



UNIVERSITY OF
MARYLAND
INTERNATIONAL STUDENT & SCHOLAR SERVICES

*This page contains information about immigration regulations
international scholars and faculty that can be useful during the COVID-19 situation*

ISSS Processing Update #3

This notice serves to provide an ISSS update on U.S. immigration as it relates to the hiring of foreign nationals and the impact of COVID-19 travel restrictions.

As you are aware, the U.S. and countries around the world have expanded their travel restrictions and quarantine measures. ISSS understands that this is the hiring season for the University and job offers are going out to prospective international employees within and outside the U.S. Below, we provide guidance on hiring options for your prospective international hire.

Immigration Updates:

- In response to significant worldwide challenges related to the COVID-19 pandemic, **the [Department of State is temporarily suspending routine visa services](#) at all U.S. Embassies and Consulates**. Embassies and consulates will cancel all routine immigrant and nonimmigrant visa appointments as of March 20, 2020. Check the website of the embassy or consulate for its current operating status: [usembassy.gov](#). The impact of the suspension is that no employment visas are currently being issued. ISSS will update campus when the visa application services are once again available.
- **Effective March 13, 2020, ISSS is not processing new J-1 DS-2019s for exchange visitors coming from abroad.** [As per Department of State guidance](#), this will remain in effect for 60 days. Please do not submit new requests for DS-2019s during the suspension period. Processing will resume on May 12, 2020, provided the suspension period is not extended for start dates no earlier than August 12.
- **Effective March 20, 2020, USCIS will not accept requests for premium processing for I-129 or I-140 petitions due to COVID-19.** This will impact our ability to expedite the adjudication of our H-1B, TN, O-1, E-3 and permanent residency petitions. The processing time is approximately 6 to 8 months, including USCIS' regular processing time of 4 months. As soon as the premium processing service is reinstated, ISSS will inform campus.
- **Effective March 30, 2020, the state of Maryland issued a stay-at-home order.** At this time, ISSS has been designated as essential and will continue processing applications for individuals residing in the U.S. Individuals residing outside the U.S., applying for H-1B, the processing can begin. However, start dates continue to be uncertain and may experience delays.

Strategies for Immigration Status:

F-1 Optional Practical Training and H-1B: ISSS advises new hires who hold F-1 student status and are planning to graduate in 2020 apply for F-1 Optional Practical Training (OPT), an employment benefit in a graduate toolkit. OPT is processed by USCIS. This step could help to ensure a smooth transition into H-1B status. USCIS is currently reporting a processing time of 5.5 to 7.5 months for OPT. It is important that F-1 students apply as soon as possible for this benefit. An F-1 student is eligible to apply for OPT 90 days before the end date on the student's I-20, or the scheduled graduation date if it is earlier than the current end date.

Flexibility with Start Dates: ISSS will continue to process H-1B petitions with start dates beginning in August 2020. Because we still don't know the impact COVID-19 will have on fall 2020 student enrollment and fall hires, it is important to have a back-up hiring plan in place. For hiring officials, we ask that you discuss and plan for a late fall 2020 to early January 2021 start date for new international employees.

International Employees inside the U.S.:

- *H-1B/TN/O-1 Change of Status:* When ISSS files an H-1B petition to change the prospective employee's non-immigrant status from F-1 or J-1 to H-1B, the employee may remain in the U.S. However, the employee may not start working until the petition is approved and the employee can recertify an I-9 for the new employment authorization. It is difficult to predict the date of adjudication at USCIS, and the department should expect delays. Please allow 6 months for these applications to process at USCIS.
- *H-1B/TN/O-1 Transfers:* ISSS may file an H-1B petition to report UMD as the new employer. The H-1B employee may begin working for UMD when UMD files the petition with USCIS and USCIS acknowledges receipt. While the petition is pending, your existing employee is authorized to continue to work for you for 240 days, in these categories, or until USCIS denies your petition -- whichever comes first.

International Employees outside the U.S.:

- *H-1B/TN/O-1 Initials from Abroad:* Please note that the U.S. Department of State is **temporarily suspending routine visa services** at all U.S. Embassies and Consulates globally. This means that although the employee may receive an approval notice, the employee will need to wait abroad until he/she can secure an appointment at a U.S. consulate and obtain a visa. At this time, ISSS is unable to predict a realistic start date for these applications. However, the suspension of premium processing and the ongoing coronavirus outbreak would indicate a start date 8 months or more into the future.
- *Overseas Employment Status:* At the University of Maryland this is not permitted for employment of faculty or researchers. International employment law is complicated and country-specific, it can be expensive to establish appropriate conditions for employment. These in-country costs would be the responsibility of the hiring department.

Common Hiring Questions

Question: Our department hired an international employee on F-1 status and she is expecting to graduate in May 2020. Can we sponsor her for an H-1B beginning August 7, 2020?

Answer: We advise that the F-1 student apply for F-1 Optional Practical Training as soon as possible. This type of application is adjudicated by USCIS and the approval comes in the form of an Employment Authorization Card. The employee can begin working on the date listed on the card or on the day the approved card is received, whichever is later. Please note that an F-1 student is accorded a 60-day grace period at the end of their degree program.

Question: Our engineering department hired a post-doctoral researcher to begin this fall 2020. The employee's F-1 OPT status expires June 2020. We want to sponsor the employee for an H-1B to begin in August 2020. Can ISSS help?

Answer: If the position is in the STEM field, the F-1 OPT student may be eligible for an F-1 OPT STEM extension. Please ask the F-1 student to meet with their sponsor to review their eligibility. If the position is not in the STEM field, ISSS will work with your department to submit an H-1B petition to request a change of status from F-1 to H-1B. The current processing time is 6 to 8 months, which includes USCIS regular processing time of 4 months.

Question: Our department hired a lecturer to begin teaching this fall 2020. We are short on instructors and this position is critical for the department. The employee is outside the U.S. We want to sponsor the employee for an H-1B to begin in August 2020. Can ISSS help?

Answer: Please note that the U.S. Department of State is temporarily suspending routine visa services at all U.S. Embassies and Consulates globally. This means that although the employee may receive an approval notice, the employee will need to wait abroad until he/she can secure an appointment at a U.S. consulate and obtain a visa. At this time, ISSS is unable to predict a realistic start date for these applications. However, the suspension of premium processing and the ongoing coronavirus outbreak would indicate a start date 8 months or more into the future. The applicant is not eligible for employment until they are able to physically enter the U.S.