



International Student & Scholar Services Office (ISSS)

HIRING INTERNATIONAL EXCHANGE VISITORS

Dealing with U.S. Immigration Law

It is illegal for SMU to pay any international visitor who was not in the proper visa status at the time of the visit. SMU is authorized by the U.S. Government to bring in non-student J-1 Exchange Visitors under the following categories:

Short-Term Scholar:

Visitor may stay up to a maximum of 6 months in the US. The stay may not be extended under any circumstances beyond this 6 months period.

Research Scholar:

Visitor may stay to a maximum of 5 years in the US. Permission to stay in the United States can only be issued up to the amount of time for which funding has been authorized.

Professor:

Visitor may stay up to a maximum of 5 years in the US. Permission to stay in the United States can only be issued up to the amount of time for which funding has been authorized.

****Please note that a Research Scholar/Professor cannot return to the U.S. under a J visa status for 24 months upon completion of their research at SMU.***

A. What must be done by the department BEFORE the ISSS Office can do the immigration paperwork?

1. If the potential exchange visitor is receiving an honorarium, please contact the SMU Human Resources Office in order to have the exchange visitor set up in Access.SMU.
2. If the potential exchange visitor is not receiving an honorarium, please contact your Carrie Donaldson to have the exchange visitor set up in Access.SMU. **All Data entries must be done prior to submitting a request to the ISSS Office**
3. Completed DS-2019 Request Form The Request Form must indicate a **start date and an end date** for the time at SMU. This time period must correspond exactly with the date the health insurance coverage begins as well as the actual beginning date of employment.
4. A copy of the letter of invitation or offer This letter must describe the position duties and the salary, honorarium, or other source of funding the person will receive. We are required to put the funding information on the immigration paperwork regardless of the source of funding. Such visitors cannot come in exchange visitor status if they are totally funded by personal or family funding. **The letter of invitation or offer must also have an “at-will” clause in it stating that employment can be terminated before the DS-2019 expires at anytime.** Finally, **the letter must say the position is non-tenure track.** Financial certification or proof of funding This may be the salary information with amount listed in the letter of offer or invitation or other source of funds. Please note, **if the visitor will be receiving direct government funding (non-SMU paycheck), they will be subject to the two-year home residency requirement.** Proof of funding can be on the offer letter with salary information, or on a letter from the person's organization with the funding amount listed in US dollars.
5. Proof of health insurance coverage This can be a private policy OR the policy that is provided by SMU Benefits. If the visitor will not be eligible for SMU Benefits health insurance then a form (available in the SMU ISSS Office) titled “Request for Alternate Health Insurance” for non-students must be completed by the insurance company (see attached) and returned to us before the DS-2019 can be issued. If the visitor does not have health insurance a list of private companies is available for department use from the SMU ISSS Office. Any immediate family members coming must have proof of health insurance as well.
7. Copy of the passport with name and picture. This can be a faxed copy that shows the person's full name and passport expiration date. This is required in order for the ISSS Office to make sure the name is spelled correctly and matches what is on the DS-2019 Request Form.

The above six items must be received by the SMU ISSS Office **before** any immigration paperwork (DS-2019 and welcome information) can be issued and sent to the exchange visitor.

B. What the SMU ISSS Office will do

Once we receive the above materials from the department, the SMU ISSS Office will process the immigration paperwork (the DS-2019) and welcome packet information. This will be sent to the visitor by UPS unless otherwise requested. Requests are processed within 3 to 5 business days of receiving the department requests. **The Department must notify the SMU Human Resources Office, the Payroll Office and the SMU Benefits Office when the documents you send to us as outlined above are complete.**

C. When the International Visitor arrives

1. Upon arrival and before the first day of employment, the **visitor must check-in at the SMU ISSS Office in the International Center during a scheduled appointment.** Failure to check-in with our Center will result with the termination of the exchange visitor's record in SEVIS, the U.S. Government database.
2. Secondly, they must report to the Department of Human Resources to get processed for ID card, Payroll, and Benefits Office.
3. Thirdly, they will go to the Pony Express Center to get the SMU ID card in order to access the campus facilities like the library or the gym.

D. While the visitor is here

The visitor's activity and sources of income are limited to those stated on the DS-2019. Work for other institutions or organizations may only be performed with written authorization from the SMU ISSS Office. It must be determined by the host department and the ISSS Office whether activity in addition to that stated on the DS-2019 will interfere with the **visitor's primary purpose** for being in the US or whether it will enhance the purpose for being in the U.S. Authorization for alternate activity from the SMU International Center requires written recommendation for participating in such activity from the visitor's supervisor within the department. Doing lectures or research outside the specification of the DS-2019 without proper authorization is a violation of U.S. immigration law.

E. When the visitor's time ends

A visitor cannot be paid beyond the period that is on the DS-2019. They have 30 days to leave the country after that date. If the visitor will not be finished with the project or if the department wants the visitor to stay longer, extensions may be possible. In this case a letter from the department must be sent to the ISSS Office requesting the extension with new dates and the salary or other payment amount, **at least 30 days prior the DS-2019 expiration date.** This can be in the form of a letter of reappointment. Extensions of a maximum of five years are allowed unless the visitor transferred to SMU from another U.S. school OR the visitor is a short-term scholar. **The ISSS Office must be notified when the visitor is finished and will be leaving the university.**

F. A final note on other options for bringing in an international visitor or faculty

There are issues which need to be considered when hiring international visitors.

- 1) Some short-term visitors who will be here for **only 9 days or less** may be able to receive payment for a lecture on a **visitor for business visa.**
- 2) Certain exchange visitors may find themselves subject to the two-year home residency requirement. This is placed on exchange visitors who meet certain criteria. The effect of this requirement is that the exchange visitor must return to their home country for at least two years after they complete their program or have reached the maximum allowed time for their program as a J-1 exchange visitor participant.
- 3) **Finally, if the position is a tenure track position the person cannot come as an exchange visitor.** Thus, it may require that SMU process an H-1 or other work permit visa for them. The SMU International Center does not process immigration paperwork for H-1s or other non-J work permit categories. This is done through the SMU Center of Legal Affairs. Please consult SMU Legal Affairs for questions about work permit visas.