

## SECTION EIGHT

### Appointment of Nonimmigrant Aliens

<b>GENERAL GUIDELINES .....</b>	<b>8.2</b>
<b>EXCHANGE VISITOR (J-1) STATUS .....</b>	<b>8.5</b>
<b>TEMPORARY WORKER (H-1B) STATUS .....</b>	<b>8.11</b>
<b>OTHER VISAS .....</b>	<b>8.13</b>
<b>APPENDIX I: GUIDELINES FOR WEILL CORNELL MEDICAL COLLEGE SPONSORSHIP OF J-1 EXCHANGE VISITORS AT SYSTEM INSTITUTIONS .....</b>	<b>8.15</b>
<b>APPENDIX II: J-1 EXCHANGE VISITOR REQUEST FORM.....</b>	<b>8.17</b>
<b>APPENDIX III: J-1 EXCHANGE VISITOR DEPARTMENT APPOINTMENT VERIFICATION STATEMENT.....</b>	<b>8.21</b>
<b>APPENDIX IV: J-1 EXCHANGE VISITOR ENGLISH PROFICIENCY ATTESTATION FORM .....</b>	<b>8.23</b>
<b>APPENDIX V: DEAN'S CERTIFICATE FOR WEILL CORNELL MEDICAL COLLEGE SPONSORSHIP OF J-1 EXCHANGE VISITORS WITH CLINICAL HOSPITAL PRIVILEGES .....</b>	<b>8.26</b>
<b>APPENDIX VI: GUIDELINES FOR GRANTING TEMPORARY PRIVILEGES TO J-1 ALIEN PHYSICIANS.....</b>	<b>8.28</b>
<b>APPENDIX VII: EMPLOYMENT OF H-1B TEMPORARY WORKERS.....</b>	<b>8.38</b>
<b>APPENDIX VIII: CONFIRMATION OF DEPARTMENTAL SUPPORT FOR APPLICATION FOR PERMANENT RESIDENT STATUS .....</b>	<b>8.46</b>

## GENERAL GUIDELINES

### I. Introduction

The immigration and naturalization laws and regulations of the United States severely limit employment opportunities for nonimmigrant aliens 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. Aliens lawfully admitted for permanent residence; and
3. Aliens 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 an alien'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 alien academic staff member to maintain valid 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 sent to the USCIS regional office, California Service Center, located at 24000 Avila Rd, Laguna Niguel, CA 92677.

While the terms "immigration status" and/or "immigration classification" indicate an alien'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 example, an alien could enter the U.S. as a tourist using a B-2 visitor visa and later legally change status to H-1B Temporary Worker. The alien's immigration status or classification is changed, but not the visa stamp itself.

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

Nonimmigrant aliens are 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](mailto:hr-immigration@med.cornell.edu)) as early as possible when considering the appointment or employment of a nonimmigrant alien.

In most cases, the Medical College will sponsor a nonimmigrant alien'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 nonimmigrant aliens who will be employed by or active at an affiliated institution will be sponsored by that institution. For any consideration of the Medical College's sponsorship of aliens at New York-Presbyterian Hospital System (System) institutions, the appointing department should contact the Immigration Office and/or the Office of Affiliations (see below, Appendix I, Guidelines for Weill Medical College sponsorship of J-1 Exchange Visitors at System Institutions).

Except in special circumstances, **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 (Tel: 215-386-5900) for information on J-1 alien physician visa sponsorship and licensing 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.

An alien 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, approval will be contingent upon confirmation that the alien physician has appropriate licensure authorization from the Hospital and malpractice coverage.

### **III. Travel**

For travel outside the U.S., a nonimmigrant alien whose status is sponsored by the Medical College should contact the Immigration Office to determine what documentation may be required for re-entry.

Generally, an individual whose status in the U.S. was changed after arrival must obtain a new visa to re-enter the country in the new status after a visit outside the U.S. For example, a B-2 tourist whose status was changed to H-1B temporary worker by the Medical College **must** apply for an H-1B visa at a U.S. consulate abroad if he or she wishes to re-enter the U.S. after a trip abroad to continue his or her employment.

### **IV. Off-Campus Employment, Consulting, or Lecturing**

Exchange Visitors (J-1 visa status) and Temporary Workers (H-1B visa status) are limited by government regulations to the academic employment in their sponsoring department at the

Medical College. Occasional outside employment for J-1 Exchange Visitors may be allowed by the U.S. Department of State (DOS) if such activity is in keeping with the original objectives of the exchange visitor's J-1 program. Please contact the Immigration Office with any questions concerning outside employment.

## V. Taxes

Salary paid to alien academic staff 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. A Social Security number is required for all paid alien academic staff, and the paid nonimmigrant alien must file an income tax return with the Internal Revenue Service. The Social Security Administration Office nearest the Medical College is located at 123 William Street, 3<sup>rd</sup> Floor, New York, NY 10038.

The Payroll Authorization must indicate that the staff member is an alien in a nonimmigrant visa status, and a copy of confirmation of the visa status **must** be attached to the Payroll Authorization. **Failure to indicate visa status on the Payroll Authorization will automatically result in taxes being withheld.**

**Although it is the responsibility of the alien staff member to determine his or her own tax liability and to inform the payroll officer of any change in visa status that might affect tax status, the Medical College Payroll Department determines if federal, state and city taxes must be withheld from an individual's salary.**

## EXCHANGE VISITOR (J-1) STATUS

### I. Introduction

The J-1 Exchange Visitor category [I.N.A. §101(1)(15)(J)] was developed to implement the Mutual Educational and Cultural Exchange Act (Fulbright-Hayes Act) of 1961 [Public Law 87-256, as amended, 22 U.S.C. §2451, *et seq.*]. The overall purpose of that Act, and the objective of the Exchange Visitor category, 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.” [22. C.F.R. § 62.1(a)].

The Weill Medical College of Cornell University Exchange Visitor Program allows the Medical College to sponsor foreign professors and research staff for J-1 visa status for academic purposes. The Medical College has been approved by the U.S. Department of State to serve as a J-1 program sponsor for these individuals. Federal regulations govern the Exchange Visitor as well as the sponsor. The intent of the enabling legislation is exchange; it is assumed that the foreign national will remain temporarily in the U.S. and will return home at the completion of his or her research program. The Responsible Officer (RO) for this program at the Medical College is the Immigration Manager, and the Alternate Responsible Officer (ARO) is the Immigration Specialist. These program officers are the **only** individuals at the Medical College authorized to issue a Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status. A prospective Exchange Visitor should not enter the U.S. before obtaining the J-1 visa at a U.S. Embassy or Consulate abroad. It is possible for the Exchange Visitor’s immediate family to accompany him or her to the U.S. in J-2 dependent visa status.

### II. Implementation of the Student and Exchange Visitor Information System (SEVIS)

The Department of State and the Department of Homeland Security regulations require that J-1 visa eligibility documents (Form DS-2019) be produced through a federally mandated database known as SEVIS (Student and Exchange Visitor Information System). In addition, the J-1 program sponsor must report the following "events" to SEVIS throughout the J-1 Exchange Visitor’s stay in the U.S.:

1. **Commencement of Program** - New Exchange Visitors will need to report to their program sponsors with their immigration documents within 30-days of arrival in the U.S.;
2. **Address Changes** – Exchange Visitors and dependent family members, must report changes of address to the program sponsors within 10-days of making the change;
3. **Site of Activity Change** – Exchange Visitors must report additions to, or changes in, work site (location at which work will be conducted) to the program sponsors within 10-days of the change;

4. **Changes in Legal Name** – Exchange Visitors and dependent family members, must report changes of legal name to the program sponsors within 10-days of making the change; and
5. **End of Program Participation** - If the Exchange Visitor will be leaving his or her program sponsor more than 30-days before the end date specified on Form DS-2019, the program sponsor must be notified immediately.

### **III. Total Length of Stay**

An Exchange Visitor's eligibility for employment in the U.S. is limited to the dates entered on the Form DS-2019 Certificate of Eligibility. Entry into the U.S. is permitted no more than 30 days before and after the beginning date indicated in the form. **An academic appointment, however, is required for the entire period of an Exchange Visitor's program participation in such status.** The Exchange Visitor may stay in the U.S. for up to 30 days after the completion of his or her work at the Medical College.

The total length of stay in the U.S. for Exchange Visitors entering in Category 4, Professor, or Category 8, Research Scholar, is five years. A Short-Term Scholar, Category 9, may enter for no longer than six months. **While the Form DS-2019 for a Professor or Research Scholar may cover a maximum period of five years, the Medical College is required to verify that the Exchange Visitor possesses adequate financial support and is covered by health insurance for the entire period of J-1 stay. For non-faculty academic staff whose appointments are usually for a term of one year, renewable annually (see "Appointment and Promotion of Non-Faculty Academic Staff", Terms of Appointment), J-1 validity can only be granted for the applicable funding period and renewed accordingly.**

For certain individuals who come to the U.S. with financial support from sources other than the Medical College, J-1 visa status may be the only practical option. In addition, because it is relatively easy to obtain J-1 status extensions of stay and changes of status, initial entry into the U.S. in such status is often the best option.

According to federal regulations, an Exchange Visitor who has held **any** J status for all or part of the 12-month period immediately preceding the start date of a new J-1 Professor or Research Scholar program may not return to the U.S. to start the new program until he or she has been out of the U.S. for at least six months.

An Exchange Visitor who participates in a Professor or Research Scholar program also becomes subject to a 24-month bar on "repeat participation" in those categories after completing his or her program.

### **IV. Sponsorship by Other Organizations**

An academic staff member at the Medical College may be sponsored for J-1 visa status by another organization. For example, Fogarty Fellows may be sponsored by the National Institutes

of Health. Certain international organizations, e.g., NATO or the World Health Organization, will also sponsor a nonimmigrant alien, who may hold an academic appointment at the Medical College. **It is the responsibility of the academic staff member to be aware of and comply with any requirements and policies set by the sponsoring organization.**

When recruited for a position at the Medical College, a nonimmigrant alien already in the U.S. in J-1 visa status sponsored by another institution should request a transfer of J-1 sponsorship to Cornell as early as possible before the anticipated effective date of the appointment. The total maximum length of stay in the U.S. in a J-1 Professor or Research Scholar program remains five years (see above, Total Length of Stay) despite a transfer of program sponsorship.

#### **V. Procedures for Obtaining and Renewing J-1 Visa Status**

Except in special circumstances, the academic appointment of the nonimmigrant alien must be approved before the Immigration Office can issue a Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, for initial entry, transfer or extension of J-1 visa status. The host department is responsible for furnishing the Recommendation for Appointment form and other necessary credentials to the Office of Faculty Affairs well in advance of the prospective Exchange Visitor's arrival at the Medical College.

In many cases, the following additional information not normally submitted in support of an appointment must be submitted to the Immigration Office:

1. Biographic information of J-1 Exchange Visitor and accompanying dependents (see below, Appendix II, J-1 Exchange Visitor Request Form);
2. Signed statement from the host department to verify that the Exchange Visitor possesses adequate financial support, English language proficiency, and health insurance for the entire period of J-1 stay (See below, Appendix III, Department Appointment Verification Statement for J-1 Exchange Visitor);
3. Signed statement from the host department to verify that the Exchange Visitor possesses sufficient proficiency in the English Language (See below, Appendix IV, J-1 Exchange Visitor English Proficiency Attestation Form); and
4. Official documentation of the funding source(s) and exact amount of support (in U.S. dollars) if the individual is not funded by the Medical College.

Upon approval of the appointment, the Immigration Office will issue a Form DS-2019 and transmit the DS-2019 Certificate to the prospective Exchange Visitor, who will submit the Certificate to the U.S. Embassy or Consulate in the country where he or she is residing, in the event of applying for initial entry. For transfer of a prospective Exchange Visitor's J-1 visa sponsorship, the Exchange Visitor should be instructed to contact the Immigration Office for information concerning documents required to proceed with the J-1 transfer. The Immigration Office must also obtain authorization for the transfer from the Exchange Visitor's current J-1

program sponsor.

If approved by the Consular Officer, the prospective Exchange Visitor is granted a J-1 visa issued in his or her passport. Upon arrival in the U.S., an Immigration Inspector at the entry point will properly annotate the Exchange Visitor's passport, which indicates J-1 status valid for D/S, i.e., duration of status (the dates shown on the Form DS-2019). The Exchange Visitor must keep the Form DS-2019 with his or her passport.

Upon arriving in the U.S. on J-1 visa status, the Exchange Visitor must make an appointment to visit the Immigration Office with his or her passport and Form DS-2019. In compliance with the Immigration Reform and Control Act (IRCA) of 1986, the Medical College will keep on file a completed Form I-9 - Employment Eligibility Verification - proving that the individual is authorized for employment in the United States.

## **VI. Other Pertinent Information and Regulations**

U.S. government regulations require each Exchange Visitor to have insurance in effect to cover the Exchange Visitor and accompanying spouse and dependents during the period of his or her participation in the Exchange Visitor Program. Willful failure to comply with the federal insurance regulations will result in termination as a participant in an Exchange Visitor Program.

Minimum Level of Insurance Coverage Required:

1. Medical benefits of at least \$100,000 per accident or illness;
2. Benefits for repatriation of remains in the amount of \$25,000;
3. Benefits for expenses associated with the medical evacuation to the home country in the amount of \$50,000;
4. A deductible not to exceed \$500 per accident or illness; and
5. The carrier must have an A.M. Best rating of A- or above; an Insurance Solvency International, Ltd. rating of A- or above; a Standard & Poor's Claims-paying Ability rating of A- or above; or a Weiss Research, Inc. rating of B+ or above.

The Immigration Office has brochures available for Exchange Visitors who will need to purchase insurance. Most Exchange Visitors whose support is funded by the Medical College will have employee and applicable dependent health insurance coverage, which meets the federal requirements for medical benefits. In addition, all Exchange Visitors will be required to purchase coverage for themselves and their dependents for items B. and C. above, including benefits for repatriation of remains and medical evacuation, which are not covered by the Medical College policies. Exchange Visitors will have the option of comparing costs, and if they wish, when applicable, they may decline the Medical College's health insurance in favor of coverage by another carrier provided that the policy meets the regulatory requirements.



An Exchange Visitor who engages in unauthorized employment shall be deemed to be in violation of his or her program and is subject to termination as a participant in the Exchange Visitor Program.

Under the Exchange Visitor Program regulations, program sponsors must update the current U.S. address information for participants in the SEVIS within 10 business days of being notified by a participant of a change in his or her address. All Exchange Visitors at the Medical College are therefore required to keep the Immigration Office informed of their U.S. addresses, telephone numbers, and email addresses during participation in the Exchange Visitor Program.

## **VII. Clinical Hospital Privileges for Alien Physicians**

When an alien physician comes to the Medical College to teach or perform research under the Exchange Visitor Program assigned to Weill Cornell Medical College of Cornell University, the RO or ARO must indicate on the Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, either that the physician will perform no clinical services, or there will be incidental clinical services. If incidental patient contact is involved in the alien physician's duties, the Form DS-2019 must have appended a signed statement from the Dean, or his designee, certifying to five points concerning the circumstances under which such services may be performed (see below, Appendix V, Dean's Certificate for Weill Cornell Medical College Sponsorship of J-1 Exchange Visitors with Clinical Hospital Privileges).

Alien physicians who perform services that are not compatible with the goals of the program for which they came to the U.S. may be in violation of the terms of the visa status. A physician whose visa application did not indicate that there would be incidental clinical services and who applies for temporary privileges at an affiliated hospital may be considered to have committed visa fraud.

If an alien physician in J-1 visa status whose purpose in coming to the U.S. is to perform research in a clinical department wishes to observe clinical care at the New York-Presbyterian Hospital, the request will normally be approved if the Immigration Office is given assurance that the goals of the research program will not be compromised or made secondary to such observation. It might be difficult to document the necessity for incidental clinical services by a physician whose program goals include only performing research in a basic science department, although specific circumstances might prove otherwise.

The Weill Cornell Medical College J-1 visa sponsorship form (see below, Appendix II, J-1 Exchange Visitor Request Form) asks for the proposed primary activity. If the individual is a physician, the supervisor must indicate if there will be any patient contact, and if so, the Department must submit the Dean's certification (see below, Appendix V) with the request for J-1 visa sponsorship. The Department must also provide confirmation that the alien physician will have malpractice coverage.

Please see below Appendix VI:

1. CFR 62.27, Alien Physicians; and

2. The NAFSA Adviser's Manual: Foreign Medical Graduates, 4.N.1-4.N.2. NAFSA: Association of International Educators, February 2016, <https://am.nafsa.org/manual/56-j-1-exchange-visitors/379-foreign-medical-graduates>.

## TEMPORARY WORKER (H-1B) STATUS

### I. Introduction

The Medical College will petition the United States Citizenship and Immigration Services (USCIS) to classify an alien as a Temporary Worker (H-1B visa status) if the department believes that the academic staff member should remain in the United States beyond the usual maximum five-year 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 alien academic staff member be in contact with the Immigration Office as soon as it is determined that he or she needs to remain in the United States beyond the usual five-year limit on a stay in J-1 visa status.**

The Medical College usually does not petition for H-1B Temporary Worker status upon initial entry of an alien academic staff member. It may be preferable to sponsor the individual for J-1 visa status for the following reasons:

1. Approval of a petition for an H-1B visa can take up to eight months;
2. Significantly more paperwork is involved in H classification petitions;
3. The H-1B employee is subject to social security taxes; and;
4. In most cases dependents in H-4 visa status cannot be granted employment authorization.

**Regulations require the Department of Labor approval of a Labor Condition Application (LCA) for H-1B employment (see below, Appendix VII, Employment of H-1B Temporary Workers).** There are severe penalties for non-compliance with the LCA regulations. Departments should contact the Immigration Office for information and guidance.

### II. Total Length of Stay

The initial H-1B visa petition may be approved for a period of up to three years, and subsequent requests for extensions may be approved for up to a maximum of six years. In the event that an alien academic staff member's appointment is terminated before the approved H-1B expiration date, the Medical College is responsible for notifying the Department of Labor and USCIS to withdraw the subject LCA and H-1B petition and providing return transportation of the alien academic staff member to his or her last place of foreign residence.

### **III. Transfer of Sponsorship from Other Organizations**

When a nonimmigrant alien who is already in the United States in H-1B visa status is recruited for a position at the Medical College, the Medical College must file a request with the USCIS for change in the petitioner, i.e., the alien's employer, to Weill Cornell Medical College prior to the anticipated effective date of the appointment. The total maximum length of stay in the United States in H-1B visa status remains six years.

### **IV. Procedures for Obtaining and Renewing H-1B Visa Status**

Alien academic staff members in J-1 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 obtained at the consulate of the individual's home government and should be filed at least six months 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 alien staff member's status to be changed to H-1B.)

The Form I-129, Petition for a Nonimmigrant Worker, and H Classification Supplement must be completed and signed by the Immigration Manager. As part of the H-1B visa process, the department and the academic staff member must provide extensive documentation required by the USCIS (see below, Appendix VII, Employment of H-1B Temporary Workers). The LCA must be approved and certified by the Department of Labor before the Medical College can submit a petition for H-1B visa classification to the USCIS.

The Immigration Office cannot submit petitions for H-1B visa classification until appointment or reappointment of the alien academic staff has been approved. The department is responsible for furnishing the Recommendation for Appointment Form and other necessary credentials to the Office of Faculty Affairs well in advance of the expiration date of the current visa status held by the alien academic staff member.

Upon approval of the H-1B visa petition, the Notice of Action (Form I- I-797B) for the requested status is issued by the USCIS and sent to the Immigration Office and to the United States Consulate abroad where the H-1B visa will be obtained. Upon arrival in the U.S., the individual's passport will be annotated which states the arrival date and final date of H-1B status and the name of the H-1B petitioner (employer). If the individual is already in the United States, an approval for change of status to H-1B or extension of stay in H-1B status (Form I-797A) containing an updated Departure Record (I-94) will be issued and sent to the Immigration Office.

Upon arriving in the U.S. in H-1B visa status or being informed of approval for change or extension of H-1B visa status, the alien academic staff member should visit the Immigration Office with his or her passport. In compliance with the Immigration Reform and Control Act of 1986, the Medical College will keep on file an Employment Eligibility Verification (I-9) form proving that the individual is authorized for employment in the U.S.

## OTHER VISAS

### I. Nonimmigrant Visas

It is possible for nonimmigrant aliens to enter the United States with visas other than J-1 or H-1B visa. For example, they may enter initially with a B-1 (visitor for business) or B-2 (tourist) visa. 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.

Nonimmigrant aliens may be sponsored for employment in another category, such as "O" visa status, Aliens of Extraordinary Ability in the Sciences, Arts, Education or Business. Departments should contact the Immigration Office for information concerning O visas.

Nonimmigrant aliens who are citizens of Canada and Mexico may be sponsored for employment in TN temporary worker category under the North American Free Trade Agreement (NAFTA). Departments should contact the Immigration Office for information concerning TN visas.

Nonimmigrant aliens who are citizens of Australia may be sponsored for employment in E-3 temporary worker category. Departments should contact the Immigration Office for information concerning E-3 Australian visas.

Nonimmigrant aliens in J-2 visa status (dependents of J-1 Exchange Visitors) may apply to the USCIS for employment authorization under certain circumstances.

Students holding F-1 or J-1 student visas may also, with the approval of the USCIS, be employed for specified periods before and after completion of their educational programs. A department that is interested in employing a foreign student should contact the Immigration Office well in advance in order that the appropriate school or USCIS documentation be prepared and issued, which confirms that the alien has employment authorization.

The Visa Waiver Program permits aliens from 38 nations to enter the U.S. for business or pleasure without obtaining a visa. The Immigration Inspector at the port of entry indicates in person's passport that the visitor is in WT (Waiver, Tourist) or in WB (Waiver, Business) status. The stay is limited to 90 days; neither employment nor change of status is possible. However, a visitor in WB status may, in certain circumstances, be reimbursed for expenses.

The department should consult with the Immigration Office before offering appointment or employment to a nonimmigrant alien or permitting him or her to engage in any observation, consultation or other professional activities at the Medical College.

### II. Immigrant Visas

Permanent residents ("green card" holders) may be employed in the same manner as

citizens of the United States.

An alien 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. It will be advisable for the alien academic staff member to seek independently the advice of an attorney or specialist in immigration matters.

Employees and their outside counsel should be made aware that Weill Cornell Medical College does not authorize outside attorneys to act for the University or the Medical College. Individuals are encouraged to seek outside legal advice in immigration matters, but their attorneys must be informed that they are empowered to act by and for only the alien employee, not the University or the Medical College.

The department must first confirm its support with a form signed by both the individual's immediate supervisor and the Department Chair (see below, Appendix VIII, Confirmation of Departmental Support for Permanent Residence Application) before an Application for Alien Employment Certification or an immigrant visa petition can be submitted for the Dean's signature.

**APPENDIX I**  
**GUIDELINES FOR WEILL CORNELL MEDICAL COLLEGE SPONSORSHIP OF J-1**  
**EXCHANGE VISITORS AT SYSTEM INSTITUTIONS**

**I. Definitions**

1. **J-1 Exchange Visitor** is a foreign national who has been selected by a sponsor to participate in an exchange visitor program and who is seeking to enter or has entered the United States temporarily on a J-1 visa.
2. A **J-1 visa** is issued to the exchange visitor. J-2 visas are issued to the exchange visitor's immediate family (i.e., spouse and/or children under age 21).
3. **Sponsor** is any entity designated by the Director of the United States Information Agency to conduct an exchange visitor program (e.g., Cornell University, ECFMG).
4. **J-1 Exchange Visitors** in System Institutions will fall into one of the following categories of participant eligibility (as defined in Rules and Regulations published in the Federal Register, Vol. 8, no. 52, p. 15198, March 19, 1993):
  - a. *Professor*. An individual primarily teaching, lecturing, observing or consulting in postsecondary accredited educational institutions, museums, libraries, or similar types of institutions. A professor may also conduct research, unless disallowed by the sponsor.
  - b. *Research Scholar*. An individual primarily conducting research, observing, or consulting in connection with a research project at a research institution, corporate research facility, museum, library, post-secondary accredited educational institution, or similar type of institution. The research scholar may also teach or lecture, unless disallowed by the sponsor.
  - c. *Short-Term Scholar*. An individual coming to the United States on a short-term visit of **up to the six-month maximum** for the purpose of lecturing, observing, consulting, training, or demonstrating special skills at a research institution, museum, library, post-secondary accredited educational institution, or similar type of institution. The short-term scholar may also engage in collaborative research.
5. **Supervisor** is a Weill Cornell Medical College faculty member who assumes the following responsibilities:
  - a. Monitoring the exchange visitor to ensure that the exchange visitor's activity is consistent with the activity listed on the Form DS-2019;

- b. Monitoring the progress and welfare of the exchange visitor;
- c. keeping the sponsor apprised on the exchange visitor's address and telephone number; and
- d. Ensuring compliance with all pertinent federal regulations, (e.g., ensuring that all dependent family members have the same insurance coverage as the **J-1 Exchange Visitor**).

## II. Procedures

1. The Supervisor must nominate the **J-1 Exchange Visitor** for an appropriate Weill Cornell Medical College academic appointment.
2. The **J-1 Exchange Visitor** must be approved for a Weill Cornell Medical College academic appointment according to procedures outlined in the Academic Staff Handbook.
3. The Supervisor must refer the **J-1 Exchange Visitor** candidate for Weill Cornell Medical College sponsorship to the Immigration Office with the following items:
  - a. Dean's approval of the candidate's academic appointment;
  - b. Appointment offer letter that includes:
    - i. A description of the proposed project, and expected dates of appointment and a description of the proposed project; and
    - ii. A precise funding commitment.
  - c. Applicant's signed statement confirming that he or she will purchase health insurance which conforms to federal regulations;
  - d. Completed J-1 Exchange Visitor Request Form, with the candidate's passport identity page and curriculum vitae attached;
  - e. If candidate is currently in **J-1 Visa** status with another sponsor, copies of all previous DS-2019 forms and passport identity and visa pages; and
  - f. If candidate is currently in another immigration status, copies of all documents concerning such status.



**APPENDIX II**  
**J-1 EXCHANGE VISITOR REQUEST FORM**



**Part 2. Information to be completed by Weill Cornell Medicine host department:**

Appointment Title: \_\_\_\_\_

Physical Address of Weill Cornell Medicine campus work location:  
\_\_\_\_\_

Physical Address of any off-campus work location: \_\_\_\_\_

Subject/Field of Visitor's Primary Activity or Specialization at Weill Cornell Medical College:

Field Title: \_\_\_\_\_

Research Description: \_\_\_\_\_

LENGTH OF J-1 APPOINTMENT\*: Start Date\*\*: \_\_\_\_\_ End Date: \_\_\_\_\_  
Month/Day/Year Month/Day/Year

**\*Financial support information must be for the entire period specified above. The total time allowed in the U.S. is 5 years for professors/research scholars and 6 months for short-term scholars.**

\*\*NOTE REGARDING START DATE: J-1 Exchange Visitors must enter the U.S. and report to the Medical College NO MORE than 30 days before and NO MORE than 30 days after the start date on the DS-2019. Please contact the Immigration Office if a visitor's plans change and he/she will not arrive in time.

SOURCE(S) AND AMOUNT OF FINANCIAL SUPPORT FOR VISITOR'S ENTIRE STAY  
The U.S. Government requires Weill Cornell Medicine to verify adequate financial support and health insurance for international visitors and their accompanying dependants for the entire period of stay. See below for minimum annual amounts required. **It is the host department's responsibility to verify that ALL exchange visitors meet minimum funding guidelines and are covered by medical insurance.** Please note that medical insurance is a U.S. Government requirement.

**MINIMUM FUNDING REQUIREMENTS:\***

\$32,000/per year for individual  
\$4,000/per year for spouse  
\$3,000/per year for each child

<b>SOURCE OF FINANCIAL SUPPORT</b>	<b>List <u>Total</u> Amount in U.S. \$ Below for Entire Period of J-1 Appointment</b>
<input type="checkbox"/> Weill Cornell Medicine	\$ _____
<input type="checkbox"/> International Organization {state source}	\$ _____
<input type="checkbox"/> U.S. Gov't Agency** {State source & see note on attached page}	\$ _____
<input type="checkbox"/> The Exchange Visitor's Government	\$ _____
<input type="checkbox"/> All other organizations providing support {State source}	\$ _____
<input type="checkbox"/> Personal Funds	\$ _____

\*This funding may come from any source including the visitor's personal savings or Weill Cornell Medicine salary. These amounts represent the bare minimum and do not include the cost of health insurance coverage, which could be range from \$60 to \$400 per month for a family.

\*\*U.S. Government Funding: The Exchange Visitor is considered to be government funded ONLY if s/he received funds directly from a U.S. Government agency. When individuals are supported through government funds paid to a Weill Cornell Medical College professor, department, or grant, this is NOT considered to be direct government funding.

**Mailing the Form:** The Immigration Office can send the DS-2019 form to the J-1 visitor by an express courier service; please provide a Federal Express account number for shipping charge. If the host department prefers to send the DS-2019 form, please pick up the form from the Immigration Office.

**PLEASE CHECK YOUR PREFERENCE BELOW:**

\_\_\_\_ Host Department picks up and sends forms

\_\_\_\_ Immigration Office sends form

FedEx Account # to be billed \_\_\_\_\_ (please specify)

J-1 visitor's mailing address \_\_\_\_\_  
Street Address #1 Street Address #2

\_\_\_\_\_  
City/Town State/Province Zip/Postal Code Country

J-1 visitor's phone number \_\_\_\_\_

**Host Department Contact and Authorizations:**

HOST FACULTY SPONSOR: _____
HOST DEPARTMENT: _____
DEPARTMENT/DIVISION ADMINISTRATOR: _____
PHONE: _____ E-MAIL: _____
DATE OF REQUEST: _____

**APPENDIX III**  
**J-1 EXCHANGE VISITOR DEPARTMENT APPOINTMENT VERIFICATION STATEMENT**



# Weill Cornell Medicine

## Human Resources

### J-1 Exchange Visitor Department Appointment Verification Statement

J-1 Exchange Visitor: \_\_\_\_\_

Host Department/Division: \_\_\_\_\_

Dates of J-1 Appointment: From \_\_\_\_\_ To \_\_\_\_\_  
 Month/Day/Year Month/Day/Year

#### TERMS OF J-1 APPOINTMENT/DEPARTMENTAL RESPONSIBILITIES

- The host department understands that the J-1 visa status is of a temporary nature and may **not** be used for tenure-track or tenured faculty appointments, clinical care, or for non-academic administrative or technical positions.
- The host department has verified that the J-1 Exchange Visitor has English language skills sufficient to participate in his or her program and function on a day-to-day basis at Weill Cornell Medicine.
- The host department has verified all sources of the J-1 Exchange Visitor's financial support for the entire period of the appointment and has included documentation in the visitor's file.
- The host department has informed the J-1 Exchange Visitor of the U.S. government's requirements for health insurance for the J-1 visitor and any accompanying J-2 family members.
- The host department understands that a J-1 Exchange Visitor who wishes to transfer sponsorship to Weill Cornell Medicine must be released from the current sponsor prior to beginning employment at the Medical College. The J-1 visitor must maintain his or her original program objective as listed on the original Form DS-2019.
- The J-1 Exchange Visitor must be in the appropriate visa status and on Weill Cornell Medicine's sponsorship before she/he can commence employment and receive any remuneration.
- The Immigration Office must be promptly notified of arrivals, extension requests, terminations and departures of Exchange Visitors. A J-1 Exchange Visitor may NOT change departments without first obtaining the approval of the Immigration Office.

#### I AGREE TO THE ABOVE TERMS AND CONDITIONS.

Signature of Host Faculty Sponsor: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_ Print Title: \_\_\_\_\_

Signature of Department Chair: \_\_\_\_\_ Date: \_\_\_\_\_

**APPENDIX IV**  
**J-1 EXCHANGE VISITOR ENGLISH PROFICIENCY ATTESTATION FORM**



### J-1 Exchange Visitor English Proficiency Attestation Form

In accordance with J-1 Exchange Program Regulations, a prospective J-1 Exchange Visitor must possess “sufficient proficiency in the English language, as determined by an objective measurement of English language proficiency, successfully to participate in his or her program and to function on a day-to-day basis.” [22 CFR 62.11(a)(2)] The host faculty member or hiring authority must verify the J-1 visitor’s English proficiency through a documented interview (in person, by videoconferencing, or by telephone), by a recognized English language test, or by signed documentation from an academic institution or English language school.

<b>J-1 Exchange Visitor Name</b>	
<b>Appointment Title</b>	
<b>Host Department/Division</b>	
<b>Dates of Appointment</b>	
<b>Faculty Member/Hiring Authority Name &amp; Title</b>	

The J-1 Exchange Visitor’s English language proficiency is documented by **one** of the **three** following (**Check at least one**)

- A copy of the Test of English as a Foreign Language (TOEFL) or the Academic Examination of the International English Language Testing System (IELTS) score is attached
- (Part A) The Weill Cornell Medicine host faculty member or hiring authority who conducted the interview in English
- (Part B) English Instructor at an academic institution or an English Language School

#### Part A: Attestation by Weill Cornell Medicine Host Faculty Member or Hiring Authority

I attest that I have conducted a  in person/  videoconference/  telephone (**Check at least one**) interview with the J-1 Exchange Visitor named above on \_\_\_\_\_ (Date).

I have determined that the J-1 visitor’s English language skills are proficient to participate in his/her program and to function on a day-to-day basis at Weill Cornell Medicine.

\_\_\_\_\_  
Signature of Host Faculty Member/Hiring Authority

\_\_\_\_\_  
Date



**Part B: Attestation by English Instructor**

I am/was the English Instructor of the J-1 Exchange Visitor named above at:

\_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_.  
Academic Institution/English Language School Name                      Date                      Date

I attest that the J-1 visitor's English language skills are adequate.

\_\_\_\_\_  
Name of English Instructor (Print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**APPENDIX V**  
**DEAN'S CERTIFICATE FOR WEILL CORNELL MEDICAL COLLEGE SPONSORSHIP OF J-1**  
**EXCHANGE VISITORS WITH CLINICAL HOSPITAL PRIVILEGES**

Date:

Re:

The above captioned foreign physician will participate as a Research Scholar in the Weill Medical College of Cornell University Exchange Program, P-1-10194, from \_\_\_\_\_ to \_\_\_\_\_. We confirm the following:

- (1) The program in which the named foreign physician will participate in the Department of \_\_\_\_\_ is predominantly involved with observation, consultation, teaching or research;
- (2) Any incidental patient contact involving the alien physician will be under the direct supervision of a physician fully licensed to practice medicine in the State of New York;
- (3) The alien physician will not be given final responsibility for the diagnosis and treatment of patients;
- (4) Any activities of the alien physician will conform fully with the State licensing requirements and regulations for medical and health care professionals in the State in which the alien physician is pursuing the program; and
- (5) Any experience gained in the program will not be creditable towards any clinical requirements for medical specialty board certification.

Approvals

\_\_\_\_\_  
Name:  
Division Chief

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name:  
Dept. Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Augustine M.K. Choi, MD  
Dean

\_\_\_\_\_  
Date

**APPENDIX VI**  
**GUIDELINES FOR GRANTING TEMPORARY PRIVILEGES TO J-1 ALIEN PHYSICIANS**

1. CFR 62.27, Alien Physicians;
2. The NAFSA Adviser's Manual: Foreign Medical Graduates, 4.N.1-4.N.2. NAFSA: Association of International Educators, February 2016, <https://am.nafsa.org/manual/56-j-1-exchange-visitors/379-foreign-medical-graduates>.

## Department of State

## § 62.27

understand American culture and society and enhance American knowledge of foreign cultures and skills. This category is intended for exchanges with experts in such areas, for example, as mass media communication, environmental science, youth leadership, international educational exchange, museum exhibitions, labor law, public administration, and library science. This category is not intended for experts covered by the exchange visitor categories listed in § 514.26(a) (1) through (3) of this section.

(c) *Designation.* The Department of State may, in its discretion, designate *bona fide* programs satisfying the objectives in section (b) above as an exchange visitor program in the specialist category.

(d) *Visitor eligibility.* A foreign national shall be eligible to participate in an exchange visitor program as a specialist if the individual:

(1) Is an expert in a field of specialized knowledge or skill;

(2) Seeks to travel to the United States for the purpose of observing, consulting, or demonstrating his or her special knowledge or skills; and

(3) Does not fill a permanent or long-term position of employment while in the United States.

(e) *Visitor selection.* Sponsors shall adequately screen and select specialists prior to accepting them for the program, providing a formal selection process, including at a minimum:

(1) Evaluation of the qualifications of foreign nationals to determine whether they meet the definition of specialist as set forth in § 514.4(g); and

(2) Screening foreign nationals to ensure that the requirements of § 514.10(a) are satisfied.

(f) *Program disclosure.* Before the program begins, the sponsor shall provide the specialist, in addition to what is required in § 514.10(b), with:

(1) Information on the length and location(s) of his or her exchange visitor program;

(2) A summary of the significant components of the program; and

(3) A written statement which clearly states the stipend, if any, to be paid to the specialist.

(g) *Issuance of Form IAP-66.* The Form IAP-66 shall be issued only after the

specialist has been accepted by the organization(s) with which he or she will participate in an exchange visitor program.

(h) *Location of the exchange.* The specialist shall participate in an exchange visitor program at the location(s) listed on his or her Form IAP-66.

(i) *Duration of participation.* The specialist shall be authorized to participate in the Exchange Visitor Program for the length of time necessary to complete the program, which shall not exceed one year.

### § 62.27 Alien physicians.

(a) *Purpose.* Pursuant to the Mutual Educational and Cultural Exchange Act, as amended by the Health Care Professions Act, Public Law 94-484, the Department of State facilitates exchanges for foreign medical graduates seeking to pursue graduate medical education or training at accredited schools of medicine or scientific institutions. The Department of State also facilitates exchanges of foreign medical graduates seeking to pursue programs involving observation, consultation, teaching, or research activities.

(b) *Clinical exchange programs.* The Educational Commission for Foreign Medical Graduates must sponsor alien physicians who wish to pursue programs of graduate medical education or training conducted by accredited U.S. schools of medicine or scientific institutions. Such Foreign Medical Graduates shall:

(1) Have adequate prior education and training to participate satisfactorily in the program for which they are coming to the United States;

(2) Be able to adapt to the educational and cultural environment in which they will be receiving their education or training;

(3) Have the background, needs, and experiences suitable to the program as required in § 514.10(a)(1);

(4) Have competency in oral and written English;

(5) Have passed either Parts I and II of the National Board of Medical Examiners Examination, the Foreign Medical Graduate Examination in the Medical Sciences, the United States Medical Licensing Examination, Step I

and Step II, or the Visa Qualifying Examination (VQE) prepared by the National Board of Medical Examiners, administered by the Educational Commission for Foreign Medical Graduates. [NB—Graduates of a school of medicine accredited by the Liaison Committee on Medical Education are exempted by law from the requirement of passing either Parts I and II of the National Board of Medical Examiners Examination or the Visa Qualifying Examination (VQE)]; and

(6) Provide a statement of need from the government of the country of their nationality or last legal permanent residence. Such statement must provide written assurance, satisfactory to the Secretary of Health and Human Services, that there is a need in that country for persons with the skills the alien physician seeks to acquire and shall be submitted to the Educational Commission for Foreign Medical Graduates by the participant's government. The statement of need must bear the seal of the concerned government and be signed by a duly designated official of the government. The text of such statement of need shall read as follows:

Name of applicant for Visa: \_\_\_\_\_. There currently exists in (Country) a need for qualified medical practitioners in the specialty of \_\_\_\_\_. (Name of applicant for Visa) has filed a written assurance with the government of this country that he/she will return to this country upon completion of training in the United States and intends to enter the practice of medicine in the specialty for which training is being sought. Stamp (or Seal and signature) of issuing official of named country.  
Dated: \_\_\_\_\_

\_\_\_\_\_  
Official of Named Country.

(7) Submit an agreement or contract from a U.S. accredited medical school, an affiliated hospital, or a scientific institution to provide the accredited graduate medical education. The agreement or contract must be signed by both the alien physician and the official responsible for the training.

(c) *Non-clinical exchange programs.* (1) A United States university or academic medical center which has been designated an exchange visitor program by the Secretary of State of the Department of State is authorized to issue Form IAP-66 to alien physicians

to enable them to come to the United States for the purposes of observation, consultation, teaching, or research if:

(i) The responsible officer or duly designated alternate of the exchange visitor program involved signs and appends to the Form IAP-66 a certification which states "this certifies that the program in which (name of physician) is to be engaged is solely for the purpose of observation, consultation, teaching, or research and that no element of patient care is involved" or

(ii) The dean of the involved accredited United States medical school or his or her designee certifies to the following five points and such certification is appended to the Form IAP-66 issued to the perspective exchange visitor alien physician:

(A) The program in which (name of physician) will participate is predominantly involved with observation, consultation, teaching, or research.

(B) Any incidental patient contact involving the alien physician will be under the direct supervision of a physician who is a U.S. citizen or resident alien and who is licensed to practice medicine in the State of \_\_\_\_\_.

(C) The alien physician will not be given final responsibility for the diagnosis and treatment of patients.

(D) Any activities of the alien physician will conform fully with the State licensing requirements and regulations for medical and health care professionals in the State in which the alien physician is pursuing the program.

(E) Any experience gained in this program will not be creditable towards any clinical requirements for medical specialty board certification.

(2) The Educational Commission for Foreign Medical Graduates may also issue Form IAP-66 to alien physicians who are coming to the United States to participate in a program of observation, consultation, teaching, or research provided the required letter of certification as outlined in this paragraph is appended to the Form IAP-66.

(d) *Public health and preventive medicine programs.* A United States university, academic medical center, school of public health, or other public health institution which has been designated as an exchange visitor program sponsor

## Department of State

## §62.27

by the Secretary of State of the Department of State is authorized to issue Forms IAP-66 to alien physicians to enable them to come to the United States for the purpose of entering into those programs which do not include any clinical activities involving direct patient care. Under these circumstances, the special eligibility requirements listed in paragraphs (b) and (c) of this section need not be met. The responsible officer or alternate responsible officer of the exchange visitor program involved shall append a certification to the Form IAP-66 which states.

This certifies that the program in which (name of physician) is to be engaged does not include any clinical activities involving direct patient care.

(e) *Duration of participation.* (1) The duration of an alien physician's participation in a program of graduate medical education or training as described in paragraph (b) of this section is limited to the time typically required to complete such program. Duration shall be determined by the Secretary of State of the Department of State at the time of the alien physician's entry into the United States. Such determination shall be based on criteria established in coordination with the Secretary of Health and Human Services and which take into consideration the requirements of the various medical specialty boards as evidenced in the Director of Medical Specialties published by Marquis Who's Who for the American Board of Medical Specialties.

(2) Duration of participation is limited to seven years unless the alien physician has demonstrated to the satisfaction of the Secretary of State that the country to which the alien physician will return at the end of additional specialty education or training has an exceptional need for an individual with such additional qualification.

(3) Subject to the limitations set forth above, duration of participation may, for good cause shown, be extended beyond the period of actual training or education to include the time necessary to take an examination required for certification by a specialty board.

(4) The Secretary of State may include within the duration of participation a period of supervised medical practice in the United States if such practice is an eligibility requirement for certification by a specialty board.

(i) Alien physicians shall be permitted to undertake graduate medical education or training in a specialty or subspecialty program whose board requirements are not published in the Director of Medical Specialists if the Board requirements are certified to the Secretary of State and to the Educational Commission for Foreign Medical Graduates by the Executive Secretary of the cognizant component board of the American Board of Medical Specialties.

(ii) The Secretary of State may, for good cause shown, grant an extension of the program to permit an alien physician to repeat one year of clinical medical training.

(5) The alien physician must furnish the Attorney General each year with an affidavit (Form I-644) that attests the alien physician:

(i) Is in good standing in the program of graduate medical education or training in which the alien physician is participating; and

(ii) Will return to the country of his nationality or last legal permanent resident upon completion of the education or training for which he came to the United States.

(f) *Change of program.* The alien physician may, once and not later than two years after the date the alien physician enters the United States as an exchange visitor or acquires exchange visitor status, change his designated program of graduate medical education or training if the Secretary of State approves the change and if the requirements of paragraphs §514.27(b) and §514.27(e) of this section are met for the newly designated specialty.

(g) *Applicability of section 212(e) of the Immigration and Nationality Act.* (1) Any exchange visitor physician coming to the United States on or after January 10, 1977 for the purpose of receiving graduate medical education or training is automatically subject to the two-year home-country physical presence requirement of section 212(e) of the Immigration and Nationality Act, as

## § 62.28

amended. Such physicians are not eligible to be considered for section 212(e) waivers on the basis of "No Objection" statements issued by their governments.

(2) Alien physicians coming to the United States for the purpose of observation, consultation, teaching, or research are not automatically subject to the two-year home-country physical presence requirement of section 212(e) of the Immigration and Nationality Act, as amended, but may be subject to this requirement if they are governmentally financed or pursuing a field of study set forth on their countries' Exchange Visitor Skills List. Such alien physicians are eligible for consideration of waivers under section 212(e) of the Immigration and Nationality Act, as amended, on the basis of "No Objection" statements submitted by their governments in their behalf through diplomatic channels to the Secretary of State of the Department of State.

[58 FR 15196, Mar. 19, 1993; 58 FR 48448, Sept. 16, 1993. Redesignated at 64 FR 54539, Oct. 7, 1999]

### § 62.28 International visitors.

(a) *Purpose.* The international visitor category is for the exclusive use of the Department of State. Programs under § 514.28 are for foreign nationals who are recognized or potential leaders and are selected by the Department of State to participate in observation tours, discussions, consultation, professional meetings, conferences, workshops, and travel. These programs are designed to enable the international visitors to better understand American culture and society and contribute to enhanced American knowledge of foreign cultures. The category is for people-to-people programs which seek to develop and strengthen professional and personal ties between key foreign nationals and Americans and American institutions.

(b) *Selection.* The Department of State and third parties assisting the Department of State shall adequately screen and select prospective international visitors to determine compliance with § 514.10(a) and the visitor eligibility requirements set forth below.

## 22 CFR Ch. I (4-1-02 Edition)

(c) *Visitor eligibility.* An individual participating in an exchange visitor program as an international visitor shall be:

(1) Selected by the Department of State;

(2) Engaged in consultation, observation, research, training, or demonstration of special skills; and

(3) A recognized or potential leader in a field of specialized knowledge or skill.

(d) *Program disclosure.* At the beginning of the program, the sponsor shall provide the international visitor with:

(1) Information on the length and location(s) of his or her exchange visitor program; and

(2) A summary of the significant components of the program.

(e) *Issuance of Form IAP-66.* The Form IAP-66 shall be issued only after the international visitor has been selected by the Department of State.

(f) *Location of the exchange.* The international visitor shall participate in an exchange visitor program at locations approved by the Department of State.

(g) *Duration of participation.* The international visitor shall be authorized to participate in the Exchange Visitor Program for the length of time necessary to complete the program, which shall not exceed one year.

### § 62.29 Government visitors.

(a) *Purpose.* The government visitor category is for the exclusive use of the U.S. federal, state, or local government agencies. Programs under § 514.29 are for foreign nationals who are recognized as influential or distinguished persons, and are selected by U.S. federal, state, or local government agencies to participate in observation tours, discussions, consultation, professional meetings, conferences, workshops, and travel. These are people-to-people programs designed to enable government visitors to better understand American culture and society, and to contribute to enhanced American knowledge of foreign cultures. The objective is to develop and strengthen professional and personal ties between key foreign nationals and Americans



## 4.N Foreign medical graduates

Congress has shown an exceptional interest in the activities of alien physicians, which makes their activities in any category subject to additional scrutiny, documentation, or limitations. Alien physicians who come to the United States to receive graduate medical education or training are subject to strict examination requirements before being granted J-1 classification, to time limitations on the length of the training permitted, and to the imposition of the 2-year home country physical presence requirement with limited options for waiver.

[22 CFR 62.27 \[1\]](#)

### 4.N.1 Definitions

#### 4.N.1.1 Alien physicians

DOS regulations and practice appear to use the term alien physician in two ways: in a general way, which refers to aliens who have graduated from a medical school, and in a specific way, to refer to an activity category of physicians who are coming to the United States to engage in a clinical program of graduate medical education or training. The category "alien physician," however, is defined as "A foreign national who is a graduate of a school of medicine who comes to the United States under a program in which he or she will receive graduate medical education or training conducted by accredited U.S. schools of medicine or scientific institutions." [22 CFR [62.4\(h\)\(1\) \[2\]](#)]

22 C.F.R. § 62.27 distinguishes between two kinds of alien physicians:

1. 22 C.F.R. § [62.27\(b\) \[3\]](#). Physicians who are coming to participate in a clinical exchange program, involving patient contact and care, within a program of graduate medical education or training conducted by accredited U.S. schools of medicine or scientific institutions. The only exchange program sponsor authorized to bring exchange visitors for this purpose is the Educational Commission for Foreign Medical Graduates (ECFMG). The "Alien Physician" participant category in SEVIS is used by ECFMG for this purpose, usually for a medical residency or clinical fellowship). ECFMG can also issue DS-2019s in the research scholar category.
2. 22 C.F.R. § [62.27\(c\) \[4\]](#). Physicians who are coming to participate in a non-clinical exchange program at a U.S. university or academic medical center, either with no patient contact or care, or where patient contact is only incidental to the physician's primary activity of teaching, research, consultation, or observation.

#### 4.N.1.2 Foreign medical graduates (FMGs) and other terms

Immigration law uses several terms relating to foreign physicians, all of which have particular meanings. For example, in the use of the terms "foreign medical graduates" (FMGs) and "foreign graduates of a medical school"

In the use of all of these terms one should be aware of the distinction between foreign nationality and foreign education, since some U.S. citizens study medicine abroad and some foreign nationals obtain U.S. medical degrees.

A foreign medical graduate (FMG) is a person who has graduated from a medical school outside the United States and may be either a foreign national or a U.S. citizen. In recent years the term international medical graduate has come into use as well.

Congress has defined the term foreign graduates of a medical school as "aliens who have graduated from a medical school or who have qualified to practice medicine in a foreign state, other than such aliens who are of national or international renown in the field of medicine." [I.N.A. § 101(a)(41)].

#### **4.N.1.3 Graduate medical education or training**

Graduate medical education or training is defined as "Participation in a program in which a foreign medical school graduate will receive graduate medical education or training, which generally consists of a residency or fellowship program involving health care services to patients, but does not include programs involving observation, consultation, teaching or research in which there is no or only incidental patient care. This program may consist of a medical specialty, a directly related medical subspecialty, or both."

[22 CFR 62.2 \[5\]](#)

#### **4.N.2 Non-clinical programs at academic institutions**

##### **4.N.2.1 Non-clinical exchange programs sponsored by other organizations**

[22 CFR 62.27\(d\) \[6\]](#)

##### **4.N.2.1.1 Non-clinical programs sponsored by the ECFMG**

The Educational Commission for Foreign Medical Graduates (ECFMG) "may also issue Form DS-2019 to alien physicians who are coming to the United States to participate in a program of observation, consultation, teaching, or research provided the required letter of certification as outlined in this paragraph is appended to the Form DS-2019."

[22 CFR 62.27\(c\)\(2\) \[7\]](#)

Participants in non-clinical programs sponsored by the ECFMG generally do not have to pass medical science or English language exams and are not required to hold ECFMG certification. These programs might include, for example:

- Programs involving observation, consultation, teaching, and research. ECFMG most often provides this service to hospitals and other institutions that do not have their own exchange visitor programs or whose exchange visitor programs are not designated for

those activities. In such cases the host institution must provide the appropriate "no patient care" or "incidental patient contact" letters.

- Grants and sponsorship for faculty exchanges in the basic sciences. This program is designed to provide basic science faculty at foreign medical schools opportunities and experiences in basic science teaching in U.S. medical schools.
- The "Selected Opportunities in Advanced Short Term Training," as the name implies, provides unique exchange opportunities tailored to meet specific needs.

#### **4.N.2.1.2 Public health and preventive medicine programs**

An alien physician who comes to the United States for the purpose of participating in a public health or preventive medicine program sponsored by a university, medical center, school of public health, or other public-health institution is not required to satisfy the special exam requirements of the Alien Physician category if his or her duties will not involve any patient care. In such a case, the RO must append to Form DS-2019 a certification stating:

[22 CFR 62.27\(d\) \[8\]](#)

"This certifies that the program in which [name of physician] is to be engaged does not include any clinical activities involving direct patient care."

#### **4.N.2.2 Observation, consultation, teaching, or research**

A U.S. university or academic medical center which has been designated an exchange visitor program is authorized to issue Form DS-2019 to alien physicians to enable them to come to the United States for the purposes of observation, consultation, teaching, or research.

[22 CFR 62.27\(c\) \[9\]](#)

The activity categories that might accommodate such activity are the Professor, Research Scholar, Short-Term Scholar, and Specialist categories. If the primary purpose of the exchange visitor's participation in a program is clinical care, the exchange visitor may not be documented under a university or medical center's exchange visitor program. In such cases, the alien physician must be documented under the program of the ECFMG.

If there is no patient care or if the patient contact is only incidental, the physician is not required to pass special medical or English language exams. Note that for both "no patient care" and "incidental patient contact," written confirmation using prescribed language must accompany the Form DS-2019 (see [4.N.2.4 Documentation provided by the institution \[10\]](#)).

#### **4.N.2.3 Levels of patient contact to qualify as non-clinical**

To qualify as non-clinical, an exchange visitor physician's patient contact must be no more than "incidental" to his or her purpose related to observation, consultation, teaching, or research.

#### **4.N.2.3.1 No patient care (observing)**

Observing indicates that the physician will at most attend or give lectures, go into patient areas as an observer or consultant, or work on research tissue and specimens that have no direct bearing on patient care.

#### **4.N.2.3.2 Incidental patient contact**

In certain cases, an exchange visitor physician participating in a program of observation, consultation, teaching or research may need to have limited patient contact in order to carry out those objectives. If the patient contact is incidental to those objectives, a physician participating in a non-clinical exchange program can engage in incidental patient contact. Such incidental activity is limited, however, to the terms of the special certification discussed in [4.N.2.4.2 Incidental patient contact \[11\]](#).

### **Practice Note**

Examples of acceptable activities: doing a diagnostic examination in the presence of a senior physician who repeats the examination or ensures at every step that it is done correctly and the proper diagnostic information is obtained; being present during therapies and treatment with opportunities for hands on experience in ways that do not compromise the care of the patient; being present in the operating room and having limited patient contact, but not performing procedures.

#### **4.N.2.4 Documentation provided by the institution**

The regulations require particular certifications to be attached to Form DS-2019 in order for a foreign physician to participate in a non-clinical program.

##### **4.N.2.4.1 No patient care**

If no patient care is involved in the alien physician's duties, the RO/ARO must sign a certification and append it to Form DS-2019. The certification must state verbatim:

### **Authority Cite**

[22 CFR 62.27\(c\)\(1\)\(i\) \[12\]](#)

"This certifies that the program in which [name of physician] is to be engaged is solely for the purpose of observation, consultation, teaching, or research and that no element of patient care services is involved."

In a March, 2013 Notes from the Chief's Desk, the Chief of the Academic and Government Programs Division stated that in addition to the certification letter required by regulation, the notation NO ELEMENT OF PATIENT CARE should also be placed in the Subject/Field Remarks of the exchange visitor's SEVIS record.

#### **4.N.2.4.2 Incidental patient contact**

If incidental patient contact is involved in the alien physician's duties, the RO must append to Form DS-2019 a statement signed by the dean of the medical school or the dean's designee, certifying the following 5 points, verbatim:

#### **Authority Cite**

[22 CFR 62.27\(c\)\(1\)\(ii\) \[13\]](#)

"(A) The program in which [name of physician] will participate is predominantly involved with observation, consultation, teaching, or research.

(B) Any incidental patient contact involving the alien physician will be under the direct supervision of a physician who is a U.S. citizen or resident alien and who is licensed to practice medicine in the state of \_\_\_\_\_.

(C) The alien physician will not be given final responsibility for the diagnosis and treatment of patients.

(D) Any activities of the alien physician will conform fully with state licensing requirements and regulations for medical and health care professionals in the state in which the alien physician is pursuing the program.

(E) Any experience gained in this program will not be creditable toward any clinical requirements for medical specialty board certification."

In a March, 2013 Notes from the Chief's Desk, the Chief of the Academic and Government Programs Division stated that in addition to the certification letter required by regulation, the notation INCIDENTAL PATIENT CONTACT should also be placed in the Subject/Field Remarks of the exchange visitor's SEVIS record.

## APPENDIX VII EMPLOYMENT OF H-1B TEMPORARY WORKERS

Under U.S. immigration law, an H-1B Temporary Worker performs services in a specialty occupation which requires completion of a specific course of education culminating in at least a baccalaureate degree in a specific occupational specialty. Before the United States Citizenship and Immigration Services (USCIS) will approve the employment of a foreign national in H-1B visa status, the regulations require the approval of the Department of Labor (DOL). There are four conditions of employment to which the employer must attest before gaining approval from the DOL:

1. A. H-1B nonimmigrants will be paid at least the actual wage level paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question or the prevailing wage level for the occupation in the area of employment, whichever is higher.
2. The employment of H-1B nonimmigrants will not adversely affect the working conditions of workers similarly employed in the area of intended employment.
3. On the date this application is signed and submitted, there is not a strike, lockout or work stoppage in the course of a labor dispute in the occupation in which H-1B nonimmigrants will be employed at the place of employment.
4. As of this date, notice of this application has been provided to workers employed in the occupations in which the H-1B nonimmigrants will be employed: (check one)
  - a. Notice of this filing has been provided to the bargaining representative of workers in the occupation in which H-1B non-immigrants will be employed; or
  - b. There is no such bargaining representative; therefore, a notice of this filing has been posted and was, or will remain, posted for 10 days in a conspicuous place where H-1B nonimmigrants will be employed.

The first condition requires an attestation that the employer is paying the actual wage or the prevailing wage, whichever is higher, for the position in the area of intended employment. To meet this condition, the Medical College must have received a determination from the New York State DOL on the prevailing wage or have data on file from an independent authoritative source supporting the position that Weill Cornell Medical College is paying the prevailing wage for the position in question.

The second and third conditions do not appear to be obstacles for any employee of the Medical College. To comply with the fourth condition, a notice of intent to hire an H-1B temporary

worker must be posted prominently in the department and in Human Resources for at least ten days.

In addition, the USCIS regulations state that the employer is responsible for return transportation costs for any H-1B temporary worker whose employment is terminated prematurely (prior to expiration of the visa status).

The following should be submitted with the recommendation for appointment by a department wishing to employ or extend the stay of an H-1B temporary worker:

1. A supporting letter from the department chairman or supervising faculty member (attached).
2. Department Chairman Approval Form (attached).
3. Prevailing Wage Determination Form (attached). This form should reflect the minimum requirements for the position, not the candidate's qualifications.
4. Actual Wage Information Form (attached) to document salaries of others who are employed in similar occupations.
5. If the person's degree is not from a U.S. educational institution, the supervisor arranges for "credentialing evaluation" (attached) to be signed by a senior faculty member (associate or full professorial level).
6. ITAR-EAR Attestation Statement (attached). This form should be reviewed and signed by the supervisor or department chair regarding the release of controlled technology or technical data to foreign persons in the U.S.

Please contact the Immigration Office at [hr-immigration@med.cornell.edu](mailto:hr-immigration@med.cornell.edu) as much in advance as possible if you are considering employment or renewal of appointment for an H-1B temporary worker.



# Weill Cornell Medicine

## Human Resources

### **H-1B Visa Sponsorship Department Letter of Support Guide**

An H-1B supporting letter from the department chairperson or supervising faculty member should be addressed to:

U.S. Citizenship and Immigration Services  
California Service Center  
24000 Avila Road, Room 2312  
Laguna Niguel, CA 92677

The letter typically consists of four paragraphs:

**Paragraph 1:** I wish to support H-1B visa status for [applicant's name] in the position of \_\_\_\_\_. This H-1B appointment will begin on [month, day, year] and end on [month, day, year]. **(\*Note: The initial H-1B petition may be approved for up to three years, and subsequent requests for extensions may be approved for up to a maximum of six years.)\*** The position will carry a salary of \$\_\_\_\_\_ per annum.

**Paragraph 2:** The main duties of this position are ... **(as detailed as possible)**

**Paragraph 3:** [Applicant's name] possesses the necessary qualifications for the above position. His/her qualifications include ... [education, experience, etc.]

**Paragraph 4:** Weill Cornell Medicine is aware that employers are required by law to provide the reasonable cost of return transportation for the H-1B worker if the employment is terminated before the end of authorized H-1B stay.



# New York State Department of Labor



■ New York State Department of Labor  
 1 Hudson Square  
 75 Varick Street  
 New York, New York 10013  
 Attention: H-1B

■ DoES Alien Employment Certification Office  
 Post Office Box 703  
 New York, NY 10014-0703  
 Attention: PERM

■ **For H-1B Requests:**  
 Phone: 212-775-3335  
 212-775-3328  
 Fax: 212-775-3856

■ **For Permanent Requests:**  
 Phone: 212-775-3798  
 Fax: 212-775-3796

## PREVAILING WAGE REQUEST

(Completion Instructions on Reverse)

1. Employer Business Name		2. Job Site Address (including zip code)		3. County of Job Site	
4. Nature of Business Activity		5. <input type="checkbox"/> Non-Profit Research <input type="checkbox"/> Institution of Higher Learning		6. Application Type <input type="checkbox"/> Permanent (PERM) <input type="checkbox"/> H-1B	
7. Job Title of Position Offered		8. Standard Occupational Code (SOC) (Optional)		9. Is this a renewal? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, attach previous determination.	
10. Worker's Name (Optional if H-1B)		11. Number of Employees		12. Hours/Week	
13. Rate of Pay		14. Occupational Title of Worker's Immediate Supervisor		15. Number and Type of Workers Foreign Worker Will Supervise. If none, enter "0".	
16. Is the wage subject to union agreement? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, attach evidence of the negotiated wage amount.		17. Job Description. Fully describe the duties of the job offered. The description <b>must begin in this space</b> .			
18. College Degree Required? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, specify type and major field of study.		19. Experience Required? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, state number of years/months.		20. Training Required? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, state type of training and years/months.	
21. License Required? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, state type.		22. Special Skills or Other Requirements			
Return Determination to: Employer Representative Company:					
Address: _____					
				Tel. No. _____	
				Fax No. _____	
Is this a new address? <input type="checkbox"/> Yes <input type="checkbox"/> No					

## PREVAILING WAGE DETERMINATION\*

(for SWA use only)

1. SOC/O*NET (OES) Code		2. Area		3. Area Code		4. DOT Code	
5. Occupation Title						6. Skill Level	
7. Prevailing Wage \$ _____ Per: (Choose only one) <input type="checkbox"/> Hour <input type="checkbox"/> Week <input type="checkbox"/> Bi-Weekly <input type="checkbox"/> Month <input type="checkbox"/> Year							
8. Prevailing Wage Source (Choose only one.) <input type="checkbox"/> OES <input type="checkbox"/> CBA <input type="checkbox"/> Employer Conducted Survey <input type="checkbox"/> DBA <input type="checkbox"/> SCA <input type="checkbox"/> Other (Specify) _____ Date _____							
9. Determination Date				10. Expiration Date			
11. Wage Analyst				12. Phone Number			

\*The information provided is to be used to complete the labor condition application (LCA), as appropriate. The employer is not required to submit this form with the application but is **required to retain this document for a period of five years** from the date of filing.  
ES 415 (10/07)

## INSTRUCTIONS FOR COMPLETING THE PREVAILING WAGE REQUEST FORM

(If completing this request on a personal computer, use the tab key or mouse to move from item to item.)

**Item 1. Employer Business Name.** Enter the full name used for legal purposes of the business, firm, organization, or individual who will request labor certification.

**Item 2. Job Site Address.** The job site address should include the street number, city, state, and ZIP code where the majority of the work will be performed.

**Item 3. County of Job Site.** Enter the county where the majority of the work will be performed.

**Item 4. Nature of Business Activity.** Enter a brief nontechnical description, i.e., retail trade, manufacturing, software development, biotechnology, school, financial institution, hospital, community service organization.

**Item 5.** Check the appropriate box to indicate if the business is a non-profit research organization or an institution of higher education.

**Item 6.** Check the appropriate box to indicate whether this is a Permanent or an H-1B Professional case.

**Item 7. Job Title of Position Offered.** Enter the job title or payroll title of the job being offered.

**Item 8. Standard Occupational Code (SOC).** You may enter the Standard Occupational Code (SOC) which you think is appropriate.

**Item 9. Renewal.** If this is a renewal application, attach a copy of the previous determination.

**Item 10. Worker's Name.** For applications for Permanent Labor Certification, enter the name of the foreign worker for whom this prevailing wage form is submitted or enter a unique file, case, or position number for tracking purposes.

**Item 11. Number of Employees.** Enter the number of employees at the location at which the foreign worker will work.

**Item 12. Hours/Week.** Show the basic hours of work required on a weekly basis so that a standard workweek can be established for the job.

**Item 13. Rate of Pay.** Enter the basic guaranteed rate of pay offered for the position, such as \$15.00 per hour, \$2,500 per month, or \$37,500 per year.

**Item 14. Occupational Title of Worker's Immediate Supervisor.** State the working title of the foreign worker's supervisor.

**Item 15. Number and Type of Workers Foreign Worker Will Supervise.** If this is a supervisory position, enter the number and type of workers, e.g. "engineering staff," "clerical staff," "nursing assistants," etc. the worker will supervise. If none, enter "0."

**Item 16.** Indicate whether or not the wage for the position is subject to a collective bargaining agreement and, if so, submit evidence of the negotiated wage amount with the prevailing wage request.

**Item 17. Job Description.** The Department of Labor requires that the description begin on the form. Fill in the space provided on the form before continuing on an attachment. The form will be returned without a wage if this requirement is not met.

The job description should not be copied verbatim from the Standard Occupational Classification (SOC) system or any other source.

Fully describe the duties of the job offered in nontechnical terms. Enough information must be given so that an analyst can determine the occupational category and the skill level within that category. Work tasks, work activities, equipment, tools or computer software used, work environment, working conditions, complexity of the job duties, level of judgment and understanding required to perform the job, amount and nature of supervision received, and supervisory responsibilities are the elements considered in defining the job's occupational category, skill level and, eventually, prevailing wage rate for the labor market area.

For jobs requiring supervisory duties, describe the activities the worker will supervise, the extent and authority to hire, fire, train, schedule, and evaluate. If applicable, quantify the amount of time the supervisor will spend performing work duties similar to the workers supervised.

**Item 18.** Indicate whether or not a college degree is required and state the field of study and type of degree.

**Item 19.** Indicate whether or not experience in the job is required and state the amount of experience required in years and/or months.

**Item 20.** Indicate whether or not specific training is required and state the type and amount of training in years and/or months.

**Item 21.** Indicate whether or not a license is required for the position and state the type of license required.

**Item 22. Other Special Requirements.** A description of any job-related skills or other requirements needed to perform the job offered. Examples of specific skills include: type 45 words per minute, or lift over 40 pounds, or proficiency in computer program languages and/or platforms. Examples of other requirements might be: live on premises, proficiency in a language other than English, Federal or state licenses, certifications such as MCSE or permits.

**Item 23. Employer Representative Name.** Enter the name of the employer's representative, the name of the person who should be contacted if questions arise and the telephone number, FAX number, and complete mailing address.

**SUBMIT COMPLETED H-1B REQUEST(S) BY FAX TO:  
212-621-0898**

**SUBMIT COMPLETED PERMANENT REQUEST(S) BY FAX  
TO: 212-621-0432**



# Weill Cornell Medicine

## Human Resources

### Actual Wage Information Form for H-1B Employment

Employee Name \_\_\_\_\_

Department/Division \_\_\_\_\_

Title \_\_\_\_\_

Dates of H-1B Employment \_\_\_\_\_

Degree(s)/ Date(s) Awarded \_\_\_\_\_

Research Field, Duties, Responsibilities (this information should be similar to that provided on Prevailing Wage Determination Form)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Annual Salary \_\_\_\_\_

Explain the compensation system used to determine the salary, including whether any of the following factors were considered:

Degree (s) \_\_\_\_\_

Previous Experience \_\_\_\_\_

Comparable Salaries Elsewhere \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If aware of any, list below academic staff who perform similar work in the division, laboratory, and/or other divisions and departments:

I hereby certify that the salary stated above reflects the wage level paid to all other individuals with similar responsibilities, position, experience and qualifications working in this Department/Laboratory. If more than one wage is paid I am able to explain the reasons for this differential in wage rates. If required to do so, I am able to provide documentation, which must include names and payroll records of similarly employed individuals to the Department of Labor to verify these statements.

Signature of Department, Division or Laboratory head, or Supervisor:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or Printed

\_\_\_\_\_  
Date

Please return this form to the HR/Immigration Office at [hr-immigration@med.cornell.edu](mailto:hr-immigration@med.cornell.edu)



# Weill Cornell Medicine

## Human Resources

Date \_\_\_\_\_

U.S. Citizenship and Immigration Services  
California Service Center  
24000 Avila Road, Room 2312  
Laguna Niguel, CA 92677

RE: \_\_\_\_\_

Dear Sir or Madam:

This is to confirm that a senior faculty member at the Weill Cornell Medicine has reviewed the credentials of the above-cited individual and finds that the educational degree is the professional equivalent of a similar degree from an accredited educational institution in the United States.

It is our understanding that Operations Instructions 201.4(d) states that a petition filed by a well established organization, college or university of unquestioned good reputation, which intends to employ the beneficiary in a professional capacity, will have its determination of professional qualifications given due weight by the Service if the petitioner customarily hires and employs similar professional personnel. The OI indicated that the filing of the petition, in and of itself, shall be considered as evidence that the petitioner has found the beneficiary qualified for the professional position involved, and the diploma(s) may be accepted as evidence of the scholastic qualifications. We have been advised that this OI is issued in the H-1B context.

Thank you for your consideration in reviewing this petition.

Very truly yours,

Jeanie C. Huang  
Manager, Immigration

**Credentials Confirmed**

\_\_\_\_\_  
**Faculty Signature**

\_\_\_\_\_  
**Faculty Name & Appointment Title**



### Certificate Regarding the Release of Controlled Technology or Technical Data to Foreign Persons in the U.S.

There is a new federal requirement that employers certify that it has reviewed the **Export Administration Regulations (EAR)** and the **International Traffic in Arms (ITAR)** and has determine whether license is required from the US Department of Commerce or the US Department of State to allow an employee access to controlled technology. This attestation is REQUIRED for all H-1B petition and O-1 petitions.

The technology and technical data that are controlled for release to foreign persons are identified on the EAR's Commerce Control List (CCL) and the ITAR's U.S. Munitions List (USML). The CCL is found at 15 CFF Part 774, Supp. 1. (See [http://www.access.gpo.gov/bis/ear/ear\\_data.html#ccl](http://www.access.gpo.gov/bis/ear/ear_data.html#ccl)). The USML is at 22 CFR 121.1. (See [http://www.pmdotc.state.gov/regulations\\_laws/itar.html](http://www.pmdotc.state.gov/regulations_laws/itar.html)). The EAR-controlled technology on the CCL generally pertains to that which is for the production, development, or use of what are generally known as "dual-use" items. The ITAR-controlled technical data on the USML generally pertains to that which is directly related to defense articles.

Please take some time to review the information on US export\* controls at Cornell University's Office of Sponsored Programs: <https://www.osp.cornell.edu/export/>. Further questions concerning US export controls should be directed to the Weill Cornell Medicine Office of Research Integrity.

The hiring supervisor, Department Chair, or other appropriate Weill Cornell Medicine authority responsible for oversight of a foreign employee's work and access to technology, must attest to one of the following two statements in order for the Immigration Office to process the H-1B or O-1 petition.

**Attestation (check one):**

\_\_\_\_ I certify that a license **is not required** from either the U.S. Department of Commerce or the U.S. Department of State to release such technology (as described in EAR and ITAR) to the foreign person, or

\_\_\_\_ I certify that a license **is required** from either the U.S. Department of Commerce or the U.S. Department of State to release such technology (as described in EAR and ITAR) to the foreign person and I will prevent access to the controlled technology or technical data until the required license or other authorization has been obtained.

\_\_\_\_\_  
Foreign Employee Name

\_\_\_\_\_  
Foreign Employee Title

\_\_\_\_\_  
Department Authority Name and Title

\_\_\_\_\_  
Signature and Date

\* Technology and technical data provided to a foreign national within the US is considered an export

**APPENDIX VIII  
CONFIRMATION OF DEPARTMENTAL SUPPORT FOR APPLICATION FOR PERMANENT  
RESIDENT STATUS**



# Weill Cornell Medicine

## Human Resources

### Confirmation of Departmental Support for Permanent Residence Application

**TO BE COMPLETED BY THE SPONSORING DEPARTMENT**

Employee Name	<input type="text"/>	Department/Division	<input type="text"/>
Appointment Title	<input type="text"/>	Is this a renewable appointment?	<input type="radio"/> Yes <input type="radio"/> No
Appointment Start Date	<input type="text"/>	Appointment End Date	<input type="text"/>

**The Department confirms its support for continued Weill Cornell Medicine appointment of this individual.**

Faculty Sponsor	<input type="text"/>	Email	<input type="text"/>
Signature	<input type="text"/>	Date	<input type="text"/>
Department Chair	<input type="text"/>	Email	<input type="text"/>
Signature	<input type="text"/>	Date	<input type="text"/>

Please submit your completed form to Immigration Office at [hr-immigration@med.cornell.edu](mailto:hr-immigration@med.cornell.edu)