

Bard College

Information for Non-Immigrant Visitors and Immigrants

J-1 Exchange Visitors

The J-1 Exchange Visitor Program operates under the auspices of the United States Department of State Bureau of Educational and Cultural Affairs. The purpose of the Exchange Visitor Program is to increase mutual understanding between the people of the United States and the people of other countries by means of educational and cultural exchanges.

Each Exchange Visitor Program has a program description under which that program must operate and designates an individual or individuals as the University staff responsible for the administration of the particular J-1 program. Bard College is authorized to accept J-1 visitors in the following three non-student categories, *Professor*, *Research Scholar* (duration: minimum 3 weeks; maximum, 5 years) and *Short-term Scholar* (duration: no minimum; maximum, 6 months).

The Exchange Program Responsible Officer (RO) at Bard is **Joseph Ahern**, Director of Institutional Research. The Alternate Responsible Officers (ARO) is Vice President for Administration **James Brudvig**.

Link: [US Dept of State Exchange Visitor Program Regulations](#)

Faculty and administrators should contact Joe Ahern in the early stages of planning a visit by an exchange scholar.

Additional note: The purpose of the J-1 program is to accommodate visits by scholars/researchers **planning to return to their home countries**.

Some Exchange Visitors are subject to what is called the two-year home country physical presence requirement. This requirement applies to you if you receive any funding (including nominal travel grants) from your home government or a U.S. government agency (e.g., the Fulbright program). It also applies to you if trained personnel in your field are identified by your home government as being in short supply and your field has consequently been included on the U.S. government's "Exchange Visitor's Skills List." If you do not know whether your country and/or field appear on the "Exchange Visitor's Skills List," ask Joe Ahern. The two-year home country physical presence requirement is explained on the second page of the DS-2019 form. An exchange visitor who is subject to this requirement must reside for an aggregate of two (2) years in his or her country of nationality or last legal permanent residence or have the requirement waived before being eligible for other U.S. immigration statuses, including H, L or permanent resident status. For information about the process of applying for a waiver of this requirement, [check this web site at the Department of State](#).

For more information on this category, contact Joe Ahern (ahern@bard.edu; x7178)

B Visitor Visa

Generally, a citizen of a foreign country who wishes to enter the United States must first obtain a visa, either a nonimmigrant visa for temporary stay, or an immigrant visa for permanent residence. The "visitor" visa is a nonimmigrant visa for persons desiring to enter the United States temporarily for business (B-1) or for pleasure or medical treatment (B-2). As examples, if the purpose for your planned travel is to consult with business associates, travel for a scientific, educational, professional or business convention, or conference on specific dates, settle an estate, or negotiate a contract, then you would apply for a **B-1** visitor's visa.

If the purpose of your planned travel is recreational in nature, including tourism, amusement, visits with friends or relatives, rest, medical treatment, and activities of a fraternal, social, or service nature, then you would apply for a **B-2** visitor's visa. The visa allows a foreign citizen, to travel to the United States port of entry and request permission of the U.S. immigration inspector to enter the U.S.

IMPORTANT NOTE: Visitors in this classification are **not permitted to accept employment** during their stays in the U.S. But see the next section on "academic" **B-1's**.

Link to the State Department's page: [Business or Pleasure Visitors](#)

B-1 Academic Visitors: Professor/Lecturer/Speaker

Members of the academic profession coming to the United States to engage in usual academic activities such as lecturing or attending a conference, may travel on a B-1 visa provided there is no remuneration from a U.S. source, other than expenses incidental to the visit. Those who will receive an honorarium in addition to incidental expenses may still be eligible for the B-1 visa provided all of the following are met:

- the institution is a nonprofit research organization or a governmental research organization, or an institution of higher education, or a related or affiliated nonprofit entity;
- such activities are conducted for the benefit of the institution or entity;
- the activities will last no longer than **nine days** at a single institution; and
- the individual concerned has not accepted such payment or expenses from **five** such institutions during the previous **six month** period.

If the proposed activities are not exactly as described, an exchange visitor (J-1) or temporary work (H-1) visa will be required.

Visa Waiver

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. There are two categories: **VWB (Business)** and **VWP (Pleasure)**, counterparts to the B-1 and B-2 visas described above. Not all countries participate in the VWP. For full information on the subject, and for a list of participating countries, go to the State Department page: [Visa Waiver Program \(VWP\)](#).

TN Visa

The category "Professionals Under the North American Free Trade Agreement" is available only to citizens of **Mexico** and **Canada**. Under the North American Free Trade Agreement (NAFTA) a citizen of a NAFTA country may work in a professional occupation in another NAFTA country provided that

- 1) the profession is on the NAFTA list,
- 2) the alien possesses the specific criteria for that profession,
- 3) the prospective position requires someone in that professional capacity and
- 4) the alien is going to work for a U.S. employer.

The spouse and unmarried, minor children of the principal alien are entitled to the derivative status, but they are unable to accept employment in the United States. Aliens entering under this classification are considered non-immigrants.

Visit the State Department's page for the details: [Mexican and Canadian NAFTA Professional Worker](#)

H-1B Visa

The H-1B Temporary Worker status is a nonimmigrant immigration classification and is used to hire a foreign national professional in an academic, research, or staff position for a temporary period of time. The H-1B status is employer-specific. There must be an employer/employee relationship with the employer filing for H-1B status on behalf of the employee.

Unlike large public and private universities, Bard does not have the resources to handle H-1B applications on behalf of its foreign employees. Referrals will be made to attorneys who have served us satisfactorily in the past. Academic programs and administrative offices interested in obtaining an H-1B visa for a foreign citizen should contact Joe Ahern (ahern@bard.edu; x7178).

This page does not offer detailed information on this status because we cannot be certain that our knowledge of H-1B regulations is complete and current. We refer prospective applicants in this category to the sites of the government and major universities. Here, for example, is the link to [Yale's web page](#) on the subject.

To consult the text of the government's H-1B regulations, go to: [Code of Federal Regulations, CFR 214.2\(h\)\(4\)](#)

O-1 Visa (Information from Georgetown University's site)

O-1 Status is reserved for individuals of extraordinary ability in the sciences, arts, education, business and athletics who have risen to the top of their fields. With this status, these individuals may temporarily enter the United States to participate in a specific project or event. The requirements for this status are strict and extensive documentation is needed to establish that the individual is recognized for his/her extraordinary ability. To qualify for this category, the individual must be nationally/internationally recognized as being in the forefront of his/her field as evidenced by the following:

1. Receipt of a major, internationally recognized award (such as the Nobel Prize), or
2. At least three of the following:
 - Receipt of nationally/internationally recognized prizes awards for excellence in the field
 - Membership in an association in the field which requires outstanding achievement (as recognized by national/international experts in the field)
 - Published material in professional publications or other major media about your work in the field
 - Participation on a panel or individually as the judge of the work of others in the field
 - Scientific, scholarly and/or business-related contributions of major significance in the field
 - Authorship of scholarly articles in the field in professional journals or major media
 - Employment in a critical capacity for organizations and/or establishments that have distinguished reputations
 - High salary or remuneration commanded by you for your services
 - Other comparable evidence

The text of the government's O-1 regulations is can be found here: [O-1 Regulations](#).

Legal Permanent Residence (LPR)

(Information from Yale University's site)

What is permanent resident status?

There are a few terms used to describe the permanent resident status. The most common term is "green card," which has not really been green-colored for many years. Other terms include a permanent visa, lawful permanent residence, resident alien and immigration to the US. The permanent resident status is a type of visa status granted to a foreign national who has the privilege of living and working permanently in the United States.

How to become a permanent resident?

The short answer to this complex question is that there are five ways to immigrate to the US. Most of these categories for immigration have yearly numerical limits, or quotas. The overall yearly limit is about 700,000. But immediate relatives (spouses and minor children of US citizens, and parents of adult US citizens) have no quota.

The first route is through the petition of a close relative - spouse, child over 21, parent, brother or sister who is a citizen of the US; or spouse or parent who is a US permanent resident. (Anyone born in the US is a citizen of the US; permanent residents can become citizens through naturalization, after a required period of residence in the US.) Some of these routes to permanent residence are severely backlogged, however, depending on the type of relative and the nationality of the applicant. The brother or sister of a US citizen could have a wait of many years, depending on their nationality. For more information through this route, [visit USCIS web site](#).

The second way to get a green card is through an employer. An employer can petition for an extraordinary employee, an outstanding professor or researcher, a multinational executive or manager, a professional holding an advanced degree, or a person of "exceptional ability." There are also some permanent visas available for certain types of "skilled workers," professionals with basic degrees, ministers, and religious workers. For more information under this category, [visit USCIS web site](#).

There are three other, less commonly used ways to obtain US permanent residence. Investors with \$1 million in capital and the ability to employ at least 10 US nationals, have the possibility of getting one of 10,000 visas a year! Permanent residence can also be granted to refugees and people seeking political asylum.

Finally, there is the "lottery"! The purpose of the "diversity immigrants" category is to increase US immigration from countries with low representation over the last few decades. The "winners" were randomly selected from a huge pool of applicants who mailed in simple applications within a specified period. This year there will be 55,000 slots available per year for people from countries determined to have low immigration, and the eligible applicants will be randomly selected from a huge number of mailed-in requests. For more information and instructions, go to: [The Diversity Lottery](#).

Acknowledgment is gratefully made to the website of Yale University's Office of International Students and Scholars, and to the websites of its counterparts at Stanford, Georgetown and Bryn Mawr, from which the materials above were, in part, developed.