



APPENDIX C



Guidebook: Appointment of Noncitizens

Weill Cornell Medical College

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GENERAL GUIDELINES

I. Introduction

The immigration and naturalization laws and regulations of the United States severely limit employment opportunities for noncitizens in the U.S. **It is the policy of the Medical College to comply with federal regulations and to employ only those individuals who are authorized for employment:**

1. Citizens or nationals of the United States;
2. Lawful permanent residents; and
3. Noncitizens authorized by the United States Citizenship and Immigration Services (USCIS) to work in the U.S., i.e., holding employment authorization or in a nonimmigrant visa status which grants employment authorization, such as J-1 (Exchange Visitor) and H-1B (Temporary Worker) status.

The recommended term of a noncitizen's academic appointment may not exceed the duration of the approved employment authorization. Appointments are contingent upon the individual's obtaining and maintaining a visa status which grants employment authorization.

It is the responsibility of the noncitizen academic staff member to maintain valid nonimmigrant visa status or employment authorization at all times.

The USCIS District Office nearest the Medical College is located at 26 Federal Plaza, New York, New York 10278. However, most employment-based petitions and applications are adjudicated by the USCIS California Service Center.

While the terms "immigration status" and/or "immigration classification" indicate an individual's legal status and the purpose for being in the U.S., the immigration status or classification does not always indicate the type of visa the person originally used to enter the U.S.

For detailed Immigration and work sponsorship information, please visit <https://hr.weill.cornell.edu/services> and either "Filter by Category" and select Immigration or scroll down to Immigration Services.

II. Sponsorship of J-1 and H-1B Visas

Noncitizens are generally sponsored by the Medical College primarily for J-1 or H-1B visa status. Since the procedures are complex, departments should contact the Immigration Office (hr-immigration@med.cornell.edu) as early as possible when considering the appointment or employment of a noncitizen.

In most cases, the Medical College will sponsor a noncitizen's visa status only after the proper appointment forms and credentials have been submitted to the Office of Faculty Affairs and the appointment has been approved. In general, only those academic staff members who will be employed by Cornell and active at the Weill Cornell Medical College may be sponsored by the Medical College. Most noncitizens who will be employed by or active at an affiliated institution will be sponsored by that institution.

For consideration of the Medical College's sponsorship of noncitizens at New York-Presbyterian (NYP) Hospital System institutions, the appointing department should contact the NYP Graduate Medical Education Office. Their contact information is available at

- [NYP-GME](#)
- [Directory](#)

Foreign medical graduates who will receive hospital appointments on the PGY-track or as Clinical Fellows will not be sponsored by the Medical College. These individuals must contact the Sponsorship Office of the Educational Commission for Foreign Medical Graduates (ECFMG), located at 3624 Market Street, Philadelphia, Pennsylvania 19104 (By Telephone: 215-823-2121; By e-mail: evsp-support@ecfm.org) for information on J-1 physician visa sponsorship and credentialing procedures. The Medical College may sponsor clinical fellows who are foreign medical graduates for H-1B visa status if they have passed certain credentialing examinations in the U.S. The appointing department should contact the Immigration Office as early as possible to determine a foreign medical graduate's eligibility for H-1B status well in advance of the expected appointment start date.

A noncitizen physician whose visa status in the U.S. is sponsored by the Medical College must contact the Immigration Office before undertaking any plan to perform clinical services. The situation and the proposed activities must be reviewed, and the physician and the department will be advised whether the physician can participate without violating the terms of his or her legal stay in the U.S.

In addition, the physician and department must ensure that the physician has appropriate licensure authorization from the Hospital, along with malpractice coverage.

III. Taxes

Compensation paid to noncitizens may or may not be subject to Social Security and Medicare taxes, depending upon visa status. In addition, earned salary may or may not be subject to federal, state and city income taxes depending upon the applicable tax treaty, if any, with the individual's home country. For more information, please visit [Tax Information](#).

EXCHANGE VISITOR (J-1) STATUS

I. Introduction

The J-1 Exchange Visitor visa is the most common visa for visiting academic staff to Weill Cornell Medicine. The purpose or essence of this visa is to facilitate an exchange of learning, knowledge, and experience. It is temporary in nature, meaning it is not meant for tenure-track or tenure-eligible academic appointments.

Differing from other visa categories, the J-1 Exchange Visitor Program (EVP) has multiple categories, and the visa program is administered by the U.S. Department of State (DOS). WCM has approval from DOS to host the below categories:

- J-1 Scholar (Research Scholar and Professors)
- J-1 Short-Term Scholar

For detailed information specific initial eligibility, transfers, renewals, travel, etc., please visit [J-1 Exchange Visitor](#).

GUIDELINES FOR GRANTING TEMPORARY PRIVILEGES TO J-1 PHYSICIANS

ECFMG is the only visa sponsor for J-1 physicians who participate in U.S. clinical training programs. ECFMG administers its J-1 Exchange Visitor Sponsorship Program (EVSP) in accordance with U.S. Department of State guidelines and the U.S. Code of Federal Regulations. For more information, please visit <https://www.ecfm.org/evsp/roles.html>.

TEMPORARY WORKER (H-1B) STATUS

I. Introduction

The Medical College will petition the United States Citizenship and Immigration Services (USCIS) to classify a noncitizen as a Temporary Worker (H-1B visa status) if the department believes that the academic staff member should remain in the United States beyond their length of stay as a J-1 Exchange Visitor. The procedures for petitioning for H-1B status are complicated, and **it is imperative that the department and the noncitizen academic staff member be in contact with the Immigration Office as soon as possible.**

For detailed information specific initial eligibility, transfers, renewals, travel, etc., please visit [H-1B Specialty Occupation Workers](#).

II. Waiver of the Exchange Visitor Two-Year Home Country Residence Requirement

Noncitizens in J-1/J-2 visa status who - 1) received funding from the United States, their home government, or certain international organizations, 2) possess certain skills in short supply in the home country, or 3) are receiving clinical medical training - first must be granted a waiver of the two-year home country residence requirement before their immigration status can be changed to that of H-1B temporary worker. Applications for the waiver are initiated with the consulate of the individual's home government and should be filed with the Department of State well in advance of the planned submission of the H-1B petition. (**Please note:** If the J-1 waiver is not granted, it is not possible for the noncitizen's status to be changed to H-1B.) For more information, please see [How to Request a Waiver](#).

OTHER NON-IMMIGRANT AND IMMIGRANT VISAS

I. Nonimmigrant Visas

It is possible for noncitizens to enter the United States with visas other than work visas sponsored by the Medical College. For example, they may enter initially with a B-1 (visitor for business), B-2 (tourist) visa, or under the Visa Waiver Program (VWP). There are severe restrictions on the activities in which these visitors may participate, especially those in B-2 visa status. A visitor in B-1 status may, in certain circumstances, be given an honorarium or be reimbursed for expenses. For more information on B1, B-2, and the VWP, please visit [B-1, B-2 Visitors and Visa Waiver Program](#).

The Medical College may also sponsor alternate work visa sponsorship outside of J-1 and H-1B status depending on the position details and background of the noncitizen, such as O-1, TN, and E-3 status. For more information on any of these statuses, please visit:

- [O-1 Individuals with Extraordinary Ability or Achievement](#)
- [TN Professionals from Canada and Mexico](#)
- [E-3 Specialty Workers from Australia](#)

Noncitizens in J-2 visa status (dependents of J-1 Exchange Visitors) may apply to the USCIS for employment authorization under certain circumstances. For more information, please visit [J-2 Dependents](#).

In very limited circumstances, noncitizens in H-4 visa status (dependents of H-1B Specialty Occupation workers) may apply to the USCIS for employment authorization under certain circumstances. For more information, please visit [H-4 Dependents](#).

Noncitizen students holding F-1 visas may also be employed for specified periods before and after completion of their educational programs. For more information, please visit [F-1 Employment Options](#).

II. Immigrant Visas and Permanent Resident/Green Card Sponsorship

Permanent residents ("green card" holders) may be employed in the same manner as citizens of the United States.

An noncitizen academic staff member may wish to apply for immigrant status. In such cases, **he or she must notify the Immigration Office of this intent**. The Medical College provides limited guidance to the staff member through the complex application process.

For more information, please visit [Permanent Residents](#) and [Outstanding Professors & Researchers](#).