Choosing a Visa

OISS staff will work with departments to determine which immigration status works best given a particular appointment and individual coming to Yale. Departments are encouraged to consult with OISS [1] prior to making a commitment to hire an individual who is not a U.S. citizen or permanent resident. OISS is available to talk with the candidate (either in person, if the candidate is on campus, or by phone or email) to make sure the immigration status selected best suits the scholar’s immediate needs and future plans.

Choosing the Right Status

Departments do not need to choose a visa status for the new incoming scholar, an OISS adviser will do this. However if you are curious about what to expect, below is a sampling of Yale appointment titles and suggestions on the best visa status for that title. This is meant to be a general guide. If you have questions please consult with an OISS adviser. Appointment types are listed below.

- Scholars Already in the U.S.
- C&T/Casual Positions
- M&P Positions
- Postdoctoral Associate
- Postdoctoral Fellow
- Postgraduate Associate
- Postgraduate Fellow
- Associate Research Scientist
- Visiting Fellow
- Assistant Professor
- Associate Professor
- Professor
- Instructor
- Visiting Appointments for Teaching Faculty

Scholars Already in the U.S

In the process of setting up a new appointment for a scholar, if you learn that the scholar is already in the U.S. please note that we still need to have an OISS Connect record created. OISS staff will review the record to determine if the scholar needs a new visa or not, and communicate back to the department. Most of the time new visa sponsorship is necessary. Although scholars may think that they can simply transfer their visa status, in most cases OISS needs to produce a new visa document. As with everything J visa sponsorship (in this case a J transfer [2]) is rather quick, where as H-1B sponsorship takes many months [3].

When an international student graduates from a U.S. school they often start their appointment with a new employer with their own work permission; either F-1 OPT [4] or J-1 Academic Training [5]. However in both cases OISS needs a record set-up first so that we can evaluate their eligibility to use their student work permission to work at Yale.

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C&T/Casual Positions

Individuals in C&T or casual positions are not eligible for either H-1B or J-1 status. If hiring an individual on F-1 OPT to a C&T or casual position, the employment cannot exceed the time available under F-1 OPT.

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M&P Positions

For M&P positions 23 and 24 there is a review process to determine whether or not if the University will sponsor the position for an H-1B visa. For details please contact your HR Generalist or Recruiter. Yale does not sponsor M&P positions below grade 23 for H-1B status.

The J-1 visa category cannot be used for an M&P position.

Postdoctoral Associate

J-1 Research Scholar [6]
The J-1 status takes the least amount of time to process and is the fastest and most flexible visa option, designed specifically for and used by the majority of researchers at Yale. It has a maximum validity of five years and allows the spouse (J-2) to apply for work permission as well [7]. If promoted at a later time, a change of status to H-1B may be possible (or if subject to the two-year home-residency, obtain a waiver of the requirement and then change to H-1B.)

Other Options

H-1B Temporary Worker [8]
H-1B status is possible only if the scholar will be a paid employee of Yale. Obtaining the H-1B can be a long and complex process starting with the Department of Labor “prevailing wage.” The H-1B status can be held up to six years, regardless of the number of employers and it is somewhat inflexible when there are changes in employment or changes of employers. The spouse of an H-1B cannot work in the US. The H-1B is best used in a situation where the employment relationship is long term (i.e. longer than three to five years.)

TN NAFTA Free Trade Agreement [9]
For Canadian and Mexican citizens who will be paid employees. For Canadian citizens it can sometimes be an easier option – but in most cases there are no advantages for selecting this visa over a J-1. TN status is authorized in one year increments and must be extended annually. Spouses of TN visa holders (TD) cannot work in the U.S. Please speak to an OISS adviser if you or the new employee has an interest in this status.

E-3 Trade Agreement Australia [10]
Like the H-1B in many respects, this temporary worker visa is for Australian citizens coming temporarily to the United States to work in a specialty occupation. There are rarely any advantages for selecting this visa over a J-1 or H-1B. Please speak to an OISS adviser if you or the new employee has an interest in these visa types.

Postdoctoral Fellow

J-1 Research Scholar [6]
The J-1 status takes the least amount of time to process and is the fastest and most flexible visa option, designed specifically for and used by the majority of researchers at Yale. It has a maximum validity of five years and allows the spouse (J-2) to apply for work permission as well [7]. If promoted at a later time, a change of status to H-1B may be possible (or if subject to the two-year home-residency, obtain a waiver of the requirement and then change to H-1B.)

Postgraduate Associate

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**Postgraduate Fellow**

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**Associate Research Scientist**

**J-1 Research Scholar** [6]
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**Other Options**

**H-1B Temporary Worker** [8]
H-1B status is possible only if the scholar will be a paid employee of Yale. Obtaining the H-1B can be a long and complex process starting with the Department of Labor “prevailing wage.” The H-1B status can be held up to six years, regardless of the number of employers and it is somewhat inflexible when there are changes in employment or changes of employers. The spouse of an H-1B cannot work in the US. The H-1B is best used in a situation where the employment relationship is long term (i.e. longer than three to five years.)

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**O-1 Extraordinary Ability** [11]
The O-1 visa is a nonimmigrant employment-based visa classification for foreign nationals who can demonstrate sustained national or international acclaim and recognition for achievements in the science, education, business or athletics. The application, which can take several weeks or months to assemble, is adjudicated by USCIS, a process that can also take months. In most cases there is no advantage of selecting the O-1 over the H-1B or J-1 visa. Please speak to an OISS adviser if you or the new employee has an interest in this visa type.
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Visiting Fellow

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Assistant Professor

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H-1B status is possible only if the scholar will be a paid employee of Yale. Obtaining the H-1B can be a long and complex process starting with the Department of Labor “prevailing wage.” The H-1B status can be held up to six years, regardless of the number of employers and it is somewhat inflexible when there are changes in employment or changes of employers. The spouse of an H-1B cannot work in the US. The H-1B is best used in a situation where the employment relationship is long term (i.e. longer than three to five years.)

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Associate Professor

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Professor

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Instructor

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Visiting Appointments for Teaching Faculty

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