

PROCEDURES FOR HIRING FOREIGN NATIONALS IN THE J-1 VISA CATEGORY

September 2012

The purpose of the “J” exchange program as provided by federal legislation 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.” Although there are several different categories of exchange visitors authorized by federal legislation, the following are the most common J-1 exchange visitors at Auburn University:

Visiting Professor,
Visiting Research Scholar,
Short-term Scholar (6 months or less), and
Exchange Student

Exchange visitors may or may not become Auburn University employees as their funding source may legitimately come from other sources. Nevertheless, Auburn University may employ the visitor in any one of these categories. Employers must be mindful that the J-1 program may not be used to avoid prevailing wage issues. To do so could risk Auburn University’s ability to host J-1 visitors.

NOTE: Holders of J-1 visas cannot be appointed to tenure-track or Administrative/Professional positions.

All visiting scholars on the J program need a “host” at Auburn University. It is important the host work closely with the Office of International Programs (OIP) during the invitation and hiring process. The DS-2019 document (provided to the hosting department by OIP) is used to obtain the J-1 visa from the Visitor’s nearest consulate or embassy. The conditions and qualifications for the issuance of a DS-2019 are exacting and require substantial regulatory interpretation. Those wishing to host a Visiting Scholar or student in the Exchange Visitor category, should carefully review the DS-2019 Request/Visiting Scholars form found here:

<http://www.auburn.edu/academic/international/iss/forms.php>

General Considerations

Once arriving in Auburn, the visitor needs to bring the DS-2019 document to OIP to receive employment counseling and complete the Alien Employment Verification and Tax Form.

Visiting Professor, Visiting Research Scholar, Short-term Scholar

1. The following paperwork is to be sent through the required Departmental and College channels to the Provost's Office for forwarding to Human Resources:

- Academic Personnel Authorization Form
- Provost 200 (if teaching)
- Personal Data Form
- A-4 Form for Alabama Tax w/h
- Alien Employment Verification & Tax Form
- I-9 Form with copies of supporting documents attached. **The I-9 Form must be processed within 3 days of the hiring date.**
- W-4 Form
- Copy of Social Security card or proof of application*
- Direct Deposit Form

* **NOTE:** The Social Security Administration does not allow foreign nationals to apply for a social security card prior to 10 business days after their arrival in the U.S. Timing of their arrival is therefore critical to insure the faculty member gets on the payroll early enough to get paid on the first available payroll period.

2. This paperwork must arrive in Human Resources (HR) **no later than the third day of hire** in order to ensure compliance with Federal requirements regarding employment eligibility documentation. Failure to meet the third day of hire deadline with the appropriate and duly completed documentation will result in the individual not receiving pay in a timely manner. Missed deadlines will result in the individual being paid on the next available pay cycle.

J-1 Students

1. J-1 students typically have external funding, either from their government or a U.S. governmental agency. They may have personal funding if Auburn University has an exchange agreement with their home university or institution. J-1 students may also be funded on an Auburn University stipend if such an arrangement furthers the academic/cultural interchange with an international academic partner of Auburn University.

NOTE: Students who are not paid by Auburn University but are paid some kind of stipend by their home government, other agency, or personal funds are not considered University “employees” and, therefore, are not eligible to apply for a social security number.

2. The hiring process for J-1 students follows the same procedures as those outlined in the following guidelines:

“Recommended Procedures for Hiring Foreign National Students for GRA/GTA/GA”

“Recommended Procedures for Hiring Foreign National Students Through Student Employment (not GRA/GTA/GA)”