



University Visa Screening Procedures Overview

Below is a brief outline of the major classes of visas utilized by universities and the processes USCIS uses to grant the visas. The basic vetting process is similar for F, J-1 and H-1B visas with the primary differences being additional requirements for universities and affiliates to submit information for those in J-1 and H-1B visa categories.

F and M Student Visa Screening

Before a student visa (usually F or M) can be issued, the student must first apply and be accepted to a [list of SEVP-approved schools](#). Upon acceptance, the student is enrolled in the Student and Exchange Visitor Information System (SEVIS) and pays a SEVIS fee. The school provides the student with documentation, [Form I-20](#), to present to the consular officer to initiate the visa process.

An interview at a U.S. consulate location in the student's home country is required¹ to issue a visa as well as official documents including: birth certificate, transcripts, and other academic records, health records, financial records, and digital fingerprints. The financial documents must reflect legally obtained money upon which income taxes have been paid. The interview determines English proficiency and student's knowledge of their university, such as course of study, professors, and contacts at the university or in the U.S. The interview verifies the student meets the qualifications reflected in the forms; confirms a student's intent to depart the U.S. upon completion of the course of study and how the student will pay all educational, living, and travel costs.

The consular office reviews the applicants for any criminal records and may deny a visa based on a conviction, or "reasonable suspicion" of criminal behavior (prostitution, money laundering), or security threat (espionage, terrorist acts, drug trafficking). A visa will only let the holder travel to port of entry and then seek permission of a Customs and Border Protection (CBP) officer to allow

¹ Interviews for students arriving from close U.S. allies such as Canada, Mexico, and the British Commonwealth may be waived by the consulate in that country.

U.S. entry. The final decision rests with CBP officers at the port of entry; CBP authority holds true across all categories of visas.

For countries where the U.S. does not have a consulate, such as Iran, students admitted to U.S. universities must travel to another country, usually Saudi Arabia or Turkey, for an interview.

It is important to note that in 2017, a [Presidential Proclamation](#) was issued after a series of executive orders barring certain countries from U.S. entry. The Proclamation enhances vetting and limits entry to the U.S. from specified countries. Depending on their country of origin, this could impact a foreign student's ability to obtain a student visa to study in the U.S. As of today, foreign nationals from eight countries are subject to increased restrictions: Chad, Iran, Libya, North Korea, Syria, Venezuela, Somalia, and Yemen. Specifically, F-1 visas are suspended for North Korean and Syrian students seeking to study in the U.S. On April 25, 2018, the Supreme Court will consider the legality of the travel ban and whether the ban violates immigration law as well as the Establishment Clause of the Constitution.

[J-1 Visa Screening](#)

Screening for [J-1 visas](#) is similar to that of F and M visas. The same types of academic and financial documentation as well as a consular interview are required but more forms are also required from the host institution or medical affiliate. Unlike other visa categories, the J-1 visa is operated by the State Department as it is considered an exchange visitor program.

J-1 exchange visitors come to the U.S. to teach, study, receive training, or demonstrate special skills. The J-1 visa is meant for students who need practical training unavailable in their home country, which must be directly related to their academic program. Professors and scholars fall into the J-1 visa category as do physicians and medical researchers. This program allows foreign physicians to participate in U.S. graduate medical education programs or training at U.S. medical schools.

In order to qualify for clinical exchange programs, foreign national physicians must have adequate prior education and training for the program in which they are enrolling. They must also be competent in speaking and writing English and have passed certain U.S. certification tests. They must also provide a statement of need from their home government that states that there is a need for persons with the skills the applicant wishes to acquire in their home country. Also necessary is an agreement or contract from the U.S. medical school, affiliated hospital, or scientific institution at which the participant plans to study, signed by the physician and the official responsible for the training.

Non-clinical exchange programs allow foreign national physicians to come to the U.S. for observation, consultation, teaching, or research purposes. These may be sponsored by a U.S. university or medical center designated by the U.S. Department of State to conduct an exchange visitor program. The sponsor must sign a certificate that stipulates several limitations regarding clinical practice and restricts access to board certification.

H-1B Visa Screening

Screening for [H-1B visas](#) is quite different from other visa processing because considerable information from the employer is required in addition to the visa submission and interview process. A H-1B visa is granted in response to an employer petition to USCIS and the Department of Labor. The H-1B is an employment-based nonimmigrant status which allows a foreign national to come to the U.S. and temporarily perform services in a specialty occupation.

H-1B employment is site-specific and therefore, H-1B professionals may only be employed by the university that submitted the H-1B petition. The H-1B beneficiary must be a professional or otherwise possess highly-specialized theoretical and practical knowledge relative to the position offered. This individual must have the U.S. equivalent to a bachelor's degree or higher and the degree must directly pertain to the position.

Employer Responsibilities

The employer must file a Labor Condition Application (LCA) with the Department of Labor (DOL) following the regulations set by DOL. The employer attests on the LCA that the employment of the H-1B beneficiary will not adversely affect the working conditions of workers similarly employed in the area of intended employment.

In order to obtain the H-1B visa for the employee, the employer must document the appropriateness of the wages paid, the duties and responsibilities of the position to be filled, and employee qualifications. The employer must file [Form I-129](#), certified LCA, and beneficiary's supporting documentation with USCIS. The intended employee must then submit the requisite information to the U.S. consulate to their home country and sit for an interview. Applicants must submit forms and documentation regarding their academic training, health records, any previous travel to the U.S., and financial information.

Applicants are subject to a background review similar to those with F, M, and J visas. However, the consular interview is more specific to employer and job duties and the employer incurs significant fees and expends considerable time to secure the H-1B visa for an employee. In addition, for certain fields subject to the Export Control Act, a deeper background check for the employee is required.