exchange Visitor prior to arrival.

For those not eligible for CU insurance, ISSO has a list of reputable insurance providers on our website.



<http://bit.ly/jschhealth>



USMCA Agreement – TN Visa Status

U.S. – Mexico – Canada Agreement :

Citizens of Canada and Mexico in certain occupational fields with appropriate qualifications/credentials can be employed in TN status

Submit TN requests through the Scholar Sponsorship Portal (SSP)

This way ISSO can:

- ❑ advise on the TN letter (which is not the appointment letter)
- ❑ advise on TN eligibility criteria and alternatives if USMCA changes

O-1 Extraordinary Ability

Eligibility Criteria

Must be recognized as being at the very top of their field and employed at Columbia University *in a position requiring extraordinary ability*.

Attorney Policy

Outside attorneys/agents/employers cannot sponsor an employment visa for Columbia University.

The only attorney authorized to sponsor O-1 on behalf of Columbia University is the Seltzer Firm.

Consequences of Non-Compliance

Columbia University can be at risk of receiving sanctions, fines, or lose visa sponsorship abilities



This may impact the scholar's ability to remain in the U.S. or to return to the U.S. in the future.



Staying Informed



ISSO
Webinars &
Info Sessions



ISSO's Website
and ISSONews
Webpage

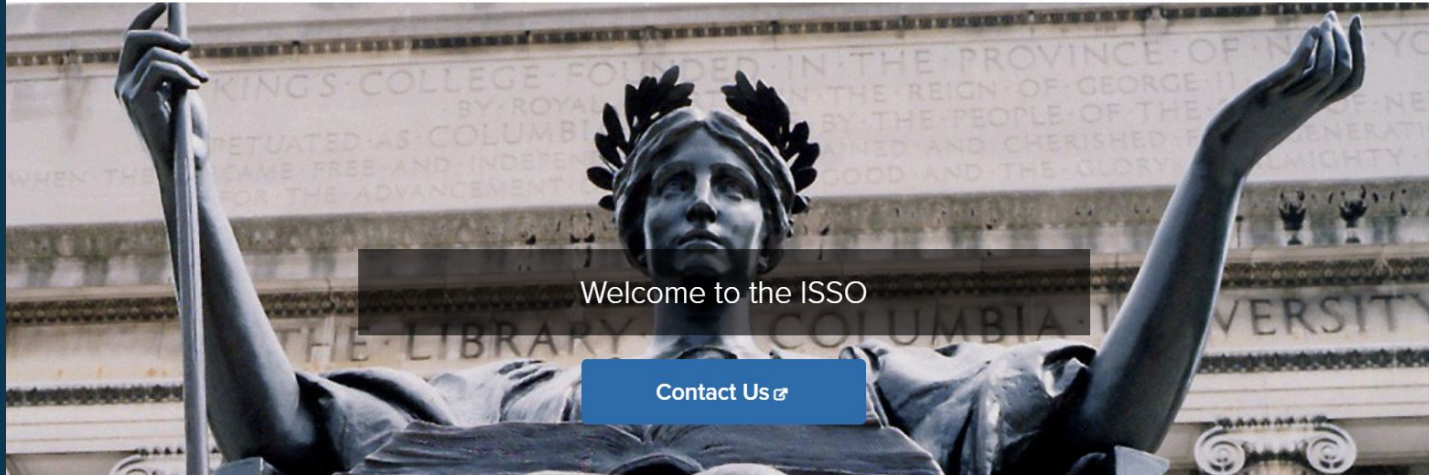


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Welcome to the ISSO

[Contact Us](#) 

I WANT TO



isso.columbia.eu

ISSO Faculty and Scholar Services



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Reminder: ISSO's Location

Armstrong Hall, 545 West 112th Street, 4th Floor

In-person (by appointment preferred)

Document drop-off & pick-up and drop-ins
M-F 9am-5pm

Visit our "Contact Us" page for your ISSO advisor