

Immigration Services Town Hall

A decorative graphic consisting of a solid teal horizontal bar that spans the width of the slide. Below this bar, on the right side, are several horizontal lines of varying lengths and colors, including teal and white, creating a layered, stepped effect.

Immigration Services Staff

- **Adam S. Cohen**
Assistant General Counsel
Manager, Immigration Services & HR Regulatory Affairs
cohen@mskcc.org
- **Patricia Williams**
Immigration Services Coordinator
williamp@mskcc.org
- **Jose Bueno Roca**
Immigration Services Associate
buenoroj@mskcc.org

How we serve you:

- **H-1B**
- **TN**
- **E-3**
- **O-1**
- **J-1**
- **Permanent Residence**

H-1B

- Contact Patricia Williams
- H-1B is a specialty occupation visa requiring a bachelor's or higher degree.
- It takes approximately 6 to 8 weeks to process and file your H-1B.
- Re: extensions, it is **crucial** to contact Ms. Williams as early as possible, especially if you are travelling overseas after your visa expires.
- Please let us know if you will be making any trips that will require you to get a visa at a U.S. Consulate. We will provide you with a consular letter and guidance to try to minimize delays overseas.

E-3 and TN

- For those of you planning on applying for TN renewals at the port of entry, or E-3 visa extensions at a U.S. Consulate, please contact Immigration Services as soon as possible to get the letter and/or LCA you will need to take with you.
- Please note that TNs and E-3s can be extended while you remain in the U.S. by filing a petition up to 6 months before your status expires.

O-1

- **Extraordinary Ability nonimmigrant visa**
- **Renewable indefinitely in 1 year increments**
- **You can apply even if subject to J-1 2-year home residence requirement**
- **Need to demonstrate significant contributions to field, scholarly articles, judge of work of others, among other things**

J-1

- **Contact Jose Bueno Roca**
- **J-1 Postdocs are “Research Scholars,” “Visiting Investigators,” or “Short-term Scholars” in our exchange visitor program at SKI.**
- **Upon your re-appointment, we communicate with SEVIS and issue you a new DS-2019. That extends your stay in the U.S.**
- **Your dependents must be entered into SEVIS; please let us know if you will have dependents joining you.**

J-1 cont'd

- **PLEASE NOTE:** your DS-2019 must be endorsed for travel. Please contact Immigration Services prior to any travel you make out of the U.S.
- Your integration into the culture of SKI and MSKCC is important to us. If you are having any issues in this regard, please contact Immigration Services.

Permanent Residence

- MSKCC can sponsor permanent residence under the EB-1B Outstanding Researcher category only when:
 - Employee holds the position of Research Associate or higher;
 - Lab Head agrees to sponsor the employee;
 - Employee meets EB-1B qualifications.
- Employee is responsible for paying filing fees and associated costs of petition.

Permanent Residence cont'd

- All MSKCC-sponsored EB-1B petitions are processed through Immigration Services. You may not use an outside attorney.
- You may qualify for permanent residence in the EB-1A or EB-2 NIW self-petition categories.
- For evaluation of your permanent residence case, make an appointment with Adam Cohen.

FREQUENTLY ASKED QUESTIONS

A decorative graphic consisting of a solid teal horizontal bar that spans the width of the page. Below this bar, on the right side, there are several horizontal lines of varying lengths and colors, including teal and white, creating a layered, stepped effect.

1. Is it better to change from J-1 to H-1B rather than extend the J-1?

- Not usually...
- You are limited to 6 years of H-1B status. Starting your H-1B “clock” before maximizing your J-1 time would be wasteful.
- J-2 dependents can hold employment authorization. H-4 dependents cannot.
- H-1B requires employer control of employee as commonly reflected in wage source. Holding H-1B would make it more difficult to receive funds from an outside party.

- But sometimes H-1B is better...
- Though you don't need to be on H-1B to apply for permanent residence, intent to apply is cleaner with an H-1B, which is dual-intent visa.
- Travel and re-entry to the U.S. during the green card process is far easier with an H-1B, which can be held while your permanent residence case is pending.
- Don't forget about the 2-year home residence requirement.

2. Why can't my J-1 be granted for 5 years instead of 1 year increments? Travelling to get a new visa each year is expensive.

- **Our internal policy is to extend J-1s in 1 year increments. This policy is being reviewed.**
- **Nevertheless, you DO NOT have to travel home to apply for a new visa each time you receive an extension. The DS-2019 extension extends your program and therefore your stay in the U.S.**

- You only need to apply for a new visa IF you leave the U.S. during your extended time (except for certain trips to Canada, Mexico, and the Caribbean). In this situation, you would need the new visa to re-enter the U.S. If you are not leaving, you don't need a new visa.
- Do not make separate, costly trips solely to get a new visa stamped in your passport. Do it the next time you are travelling overseas.

3. How can I apply for a green card?

- **The first step is to send me a copy of your updated CV for evaluation.**
- **Generally, you will need to have been published in high impact factor journals. Strong number of citations and service as peer reviewer help.**
- **You will need references from independent experts in the field.**
- **If you are a Research Associate or higher, and your Lab Head approves, the petition will proceed.**

4. What are the costs and implications of filing for permanent residence?

- If being sponsored by MSKCC as EB-1B, your costs are only the USCIS filing fees for you and your dependents and the cost of a medical examination.
- If self-petitioning, you may want to engage the services of an outside attorney.
- Once your I-140 petition is filed, your intent to immigrate is declared. This affects your J-1, which can no longer be extended.

5. *Taxes: forms? Percentages?*

- The U.S. has treaties governing the taxation of nonresident aliens. If such a treaty exists with your country and you meet the criteria for exemption, you can either claim exemption from withholding by filing a Form 8233 or you can claim treaty benefits when you file your income tax return. Each treaty is different, as is each situation.
- Contact Gloria Jimenez in the Payroll Department, jimenezg@mskcc.org.