The Role and Responsibility of O-1 Employees

Maintaining legal status in the United States is critical, and it is your responsibility. O-1 Scholars must be aware of and comply fully with the following guidelines. Failure to do so could result in the violation of your immigration status. Review each item, make sure you understand the rules, then print and sign your name at the bottom.

- Report to the International Student and Scholar Services Office to attend the International Scholar Orientation, complete scholar database sheet and provide photocopies of immigration documents for your file.

- Ensure that your personal data is correct (name, date of birth, country of citizenship) on your Form I-797 approval notice. Use the same spelling of your name on passport, university, immigration, and all other government documents. Report any incorrect information to ISSS.

- Report any legal changes in your name (or dependents’ names) to the ISSS office.

- Report changes in address to Emory University and USCIS within 10 days of the change (see Instructions for Updating Address Changes at Emory University). All O-1 Scholars MUST complete Form AR-11 or AR-11SR (for those who are subject to special registration procedures) and submit to USCIS within 10 days of changing address.

- Keep your passport and your dependents’ passports valid at all times. Provide ISSS with a copy of your passport identification page when it is extended or renewed.

- Remain employed in the position for which you were hired by Emory University and report any changes in employment to ISSS in advance of any changes. Any change in employment must be approved by ISSS in advance of that change occurring and may require the filing of an amended petition before the change can occur, i.e. change in FTE, promotions, changes in job title, transfers to different department, early termination. The Fraud Detection and National Security (FDNS) Directorate in US Citizenship and Immigration Services does site visits and we need to ensure all information regarding your employment at Emory is up-to-date.

- Abide by the rules prohibiting criminal activity, which also includes completing an Income Tax Return, according to the Internal Revenue Service (IRS) regulations, by April 15th every year. Contact Mary Chenault in the Controller’s Office if you have any questions regarding taxation, phone: 404.727.7889, email: mary.e.andrews@emory.edu.

- Contact ISSS scholar advisor immediately for any proposed incidental work activity outside Emory University or within Emory University above and beyond the required activity of your current position before the activity occurs. This includes any lectures, consultations, attendance at conferences in which one could receive reimbursement for travel or honorarium or financial award.

- Report any proposed concurrent employment to ISSS before the proposed concurrent employment begins. It is possible to be approved for concurrent employment with more than one employer. But each employer must file a petition to sponsor an O-1 for employment.

- Extensions may be requested by your department for one year increments. The department must initiate the request and submit necessary Departmental Request Form (DRF) and all supporting evidence and fees to ISSS.

- Contact ISSS Scholar Advisor if you plan to change employers. An advisor can provide you with extremely important advice on when to terminate employment with Emory University while the other employer is filing its petition to sponsor you for O-1 employment.

- Domestic travel (especially to airports and outside of the city) will require that you carry your passport, I-94 card, bottom portion of I-797 approval notice, and other means of identification such as your Emory Card or driver’s license.
When traveling outside the U.S., contact ISSS at least 2 weeks prior to obtain the necessary documents from your ISSS file, as well as to gather other required documentation as described on the O-1 Travel Checklist located on the ISSS website (www.emory.edu/ISSS) under the scholars tab by clicking on “Maintaining O-1 Status” and then clicking on the topic “Travel Information.” A printable version may be located under Quick Links. The list covers documents required for O-1s as well as for O-3 dependents traveling separately from the O-1.

Re-entry into the U.S. will require an original I-797 approval notice, a valid passport and visa (if subject to visa requirements), and a letter from the employing department verifying that you are returning to the U.S. to resume employment. O-3 dependents will have to have at least a valid passport and visa stamp (if subject to visa requirements) as well as evidence of O-1’s employment status.

Provide ISSS copies of new I-94 and new visa stamp in passport if you obtained one, following re-entry into the U.S.

O-1s may enter the U.S. 10 days prior to start date on I-797 approval notice and may be granted a 10 day grace period in which to voluntarily depart the U.S. after ceasing employment. The 10 day grace period in which to depart the U.S., however, must be granted by a U.S. Customs and Border Protection official when issuing the I-94 upon entry to the U.S.

O-3 spouses and dependents are not eligible to work in the U.S.

O-3 spouses and dependent children may engage in full-time study at an educational institution.

Change of nonimmigrant status or adjustment of status to permanent resident must be reported to an ISSS Scholar Advisor. O status does not allow for dual intent, that is, the intent to maintain O non-immigrant status while pursuing immigrant status. However, it is important for ISSS to know and have documentation on file for advisement purposes if you pursue this route through the use of an outside immigration attorney.

Report the end of your employment with Emory University. The department should complete an Early Termination Form if you cease employment with Emory prior to the end of your O-1 approval period. Prior to leaving Emory University, please report to ISSS for an exit interview. Your comments and suggestions will be important in the successful experience of future scholars.

ISSS will send messages to you concerning changes in laws, rules, regulations, and procedures that may impact your non-immigrant status, your ability to apply for certain benefits, or other relevant announcements during your time in the U.S. You may also monitor ISSS announcements sent out previously by clicking on “Important Announcements” on ISSS’s website at http://www.emory.edu/ISSS.

I have read the above information about maintaining my legal status in the United States and I understand that I must comply fully with these regulations in order to remain in legal status. I further understand that this information is not exhaustive and that I should direct any additional questions or concerns about my legal status to an ISSS Scholar Advisor in the office of International Student and Scholar Services, 1784 North Decatur Building, Suite 130, 404.727.3300.

PRINT NAME________________________________ SIGNATURE_____________________________________

TODAY’S DATE________________________________ Month / Day / Year

Updated 08/27/2014-TE