

CONTINGENT WORKER NON-PAID OR AFFILIATE FACULTY ELIGIBILITY REQUIREMENTS FOR INTERNATIONAL VISITORS NOT SPONSORED BY UMD

This chart outlines the documents required for a contingent worker in Workday. This approval process is for foreign nationals whose immigration status is not sponsored by the University of Maryland, College Park. This guidance applies to foreign nationals who are physically present in the U.S. on a visa or alternative status.

For more information about the approval process, please visit
<https://globalmaryland.umd.edu/offices/international-student-scholar-services/non-paid-phr-appointments>.

Please note that there are no “volunteer” or contingent worker contracts without a verifiable academic relationship to the foreign national enrolled in a degree seeking program. All other contingent workers are funded by fellowships, scholarships, or a salary by a third party.

“Volunteering” is not permitted when the individual was previously employed to perform such duties per the Fair Labor Standards Act Section 3(e)(4)(a). ISSS is unable to approve a contingent worker who was previously paid by UMD. ISSS cannot approve a contingent worker status prior to a foreign national’s paid appointment.

Immigration Status	Description	Documents Required
Adjustment of Status	Individuals with a pending Adjustment of Status application under Section 245 of the INA with a valid EAD card	• Authorization for Employment: Valid Employment Authorization Document (EAD) [(c)(9) or (c)(16) or (c)(24)] • Supporting Document: Proof of funding or academic benefit f(e.g. proof that the activity will be used for course credit, enrollment in established internship program, etc.)
A	<u>A- 1 Foreign Diplomatic Personnel</u> Individuals in the U.S as employees of a foreign government, e.g., ambassador, minister, diplomat, or consular officer.	<i>Not authorized to work or have an appointment at UMD.</i>

	<u>Dependent of A-1/A-2 Visa Holder</u> Immediate family members of foreign government officials (Dependents also carry A-1/A-2 status)	• Authorization for Employment: Valid EAD [(c)(4)] • Supporting Document: Proof of funding or academic benefit (e.g. proof that the activity will be used for course credit, enrollment in established internship program, etc.)
B-1 (includes B1/B2 stamps)	<u>B-1 Visitor for Business</u> Individuals in the U.S. for a short time to engage in business activities such as consulting with business associates, attending professional/scientific conferences and workshops, or conducting independent research that will not benefit UMD. <u>Limited to 6 month visit, period of stay determined by entry official.</u> May not engage in any employment in the U.S., including salaried work or services performed on an independent basis.	• Authorized for a <i>Continent Worker Non-Paid, Non-Worker, Basic Affiliate ONLY</i> • Passport • Visa Stamp • I-94 Record For information about access to University systems and services, see the B-1 Visitor Guide.
B-2 ONLY	<u>B-2 Tourism</u> Individuals visiting the U.S. for tourism, vacation, visiting relatives, or participation in social events hosted by fraternal, social, or service organizations. Participation by amateurs in musical, sports, or similar events or contests, if not being paid for participating. <u>Limited to 6 month visit, period of stay determined by entry official.</u>	<i>Not authorized to work or have an appointment at UMD.</i>
WB (ESTA Waiver)	<u>Waiver for Business</u> Individuals permitted to enter the U.S. without a visa for a stay <u>limited to 90 days</u>. Available only to citizens of countries designated by the U.S. State Department. Allows visitors to engage in business activities such as negotiating with business associates, attending	• Authorized for <i>Continent Worker Non-Paid, Non-Worker, Basic Affiliate ONLY</i> For information about access to University systems and services, see B-1 Visitor Guide.

	professional conferences, or conducting independent research. May not engage in any employment in the U.S., including salaried work or services performed on an independent basis. Cannot file for a change of status.	
E-3 (Australian Citizens Only)	<u>Temporary Worker in a Specialty Occupation</u> Limited to citizens of Australia; perform professional services for a sponsoring employer in a specific position for a fixed period of time. Employment authorization is granted for an initial period of up to 2 years. Extensions can be granted indefinitely in increments of up to 2 years. Annual cap of 10,500.	• Passport (Australian) • I-94 with valid Admit Until Date • Authorization for Employment: Form I-797 Approval Notice (copy acceptable), if applicable • Proof of Placement: Copy of Labor Condition Application (LCA – Form ETA 9035) with the UMD as Location/Place of Employment
	<u>Dependents</u>	• Authorization for Employment: Valid EAD [(a)(17)] • Supporting Document: Proof of funding or academic benefit (e.g. proof that the activity will be used for course credit, enrollment in established internship program, etc.)
E-2	<u>Treaty Investor Visa</u> Allows nationals of countries with which the U.S. has a treaty of commerce and navigation to live and work in the U.S. by making a substantial investment in a U.S. business.	<i>Not authorized to work or have an appointment at UMD.</i>
E-2(s)	<u>Dependent of E-2 Treaty Investor</u>	• Passport • I-94 with valid Admit Until Date

F-1 Student	<u>F-1 Student</u> Individuals in the U.S. engaging in a full course of academic study in an accredited educational program.	<u>Curricular Practical Training</u> • Passport • I-94 with valid Admit Until Date • Authorization for Employment: Form I-20 with endorsement by PDSO/DSO <u>Optional Practical Training (OPT) or STEM OPT</u> • Not eligible for contingent worker status if the individual is sponsored by UMD • For students sponsored by other institutions, please contact an ISSS advisor about OPT eligibility.
	<u>F-2 Dependents</u> Spouse or dependent children under the age of 21 of an F-1 student	F-2 dependents are not authorized to work
G-1, G-2, G-3 & G-4	<u>Representative of International Organization</u> Individuals in the U.S. as representatives of an international organization—e.g., the United Nations—and their dependents.	<i>Not authorized to work or have an appointment at UMD</i>
	<u>Dependent</u>	• Passport • I-94 • Authorization for Employment: Valid EAD [(c)(4)] • Supporting Document: Proof of funding or academic benefit (e.g. proof that the activity will be used for course credit, enrollment in established internship program, etc.)

H-1B & H-4	<u>H-1B Temporary Worker in a Specialty Occupation</u> Individuals in the U.S. to perform professional services for a sponsoring employer in a specific position for a fixed period of time. Employment authorization is granted for an initial period of up to 3 years. Extensions for an additional 3 years are possible. Further extensions permitted under certain circumstances.	• Passport • I-94 with valid Admit Until Date • Authorization for Employment: Form I-797 Approval Notice (copy acceptable) • Proof of Placement: Labor Condition Application (LCA – Form ETA 9035) with the UMD as Location/Place of Employment
	<u>H-4 Dependent</u>	• Authorization for Employment: Valid EAD [(c)(26)] • Supporting Document: Proof of funding or academic benefit (e.g. proof that the activity will be used for course credit, enrollment in established internship program, etc.)
J-1	<u>Exchange Visitor (Student Category)</u> Individuals in the U.S. as exchange visitors for the primary purpose of studying at an academic institution under the auspices of the US Department of State and a Designated Program Sponsor	• Passport • I-94 • Authorization for Employment: Valid Form DS-2019 • Proof of Placement: Letter of authorization from Responsible Officer (RO)/Alternate Responsible Officer (ARO) authorizing off-campus or <u>Academic Training</u> <i>Note: After degree completion, not eligible for contingent worker status.</i>
	<u>Exchange Visitor (Short-term Scholar, Professor, Researcher; Specialist; Trainee; Alien Physician)</u> Individuals in the U.S. as exchange visitors under the auspices of the US Department of State and a Designated Program Sponsor	• Passport • I-94 • Authorization for Employment: Valid Form DS-2019 with UMD listed as “Primary Site of Activity” • Proof of Placement (If UMD is not listed on the DS-2019): submit a letter of authorization from Responsible Officer (RO)/Alternate Responsible Officer (ARO) authorizing activities and confirming that UMD has been added as a second site in SEVIS

J-2	<u>Dependent of J-1 Visa Holder</u> Individuals in the U.S. as a dependent (spouse or unmarried child under the age of 21) of a J-1 exchange visitor	• Authorization for Employment: Valid EAD [(c)(5)] • Supporting Document: Proof of funding or academic benefit (e.g. proof that the activity will be used for course credit, enrollment in established internship program, etc.) *Not permitted to work in any capacity without EAD*
K-1	<u>Fiancé(e) of a US citizen</u> Individuals coming to the US to marry a US citizen, limited to 90 day visit upon entry to the U.S.	• Authorization for Employment: Valid EAD [(a)(6)] • Supporting Document: Proof of funding or academic benefit (e.g. proof that the activity will be used for course credit, enrollment in established internship program, etc.)
M-1	<u>Post-Secondary Study:</u> full-time at a technical, vocational, or other nonacademic program in the United States (post-completion only) EX: visiting campus to use/train with specialty equipment	• Authorization for Employment: Valid EAD [(c)(6)] • Supporting Document: Proof of funding or academic benefit (e.g. proof that the activity will be used for course credit, enrollment in established internship program, etc.)
O-1	<u>Person of Extraordinary Ability</u> Individuals of extraordinary ability in the sciences, arts, education, business, or athletics who are in the U.S. to work for a sponsoring employer or organization	• Passport • I-94 • Authorization for Employment: Form I-797 Approval Notice (copy acceptable) • Proof of Placement: I-129 form and itinerary
	<u>O-3 Dependents</u>	<i>Not authorized to work or have an appointment at UMD.</i>
TN	<u>Trade NAFTA</u> (for Citizens of Canada & Mexico) Individuals in the U.S. to perform professional services for a sponsoring employer in a specific position for a fixed period of time, pursuant to the provisions of the North American Free Trade Agreement	Not eligible for contingent worker status. <u>Must be paid by UMD.</u>

Asylee	Individuals who have been granted asylum status after arrival in the U.S. based on a well-founded fear of persecution in their home country.	• Passport (if available) • Authorization for Employment: Letter from USCIS or Immigration Judge order approving asylee status OR valid EAD [(a)(5) or (c)(8)] OR Form I-94 showing asylee status • Supporting Document: Proof of funding or academic benefit (e.g. proof that the activity will be used for course credit, enrollment in established internship program, etc.)
Refugee	Individuals admitted to the U.S. who have proven a well- founded fear of persecution in their home country. Admitted to the U.S. for one year, after which time they can apply to become lawful permanent residents.	• Passport or Travel Document • Authorization for Employment: Letter from USCIS approving refugee status OR valid EAD [(a)(3) or (a)(4)] OR Form I-94 showing refugee status • Supporting Document: Proof of funding or academic benefit (e.g. proof that the activity will be used for course credit, enrollment in established internship program, etc.)
Temporary Protected Status (TPS)	Special protection from deportation is available to qualified nationals of designated countries. Extended by the U.S. government, generally in one-year periods.	• Authorization for Employment: Valid EAD [(a)(12) or (c)(19)] • Supporting Document: Proof of funding or academic benefit (e.g. proof that the activity will be used for course credit, enrollment in established internship program, etc.) <u>Note:</u> most will have a valid EAD, but there are also special provisions automatically extending the employment authorization for designated countries. To find out if a specific TPS-country has had the work authorization automatically extended, see: http://www.uscis.gov/tps