

Foreign nationals receiving appointments to Cold Spring Harbor Laboratory (CSHL) require a valid U.S. working visa to work at the Laboratory. It is important for a foreign national to arrive in U.S. on the appropriate visa. Below is the list of visa categories, which are sponsored by the Laboratory. We also sponsor our WSBS foreign students for their F-1 visas.

Visa Classifications

1. J-1 visa (exchange visitor)
2. H1B visa (temporary workers for specialty occupation)
3. TN visa (Canadians and Mexicans)
4. O1 visa (aliens with extraordinary ability)
5. F1 visa (student visa)
6. B1/B2 visa (visitors for business and tourism)
7. Visa Waiver Program (VWP)

J-1 visa (exchange visitor's visa)

Cold Spring Harbor Laboratory is a designated exchange visitor program sponsor authorized to carry the exchange visitor program for short-term scholars and research scholars. J1 is a non-immigrant visa. The visa holder may not apply for a green card or a permanent residence status in the United States. The applicant will be required to provide proof of nonimmigrant intent to the US consulate, at the time of the visa application.

Research Scholar

The maximum duration of stay allowed on a J1 research scholar visa is 5 years, therefore it is considered as a long-term J1 program. We sponsor a research scholar visa for our research scientists and post doctoral fellows. Student visitors who are approved by the Laboratory to stay longer than 6 months may also qualify for J1 research scholar visa. Dependent spouse and children of a J1 visa holder are eligible to apply for J-2 visa. A spouse on a J2 is allowed to work in U.S. after obtaining a work authorization document from the United States Citizenship & Immigration Services (USCIS). It is important for a J1 visa applicant to be familiar with the two-year home residency requirement imposed on certain J-1 visa holders, and the two-year bar for a repeat participation in the research scholar program, which applies to everyone who has used a J1 research scholar visa. Please visit http://travel.state.gov/visa/temp/types/types_1267.html for more information on the J1 research scholar program.

Two-year home-country physical presence requirement for certain J-1 visa holders (rule 212e)

The two-year home country residence requirement is a restriction unique to the J-1 visa, and one that must seriously be contemplated by anyone considering applying for a J-1 visa. Those exchange visitors who are subject to this requirement (and who are unable to obtain its waiver) must, after expiration of their J-1 visa and before becoming eligible to change nonimmigrant status in U.S. or obtaining the US permanent resident or green card status, must live for two-years in the country of which they were residents when they

applied for the visa. The reason for the requirement is that the government policy behind the exchange visitor program is to promote mutual cultural exchange. If the exchange visitor

to the U.S. did not go home, the U.S. would benefit, but the rest of the world would suffer and further the rest of the world would not be as receptive to American participation in similar exchange programs abroad. In the case wherein the requirement applies, it must be satisfied even if the exchange visitor marries a U.S. citizen. Please visit http://travel.state.gov/visa/temp/types/types_1267.html#15 for additional information.

This requirement applies to an exchange visitor whose

1. J-1 program is to any extent financed by the U.S. government or the government of another country
2. Who is performing a skill which is in short supply in his/her home country. Please visit http://travel.state.gov/visa/temp/types/types_4514.html to see if your country is on the J1 skill list.
3. J-1 program consists of Graduate Medical education or training.

The exchange visitor who is subject to this requirement can apply for a waiver. Please visit the US Department of State, visa services website at http://www.travel.state.gov/visa/temp/info/info_1296.html for more information on the J1 visa waiver.

Two-year bar on repeat participation in the J1 research scholar program

Exchange participants who have entered the United States under the Exchange Program as a professor or research scholar, or who have acquired such status while in the United States, and who have completed his her program are not eligible for participation as a professor or research scholar for a period of two years following the end date of such program participation as identified in SEVIS.

The above rules also apply to J-2 dependent of J-1 visa holders.

Visiting students and scientist who need to apply for a J1 research scholar visa for a stay of longer than 6 months must know that they may be affected by the 2-year bar for repeat participation once they leave the Laboratory i.e. at the completion of their program. The Department of State has determined that completion of program is defined as Exchange Visitors who are no longer actively participating in the activities of a research scholar. The status of the Student and Exchange Visitor Information System (SEVIS) records for an exchange visitor who meet the above definition is listed as either "inactive" or "terminated".

When a J-1 visa holder leaves the Laboratory, the visitor's status in SEVIS is changed to inactive or terminated and the exchange visitor is subject to the two-year bar for repeat participation, which means that the Laboratory cannot sponsor you for a new J-1 research scholar visa for two years from the date of initial departure. The only time we can keep the visitor's status active in SEVIS is if the visitor continues to collaborate with the Lab

(while working offsite) and will return to work at the Laboratory within a reasonable period of time. In the instances where a visiting student/scientist J-1 visa holder needs to make repeated visits to the Laboratory, the visitor must contemplate the 2-year rule.

Please review the two-year bar graph below to determine if you are or will be subject to this requirement

Previous J-1 Exchange Visitor (EV) Status	Length of Stay in the United States in Previous J-1 Visa Status*	Date Exchange Visitor Completed Program**	Can begin or return as Professor or Research Scholar
Any EV (J-1) category other than Professor/ Research Scholar	6 months or less	Any date	Immediately
Any EV (J-1) category other than Professor/ Research Scholar	More than 6 months	Any date	After 12 months from the EV's Program End Date or Effective Date of Completion **
Research Scholar/ Professor (J-1)	6 months or less	Prior to 11/18/2006	Immediately
Research Scholar/ Professor (J-1)	6 months or less	After 11/18/2006	After 24 months from the EV's Program End Date or Effective Date of Completion **
Research Scholar/ Professor (J-1)	More than 6 months	Prior to 11/18/2006	After 12 months from the EV's Program End Date or Effective Date of Completion **
Research Scholar/ Professor (J-1)	Any time (i.e., 1 month, 1 year, etc.)	After 11/18/2006	After 24 months from the EV's Program End Date or Effective Date of Completion **
Spouse/dependent (J-2) of any EV category other than Research Scholar/ Professor (J-1)	6 months or less	Any date	Immediately
Spouse/dependent (J-2) of any EV category other than Research Scholar/ Professor (J-1)	More than 6 months	Any date	After 12 months from the EV's Program End Date or Effective Date of Completion **
Spouse/dependent (J-2) of a Research Scholar/ Professor (J-1)	6 months or less	Prior to 11/18/2006	Immediately
Spouse/dependent (J-2) of a Research Scholar/ Professor (J-1)	More than 6 months	Prior to 11/18/2006	After 12 months from the EV's Program End Date or Effective Date of Completion **
Spouse/dependent (J-2) of a Research Scholar/ Professor (J-1)	Any time (i.e., 1 month, 1 year, etc.)	After 11/18/2006	After 24 months from the EV's Program End Date or Effective Date of Completion **

J1 short-term scholar visa

The maximum duration of stay allowed in the U.S. under the short-term category is 6 months. Laboratory sponsors a short-term J1 visa for visiting students and scientist who are approved to stay at the Laboratory for 6 months or less. After finishing a short-term scholar program at the Laboratory, the visitor may not return to work at the Laboratory on another short-term scholar program. The benefit of the short-term scholar program is

that unlike in case of a research scholar program, the visitor is not subject to the two-year bar for a repeat participation in the same or another J1 category. However, the visitor may be subject to the repeat participation in the same category and with the same sponsor. The two-year home-country physical presence requirements may apply to a short-term scholar.

H1B visa (temporary workers for specialty occupation)

CSHL sponsors the overseas appointments for a H1B visa, which is defined as a temporary working visa for a person working in a specialty occupation or profession. In the usual case, employment categories such as faculty positions, IT professionals, lab technicians and foreign nationals coming to work at the Laboratory in the category other than that of a student, visiting student or other temporary/non-employee positions are eligible for an H1B visa. A Post Doctoral fellow will qualify for an H1B visa only if s/he

1. does not qualify for a J1 visa
2. is already present in the United States on a valid legal status, and will change visa status in the United States
3. Requires extension of stay after completing 5 years on a J1 and is not subject to the two-year home residence requirement.

The H1B visa holders do not need to prove their intent to return to their home country and may intend to immigrate to the U.S. They may change their status in the U.S and may also apply for a permanent residence (green card) through their employment or through other means. There are three factors that determine whether a proposed job is in a specialty occupation or profession:

1. Whether a Bachelor's degree or advanced degree is required to perform the job duties
2. Whether the degree requirement is common in the industry for the position
3. Whether the employer normally requires a degree or specialized experience for the position.

And once it is determined that the job is a specialty occupation, we need to prove that the applicant has the necessary education and/or experience to perform the job duties.

Obtaining an H1B visa is usually a long, time-consuming process. The Laboratory needs to file a H1B (I-129) petition with the USCIS and their processing time for this type of case is usually 60-120 days or longer. Therefore a minimum of 7 (seven) months time should be allowed for an H1B application. The Laboratory may petition for an employee for an appointment of up to three years, with an extension to a total maximum of six years. The certificate of eligibility in this case is the form I-797 (H1B) approval notice from the USCIS that is required for a H1B visa application at the US consulate abroad. The H-4 visa is available for dependents of a H1B visa holder. The dependent of an H-1B holder cannot be granted work authorization under any circumstances. However, they may seek independent visa sponsorship to allow for employment in professional positions.

Premium Processing of an H1B application

The USCIS provides a premium processing service for an H1B application at an additional cost of \$1000 (in addition to the regular processing fee of \$820). The usual processing time of an application filed under premium processing program is 15 days. The Laboratory does not pay for or reimburse to the applicant the cost of the premium processing fee. This fee must be paid by the applicant.

TN visa (Canadians and Mexicans)

TN status is available only to Canadian and Mexican citizens. Unfortunately, the procedures for obtaining TN status are not the same for Canadians and Mexicans. In short, the only reason for a Mexican citizen to apply for TN status rather than H-1B status is if the H-1B annual quota has been reached or if the candidate does not otherwise qualify for H-1B status. Therefore, this information is directed mainly at Canadian citizens (Canadian landed immigrants and non-Canadian citizens must apply for H-1B status).

In order to obtain TN status, a person must be able to prove that he is coming to work in an occupation that is on the NAFTA professions list, that he possesses the specific criteria for that profession, and that he will be engaged in business activities at a professional level for a U.S. employer. Self-employed individuals are generally not eligible for TN status. However, if you are self-employed and are going to do work for a U.S. entity, you may be eligible for TN status. Spouses and unmarried, minor children of the TN principal are eligible for TD status. TD nonimmigrants are not authorized to accept employment in the U.S., including self-employment.

Application for TN status is made at a border port-of entry, such as an airport or bridge. You must show proof of your citizenship (Canadian passport or birth certificate is sufficient), proof of minimal educational requirements and credentials for the professions category that you are applying under (originals or certified copy of degree, license, transcripts, etc.), a job offer letter from Cold Spring Harbor Laboratory outlining the proposed job duties and a TN support letter from the Laboratory's immigration office.

TN status is usually valid for three years at a time, and there is no limit to the number of times the status can be renewed. However, some TN visa applicant may receive only one-year multiple entry with no limit to the number of renewals. You cannot file for a U.S. permanent residence application while on TN status. For more information, please visit http://travel.state.gov/visa/temp/types/types_1274.html

O-1 visa (aliens with extraordinary ability)

O 1 visas are available to applicants who can show they have extraordinary ability as demonstrated by sustained national or international prominence in their field for several years. The applicant must work in the following fields in the U.S. to qualify for an O visa: science, art, education, business, or athletics. To qualify for an O-1 visa, an applicant must provide documents proving extraordinary ability. Examples of proof of

extraordinary ability include nationally or internationally recognized prizes or awards for excellence, membership in associations requiring outstanding achievements, and articles written by or about the applicant. There are special requirements for artists and entertainers. O-1 visa applicants do not have to prove that they will not abandon their foreign residence. Before an O visa can be granted, the applicant must go through a special consultation process. The applicant must get an "advisory opinion" from a peer group (a group of individuals in the alien's occupation or profession), or a union, labor, or management organization. An "advisory opinion" is a letter from an organization, which states that the positions the applicants will hold requires extraordinary ability and that the applicant has extraordinary ability.

The O-1 visa holder may remain in the US until the event; project or activity for which the alien is admitted is completed. The initial period of stay can be sought for three years and thereafter extensions in one-year increments may be sought to complete the activity, event or project. O-2 visas are available for the support personnel of O-1 visas holders in order for them to perform their job. O-3 visas are available for dependents of O-1 visa holders.

F-1 visa (foreign students)

F-1 visas are available for applicants intending to be full-time students at Watson School of Biological Sciences. CSHL/WSBS is a SEVIS (Student and Exchange Visitor Information System) approved school for sponsoring foreign students who have been admitted to the WSBS.

We issue the certificate of eligibility form I-20 for foreign students to apply for an F-1 visa. There are two basic requirements:

1. You must demonstrate your ties to your home country and provide evidence to prove that you do not intend to abandon your home country and will return to your home country upon completion of your F-1 program.
2. Documentary evidence of financial support for your tuition and living expenses in the United States.

Generally a foreign student is admitted to the United States for the duration of status i.e. for a period during which a F-1 student is pursuing a full course of study at an educational institution and engaged in authorized practical training upon completion of studies.

B1/B2 visa (visitors for business and tourism)

B visas are the most common type nonimmigrant visas. There are two types of B visas:

B-1 (visitor for business) and B-2 (tourist) visas: B-1 visas are for aliens who are entering the U.S. to engage in short-term business activities, not to seek permanent employment. A B-1 visa holder can negotiate contacts, participate in conferences or seminars and consult with business associates. CSHL meetings and courses participants must apply for a B-1 visa.

B-2 visas are for aliens who are entering the U.S. for pleasure or tourism.

No CSHL paid employment is permitted on a B-1 or B-2 visa. Although the Laboratory does not stand as the sponsor for this type of visa, a letter of invitation from the Institution is needed by visitors who apply for a B-1 visa at the US Consulate in their home country. Applicants for the B-2 visa should apply at the US Embassy or Consulate in their home country. A B-1 visa holder may stay in the US for a "reasonable" period of time for completion of the purpose of the trip, not to exceed the duration authorized by the immigration officer. A B-2 visa holder is admitted for a standard period of 6 months

Visa Waiver program (VWP)

The Visa Waiver Program (VWP) enables citizens of certain countries to travel to the United States for tourism or business for 90 days or less without obtaining a visa.

Please visit http://travel.state.gov/visa/temp/without/without_1990.html for list of countries that participate in the VWP.

To enter the United States on VWP, you must: be seeking entry for 90 days or less; be a citizen of VWP country; have a valid passport issued by a VWP country (starting October 1, 2003-a machine readable passport is required); have a round-trip transportation ticket issued by airline/carrier that participates in VWP; hold a completed and signed form I-94W (arrival and departure record)-These forms are available from participating airline/carrier. You can use the VWP only for business and tourism. Basically, you can do things that you can do on the B-1/B-2 non-immigrant visa but you cannot work in United States on a VWP. To work in United States, you must apply for a U.S. working visa.

As of January 12, 2009, a valid ESTA approval is required for all Visa Waiver Program (VWP) to travel to the United States. The Department of Homeland Security, Electronic System for Travel Authorization (ESTA) is a free, automated system used to determine the eligibility of visitors to travel to the United States under the VWP. It collects the same information as the paper I-94W form that VWP travelers fill out en route to the United States. ESTA applications may be submitted at any time prior to your travel. An ESTA authorization generally will be valid for up to two years. Authorizations will be valid for multiple entries into the United States. DHS recommends that travelers submit an ESTA application as soon as they begin making travel plans.

Learn more about ESTA on the DHS Customs and Border Protection (CBP) website, www.cbp.gov. ESTA applications may be completed FREE online at the official DHS website, which is: <https://esta.cbp.dhs.gov/>

Processing delay at the US consulate/Embassies

Responding to the attacks of September 11, 2001, the State Department, working with other U.S. Government agencies, has been engaged in an extensive and ongoing review of visa issuing practices as they relate to our national security. Visa applications are subject to a security check. Applicants affected by these procedures are informed of the

need for additional screening at the time they submit their applications and are being advised to expect delays. The time needed for adjudication of individual cases is difficult to predict. We recommend that individuals build in ample time before their planned travel date when seeking to obtain a visa. The State Department is working hard with other government agencies to rationalize clearance procedures in ways that continue to protect US borders, the first priority, while facilitating legitimate travel. The applicants should understand that this waiting period is necessary as the Department strives to make every effort to ensure the safety and security of the United States for all who are here, including foreign visitors.

Effective January 1, 2004, foreign visitors arriving in the U.S. will have their photos and fingerprints taken and travel documents scanned as a part of the U.S. Visitor and Immigration Status Indication Technology (U.S. VISIT program). These measures will apply to those entering the U.S. on a visa. The purpose of this program is to give the government a better idea on who is entering and leaving the U.S.

Student and Exchange Visitor Information System (SEVIS)

CSHL/WSBS is a DHS and DOS authorized foreign students and exchange visitors program sponsor, known as SEVP (Student and Exchange Visitor Program) sponsor. A partnership project, SEVP is a joint venture between the Department of Homeland Security, the Department of State, and the Department of Education.

A principal part of SEVP is an Internet-based system, the Student and Exchange Visitor Information System (SEVIS), which provides tracking, monitoring, and access to accurate and current information on non-immigrant students (F and M visa) and exchange visitors (J visa). SEVIS enables schools and program sponsors to transmit electronic information and event notifications via the Internet to the DHS and the Department of State throughout a student or exchange visitor's stay in the United States. SEVIS allows printing of the appropriate forms (I-20 for foreign students and DS-2019 for exchange visitors) and also provides reminders, alerts, and basic reporting capabilities. Please click on the following link for Frequently Asked Questions on SEVIS ([link??](#))

Duration of stay in the United States:

Many individuals have difficulty understanding the difference between the visa expiration date and the length of time you have permission to remain in the United States on a legal status as authorized by the USCIS at the port of entry in the United States. A visa holder must understand the concept of the visa and status. Under immigration law, the two concepts are distinct, even though in discussions, the word "visa" and the word "status" are used interchangeably. The word "visa" in immigration law refers to the visa stamp issued by the U.S. consulate in the foreign country, which enables a person to board a flight to the U.S. On the other hand, "status" is given by the USCIS officer at the port of entry when a person arrives in the U.S. to allow the person to enter the U.S. The real entry permit is the Form I-94 (Arrival/Departure Record) that gets stapled to the passport at the port of entry. This card provides the person valid legal status to remain in the U.S. for the duration of time mentioned, that is, tells you how long you may stay in the U.S. during that visit.

In general, a Research Scholar coming to United States on J-1 visa will be issued a I-94 for D/S (Duration of Status), which means he/she can stay and work in United States for the duration of the program as listed on the DS-2019 and for the period of extension approved by the Responsible Officer in coordination with the Department of State (not to exceed the three and half year limit on the total duration of the program) and a Research scholar coming to the U.S. of H1B will be issued a I-94 with the date of expiry as noted on his/her form I-797 (H1B approval notice from INS) or an expiry date noted on his/her H1B visa.

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