

MIDWEST AREA
STANDARD OPERATING PROCEDURES
MANUAL

**FOREIGN NATIONAL
WORKERS AND VISITORS IN
ARS FACILITIES**

Created by
Program Administrative Support Task Group

Via e-mail through supervisory chain to Area Director, employee requests non-citizen, including students, to work in ARS space. EXCEPTION: "Request to Hire RSA Employee" Form suffices for RSA students.

STOP! Effective 5/21/07, citizens of Cuba, Iran, Sudan, and Syria are NOT permitted to work or visit ARS facilities. Exceptions: Visits by legal permanent residents of the U.S. whose place of birth or citizenship is one of these countries must be approved by the AD and ARSHS PRIOR to the visit. Also excepted are visits that are sponsored by a Federal agency, and the AD and ARS HSS grant approval PRIOR to the visit.

If Area Director approves non-citizen to work in ARS space, follow applicable block below.

Hire
ARS will hire Foreign National* and acquire visa.
Step 1 – Via e-mail submit completed ARS-230 to M. Bishop to initiate bkgd check.
Step 2 - Wait for satisfactory completion of bkgd check.
EXCEPTION: Lawful Permanent Resident does not need a bkgd check (but still must complete ARS-230; submit via fax).
Step 3 – Upon satisfactory completion of bkgd check, submit SF-52 with required documentation to APA for obtaining AD signature and sending to HRD.
Step 4 - Upon issuance of tentative offer letter by HRD, H-1B or TN visa paperwork may be submitted to BCIS.
Step 5 - Upon receipt of visa paperwork from BCIS, Foreign National may work in ARS space.
* Must be from country from which can hire.

Sponsor Visa/Funded
ARS will not hire Foreign National, but ARS will request visa sponsorship and provide funding support.
Step 1 – Via e-mail submit completed ARS-230 to M. Bishop to initiate bkgd check.
Step 2 – Wait for satisfactory completion of bkgd check.
Step 3 – Upon satisfactory bkgd check, submit to M. Bishop a memo to FAS** or FS** requesting visa sponsorship and reimbursable agreement. Need updated ARS-230 & scans of letter of invite, passport, transcripts or CV, proof of any non-ARS funding, & proof of insurance (if not paid by ARS). ADO will add AD-672.
Step 4 - Upon FAS or FS issuing DS-2019 for visa and completing reimbursable agreement, Foreign National may work in ARS space.

Sponsor Visa/Unfunded
ARS will not hire and will not fund Foreign National, but ARS will request visa sponsorship.
Step 1 – Via e-mail submit completed ARS-230 to M. Bishop to initiate bkgd check.
Step 2 - Wait for satisfactory completion of bkgd check.
Step 3 - Upon satisfactory bkgd check, submit to M. Bishop a memo to FS** requesting visa sponsorship with updated ARS-230 and scans of letter of invite, passport, transcripts or CV, proof of funding and acceptable insurance.
Step 4 - Upon FS issuing DS-2019 for visa, Foreign National may work in ARS space.

Non-USDA Sponsor of Visa/Funded
Foreign National has a valid visa sponsored by a non-USDA source. ARS will not hire and will not request visa sponsorship, but will provide funding support.
Step 1 – Via e-mail submit completed ARS-230 to M. Bishop to initiate bkgd check.
EXCEPTION: Lawful Permanent Resident does not need a bkgd check (but still must complete ARS-230; submit via fax).
Step 2 – Wait for satisfactory completion of bkgd check.
Step 3 – Upon satisfactory bkgd check, submit to M. Bishop a memo to FAS** or FS** requesting a reimbursable agreement w/updated ARS-230 and scans of letter of invite, passport, transcripts or CV, proof of any non-ARS funding, & proof of insurance. ADO will add AD-672.
Step 4 - Upon completion of reimbursable agreement by FAS/FS, Foreign National may work in ARS space.

Non-USDA Sponsor of Visa/Unfunded (Worker Only)
Foreign National has a valid visa sponsored by a non-USDA source. ARS will not hire, will not request visa sponsorship, and will not provide funding support.
Step 1 – Via e-mail submit completed ARS-230 to M. Bishop to initiate bkgd check.
EXCEPTION: Lawful Permanent Resident does not need a bkgd check (but still must complete ARS-230; submit via fax).
Step 2 – While bkgd check is being conducted, Foreign National may work in ARS space if generally escorted until bkgd check results are received.

Abbreviations
ARS HSS = ARS Homeland Security Staff
APA = Area Personnel Assistant
BCIS = Bureau of Citizenship and Immigration Services
BSL-3 = Biological Safety Level 3
FAS = Foreign Agricultural Service
FS = Forest Service
HRD = Human Resources Division

** FAS memo = Thru RL; CD; AD; & Jeff Hayes, Director, ARS HSS, to Lynn Reich, Director, RSED, FAS.
** FS memo = Thru RL; CD; AD; & Jeff Hayes, Director, ARS HSS, to Valdis Mezainis, Director FSIP.
Samples in PASTG SOP.

**Foreign National* Workers in Non-BSL 3 ARS Facilities
Procedures in the Midwest Area (MWA)
7/8/08**

* *Foreign National* is now considered the correct term rather than *non-U.S. citizen* because people from American Samoa, Guam, and the Northern Mariana Islands are not U.S. citizens but they are *nationals*. Therefore, a *Foreign National* is defined as any person who is not a citizen of the U.S. or a national of one of its territories (American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, or the U.S. Virgin Islands) by birth or naturalization.

The MWA Foreign National Worker Coordinator is Marie Bishop.

E-mail Marie.Bishop@ars.usda.gov

Phone 309-681-6632

Fax 309-681-6683

Request Foreign National Worker in ARS Space

1. The Host requests Foreign National Worker in ARS space via an e-mail message through the supervisory chain to the Area Director and a cc to Sherri Buxton at Sherri.Buxton@ars.usda.gov. This is necessary for all Foreign National Workers, including non-RSA students and Lawful Permanent Residents with valid Permanent Resident Cards. (RSA students may be granted permission via the *Request to Hire RSA Employee* Form.) The e-mail should contain the following information:
 - a. The purpose of the Worker's time in ARS space.
 - b. The estimated length of time the Worker will spend in ARS space.
 - c. The country the Worker is a citizen of. Citizens of Cuba, Iran, Sudan, and Syria are not permitted to work or visit ARS facilities. EXCEPTIONS: Visits by Legal Permanent Residents of the U.S. whose place of birth or citizenship is one of these countries must be approved by the Area Director and ARS Homeland Security Staff prior to the visit. Also excepted are visits that are sponsored by a Federal agency, and the Area Director and ARS Homeland Security Staff grant approval prior to the visit.
 - d. Who will be sponsoring the Worker's visa; i.e., will ARS need to ask Foreign Agricultural Service or Forest Service to issue a DS-2019 to the Worker so s/he may acquire his/her visa to travel to the U.S.?
 - e. Will ARS be providing any funding support to the Worker?
2. The Area Director or Sherri Buxton will return the request indicating if the Foreign National Worker's visit has been approved and cc Marie Bishop.

Foreign National Worker completes ARS-230, *Foreign National Data Sheet*

1. Once the Foreign National Worker's visit to ARS space is approved by the Area Directors Office, the Host e-mails an ARS-230, *Foreign National Data Sheet*, to the Worker to complete as much as possible at the time.
 - a. In the *USDA Office Use Only* box near the top of the first page, "X" *New Request*.
 - b. In the *USDA Facility You Wish To Access* box, include the name of the Research Unit.
 - c. In the *Date You Expect To Arrive At This Facility* and the *Date You Expect To Depart This Facility*, use workweek dates—not weekend dates.

2. The completed-as-much-as-possible ARS-230 is e-mailed to Marie Bishop. EXCEPTION: ARS-230s for Lawful Permanent Residents should be faxed to Marie Bishop with a copy of the front and back of their Permanent Resident Card (Form I-551).
3. Marie Bishop forwards the ARS-230 to ARS Homeland Security Staff to initiate the required background check. Note: While ARS-230s for Lawful Permanent Residents will be forwarded to ARS Homeland Security Staff, a background check will not be initiated. Note: ARS Homeland Security Staff has requested that ARS-230s be forwarded for background checks no earlier than four months before the date in the *Date You Expect To Arrive At This Facility* box on the ARS-230 because completed background checks are considered valid for 120 days.
4. If the Foreign National Worker is going to be hired as an ARS Postdoc/Research Associate, if ARS is going to request visa sponsorship, and/or if ARS is going to provide funding support, the background check must be satisfactorily completed before proceeding.
5. If ARS is not hiring the Worker, is not requesting visa sponsorship, and/or is not providing funding support, the Worker may begin working in ARS space while the background check is being conducted if the Worker is generally escorted until the background check is satisfactorily completed.

Notification of satisfactory completion of the background check

1. When ARS Homeland Security Staff receives the results of the background checks, the results are forwarded to the Area Coordinators.
2. Marie Bishop notifies the Host and the Administrative Officer of satisfactory results. If the Worker will be hired as an ARS Postdoc/Research Associate, the HRD Personnel Specialist and Area Human Resources Assistant are included in the notification.

Upon satisfactory completion of the background check for a Worker to be hired as an ARS Postdoc/Research Associate

1. Submit an SF-52 with required documentation to the Area Human Resources Assistant for obtaining the Area Director's signature and sending to HRD.
2. Upon issuance of tentative offer letter by HRD, H-1B or TN visa paperwork may be submitted by Administrative Officer to the Bureau of Citizenship and Immigration Services.

Upon satisfactory completion of the background check for a Worker for whom ARS is going to request visa sponsorship

1. The Host prepares a memo to Foreign Agricultural Service (FAS) or Forest Service (FS) through the supervisory chain requesting assistance in issuing the DS-2019. (Note: Effective 6/1/08, FAS will only process requests for DS-2019s with maintenance allowances. Requests for only DS-2019s must be submitted to FS.)
 - a. Before preparing the memo, confer with the Worker about the actual time frame of the visit now that the background check has been completed and to allow enough lead time for the DS-2019 to be prepared and Fed Ex'd to the Worker, for the Worker to make his/her visa appointment at the American Consulate, and for the Worker to make airline reservations to the U.S.
 - b. The dates stated in the memo are the dates used on the DS-2019. A Worker may enter the U.S. up to 30 days prior to the program start date on the DS-2019 and no later than 30 days after the program start date on the DS-2019. If the Worker's

arrival is delayed beyond the 30 days after the program start date on the DS-2019, FAS or FS will need to modify the DS-2019 so the program will not be cancelled and so that entry to the U.S. will not be denied.

- c. Memo templates are available in the PASTGs SOP at <http://www.arsnet.usda.gov/pastg/sop/index.html>.
 - d. The Host must provide a scan of the letter of invitation issued to the Worker with the request.
 - e. The Worker must provide an updated ARS-230 and scans of the following to be submitted with the request:
 - i. Passport data page(s) for Worker and anyone else accompanying the Worker on the trip – Need pages with photo, personal information, and passport number.
 - ii. Transcripts (if a student) OR CV (if not a student)
 - iii. Proof of funding
 1. Currently sufficient funding is considered \$1150 per month for Worker, \$500 per month for Spouse, and \$333 per month for Child.
 2. Acceptable proof of funding may include any/all of the following: Scholarship letter, proof of continued employment/income during the period, bank account holdings, etc.
 - iv. Proof of acceptable insurance – Information about this is found at the end of this document.
2. The memo is e-mailed through the supervisory chain to Marie Bishop for obtaining the Area Director's signature.
 3. Once approved by the Area Director, Marie Bishop e-mails scans of the memo and documents to ARS Homeland Security Staff for approval and forwarding to FAS or FS with a cc to the Host and Administrative Officer.

Upon satisfactory completion of the background check for a Worker for whom ARS is going to provide funding support

1. The Host prepares a memo to Foreign Agricultural Service (FAS) or Forest Service (FS) through the supervisory chain requesting assistance in establishing a maintenance allowance.
 - a. Things to consider in determining if FAS or FS should be used:
 - i. Effective 10/1/07, FAS' overhead rate is 18% and FS' overhead rate is 15% for maintenance agreements.
 - ii. FAS maintenance allowances are paid by check through the National Finance Center. FS maintenance allowances are paid via debit cards or via checks through the National Finance Center.
 - b. Before preparing the memo, the Host should confer with the Worker about the actual time frame of the visit now that the background check has been completed and to allow enough lead time for preparation of the Interagency Agreement and for the Worker to make airline reservations to the U.S.
 - c. Memo templates are available in the PASTGs SOP at <http://www.arsnet.usda.gov/pastg/sop/index.html>.
 - d. The Host must provide a scan of the letter of invitation issued to the Worker with the request.

- e. The Worker must provide an updated ARS-230 and scans of the following to be submitted with the request:
 - i. Passport data page(s) for Worker and anyone else accompanying the Worker on the trip – Need pages with photo, personal information, and passport number.
 - ii. Transcripts (if a student) OR CV (if not a student)
 - iii. Proof of any supplemental (non-ARS) funding
 - iv. Proof of acceptable insurance, if not being purchased by ARS – Information about this is found at the end of this document.
2. The memo is e-mailed through the supervisory chain to Marie Bishop to do the following:
 - a. Obtain the Area Director's signature.
 - b. Work with B&F to prepare an AD-672 and add it to the funding support request
 - c. E-mail scans of the memo and documents to ARS Homeland Security Staff for approval and forwarding to FAS or FS with a cc to the Host, Administrative Officer, and B&F.

When Foreign National Worker begins working in ARS space

1. On the first day in ARS space, the Worker updates his/her ARS-230 by doing the following:
 - a. In the *USDA Office Use Only* block near the top of page 1, move the "X" from *New Request* to *Update/Change*.
 - b. Update the health insurance question/answer at the bottom of page 1, if necessary, and input information into all applicable blocks in Section II.
 - c. For document information entered in Section II, a scan must be made of each document (if not already provided) except the Social Security Card; i.e., passport, visa, I-94, I-20/DS-2019, Employment Authorization, and/or Green Card (front and back).
 - d. In Section IV, input the first day in ARS space in the *Actual USDA Arrival Date*
 - e. Compare the *I-20/DS-2019/H1B/TN Expiration Date* in Section II with the *Date You Expect to Depart This Facility* near the end of Section I. If the *Date You Expect to Depart This Facility* is after the *I-20/DS-2019/H1B/TN Expiration Date*, the date in the *Date You Expect To Depart This Facility* must be changed to match the *I-20/DS-2019/H1B/TN Expiration Date*. (Once the *I-20/DS-2019/H1B/TN* is extended, the time in ARS space can be extended.)
 - f. The updated ARS-230 and scans of the documents are e-mailed to Marie Bishop.
 - g. Marie Bishop forwards the ARS-230 and scans to ARS Homeland Security Staff.

When Foreign National Worker's appointment as an ARS Postdoc/Research Associate is extended

1. At the time the location begins to prepare the SF-52 for the extension and/or begin the H1B/TN visa extension process, the location forwards the Worker's updated ARS-230 to Marie Bishop. In Section IV comments, state an ARS appointment extension from/to is being initiated.
2. Marie Bishop forwards the updated ARS-230 to ARS Homeland Security Staff.
3. ARS Homeland Security Staff will initiate another background check in conjunction with the appointment extension. (Note: The additional background check and H1B/TN visa extension can be occurring at the same time.)

4. When the results of the latest background check are received, Marie Bishop notifies the Host, Administrative Officer, HRD Personnel Specialist, and Area Human Resources Assistant of the satisfactory check.
5. On the first day of the ARS Postdoc/Research Associate's extended appointment, the Worker's ARS-230 is updated in Section III with new document information. The *Date You Expect To Depart This Facility* in Section I is changed to the new H1B/TN expiration date.
6. The updated ARS-230 and scans of updated documents are e-mailed to Marie Bishop.
7. Marie Bishop forwards the ARS-230 and scans to ARS Homeland Security Staff.

When Foreign National Worker's time in ARS space is extended by a university

1. On the first day of the extension, the Worker updates his/her ARS-230 in Section III and provides scans of new documents. The *Date You Expect To Depart This Facility* in Section I is changed to the new I-20/DS-2019 expiration date.
2. The updated ARS-230 and scans are e-mailed to Marie Bishop.
3. Marie Bishop forwards the updated ARS-230 and scans to ARS Homeland Security Staff.
4. ARS Homeland Security Staff initiates another background check in conjunction with the extension.

When FAS- or FS-sponsored Foreign National Worker's time in ARS space is extended

1. The Host prepares a memo to FAS or FS through the supervisory chain requesting the extension.
 - a. The ARS-230 must be updated to reflect the extended period of time.
 - b. The Worker must provide scans of the following to be submitted with the request:
 - i. Current DS-2019
 - ii. Proof of continued funding
 - iii. Proof of continued acceptable insurance
2. The memo is e-mailed through the supervisory chain to Marie Bishop for obtaining the Area Director's signature.
3. Once approved by the Area Director, Marie Bishop e-mails scans of the memo and documents to ARS Homeland Security Staff for approval and forwarding to FAS or FS with a cc to the Host and Administrative Officer.

Proof of Acceptable Insurance Guidance Provided by ARS Homeland Security Staff

“Right now only foreign nationals coming to our facilities on J-1 Visas are REQUIRED to have insurance. Since most are reluctant to purchase insurance because they feel their home countries insurance covers them hopefully this will clear-up the confusion:

Insurance for Exchange Program participants (J-1 Visa holders) is required in accordance with Title 22, Part 62, Section 14 of the Code of Federal Regulations (22 CFR 62.14). Coverage must meet the following minimum coverage: Medical benefits of at least \$50,000 per accident or illness; \$7,500 for repatriation of remains; expenses associated with medical evacuation to the home country in the amount of \$10,000; and a deductible that does not exceed \$500 per accident or illness.

Coverage must have been obtained prior to their arrival in the U.S. and must be maintained until they return to their country of citizenship or residence.

There are additional requirements available on the United States Department of State's Exchange Program website;

<http://exchanges.state.gov/education/jexchanges/participation/eligibility.htm>.

A foreign national has 4 choices: (1) we can purchase insurance for them from an approved source; (2) they can purchase it for themselves from an approved source; (3) a 3rd party can purchase it on their behalf from an approved source; or (4) they prove that their insurance meets the State Department's requirements. This will be accomplished by their insurance carrier sending a certified letter to the issuing agency (FAS or Forest Service Int'l Programs) care of the host (so that it comes with the assistance memo) stating that the holder's policy will be acceptable in the U.S. and meets the requirements outlined above (their letter must mention these requirements specifically to ensure they've read and understand what's required)."

SAMPLE MEMORANDA (FAS)

Date

SUBJECT: Request for FAS Assistance

TO: Lynne Reich, Director (Updated 11/13/06)
OCBD/Trade and Scientific Exchanges Division, FAS (Updated 10/9/08)

THROUGH: Jeff Hayes, Director (Updated 4/29/08)
ARS Homeland Security Staff (Updated 5/1/08)

Area Director

Institute/Center Director

Research Leader

FROM: Host

This memorandum is to request FAS assistance in providing an approved DS-2019 form and/or establishing a maintenance allowance for Dr. Wilhelm Oast's visit to the Fruit Laboratory in Beltsville, Maryland, for the period September 2, 2004, through March 1, 2005.

(Paragraph added 5/1/08) Please send the DS-2019 directly to Dr. Wilhelm Oast at the following address and charge my Federal Express Account Number XXXX-XXXX-X:

Dr. Wilhelm Oast

Home Address or Employer's Address

City, State or Province, Postal Code, and Country

The laboratory will provide the following funding from accounting code _____:

Maintenance allowance (\$1,000 x 6)	6,000
Health insurance (\$300 x 6)	1,800
Travel expenses	2,000
Overhead (18%)	<u>1,470</u>
	\$11,270

Enclosures: (Updated 7/08/08)

- ARS-230 (always needed)

- Passport Information Page(s) (Always needed) - Need for Worker and anyone else accompanying worker on the trip – Need pages with photo, personal information, and passport number

- Letter of invitation (Always needed)

- Proof of funding (Needed when DS-2019 is requested—examples in NOTES section below) **OR** Proof of supplemental (non-ARS) funding (Needed when maintenance allowance is requested)
- Proof of acceptable insurance (Needed when DS-2019 is requested—examples in NOTES section below; needed when maintenance allowance is requested IF not being purchased by ARS)
- AD-672 (Needed when maintenance allowance is requested; B&F will prepare—Note: Discussion between OHS & B&F is ongoing about this)

NOTES:

1. Effective 6/1/08, FAS will process requests for DS-2019s AND maintenance allowances OR only maintenance allowances. Effective 6/1/08, FAS will no longer process only DS-2019s; instead, requests for only DS-2019s must be submitted to Forest Service.
2. FAS maintenance allowances are paid by check through the National Finance Center. FS maintenance allowances are paid via debit cards or via checks through the National Finance Center.
3. If a maintenance allowance and/or an FAS-sponsored visa must be extended, requests for the extensions **MUST** follow the format of this Sample Memorandum and be forwarded through the same chain of individuals. Do **NOT** send extension requests directly to ARSHS or FAS.
4. Proof of funding (added 7/8/08)
 - a. Currently sufficient funding is considered \$1150 per month for Worker, \$500 per month for Spouse, and \$333 per month for Child.
 - b. Acceptable proof of funding may include any/all of the following: Scholarship letter, proof of continued employment/income during the period, bank account holdings, etc.
5. Proof of acceptable insurance provided by ARS Homeland Security Staff (added 7/8/08)
 “Right now only foreign nationals coming to our facilities on J-1 Visas are **REQUIRED** to have insurance. Since most are reluctant to purchase insurance because they feel their home countries insurance covers them hopefully this will clear-up the confusion:

Insurance for Exchange Program participants (J-1 Visa holders) is required in accordance with Title 22, Part 62, Section 14 of the Code of Federal Regulations (22 CFR 62.14). Coverage must meet the following minimum coverage: Medical benefits of at least \$50,000 per accident or illness; \$7,500 for repatriation of remains; expenses associated with medical evacuation to the home country in the amount of \$10,000; and a deductible that does not exceed \$500 per accident or illness.

Coverage must have been obtained prior to their arrival in the U.S. and must be maintained until they return to their country of citizenship or residence.

There are additional requirements available on the United States Department of State’s Exchange Program website; <http://exchanges.state.gov/education/jexchanges/participation/eligibility.htm>.

A foreign national has 4 choices: (1) we can purchase insurance for them from an approved source; (2) they can purchase it for themselves from an approved source; (3) a 3rd party can purchase it on their behalf from an approved source; or (4) they prove that their insurance meets the State Department’s requirements. This will be accomplished by their insurance carrier sending a certified letter to the issuing agency (FAS or Forest Service Int’l Programs) care of the host (so that it comes with the assistance memo) stating that the holder’s policy will be acceptable in the U.S. and meets the requirements outlined above (their letter must mention these requirements specifically to ensure they’ve read and understand what’s required).”

SAMPLE MEMORANDA (FS)

Date

SUBJECT: Request for FSIP Assistance

TO: Valdis Mezainis, Director
Forest Service International Programs (FSIP)

THROUGH: Jeff Hayes, Director (Updated 4/29/08)
ARS Homeland Security Staff

Area Director

Institute/Center Director

Research Leader

FROM: Host

This memorandum is to request FSIP assistance in providing an approved DS-2019 form and establishing a maintenance allowance for Dr. Wilhelm Oast’s visit to the Fruit Laboratory in Beltsville, Maryland, for the period September 2, 2004, through March 1, 2005.

(Paragraph added 5/1/08) Please send the DS-2019 directly to Dr. Wilhelm Oast at the following address and charge my Federal Express Account Number XXXX-XXXX-X:

Dr. Wilhelm Oast
Home Address or Employer’s Address
City, State or Province, Postal Code, and Country

The laboratory will provide the following funding from accounting code _____ to be deposited in a debit account:

Maintenance allowance (\$1,000 x 6)	6,000
Health insurance (\$300 x 6)	1,800
Travel expenses	2,000
Overhead (15% eff 10/1/07) (Updated 10/29/07)	<u>1,470</u>
TOTAL	\$11,270

Enclosures: (Updated 7/08/08)

- ARS-230 (Always needed)
- Passport Information Page(s) (Always needed) – Need for Worker and anyone else accompanying Worker on the trip – Need pages with photo, personal information, and passport number
- Letter of invitation (Always needed)
- Transcripts (if student) **OR** CV (if not a student) (Always needed)
- Proof of funding (Needed when DS-2019 is requested—examples in NOTES section below) **OR** Proof of supplemental (non-ARS) funding (Needed when maintenance allowance is requested)

- Proof of acceptable insurance (Needed when DS-2019 is requested—examples in NOTES section below; needed when maintenance allowance is requested IF not being purchased by ARS)
- AD-672 (Needed when maintenance allowance is requested; B&F will prepare—Note: Discussion between OHS & B&F is ongoing about this)

NOTES:

1. Effective 6/1/08, FAS will process requests for DS-2019s AND maintenance allowances OR only maintenance allowances. Effective 6/1/08, FAS will no longer process only DS-2019s; instead, requests for only DS-2019s must be submitted to Forest Service.
2. FS maintenance allowances are paid via debit cards or via checks through the National Finance Center.
3. If a maintenance allowance and/or an FAS-sponsored visa must be extended, requests for the extensions MUST follow the format of this Sample Memorandum and be forwarded through the same chain of individuals. Do NOT send extension requests directly to ARSHS or FS.
4. Proof of funding (added 7/8/08)
 - a. Currently sufficient funding is considered \$1150 per month for Worker, \$500 per month for Spouse, and \$333 per month for Child.
 - b. Acceptable proof of funding may include any/all of the following: Scholarship letter, proof of continued employment/income during the period, bank account holdings, etc.
5. Proof of acceptable insurance provided by ARS Homeland Security Staff (added 7/8/08)
 “Right now only foreign nationals coming to our facilities on J-1 Visas are REQUIRED to have insurance. Since most are reluctant to purchase insurance because they feel their home countries insurance covers them hopefully this will clear-up the confusion:

Insurance for Exchange Program participants (J-1 Visa holders) is required in accordance with Title 22, Part 62, Section 14 of the Code of Federal Regulations (22 CFR 62.14). Coverage must meet the following minimum coverage: Medical benefits of at least \$50,000 per accident or illness; \$7,500 for repatriation of remains; expenses associated with medical evacuation to the home country in the amount of \$10,000; and a deductible that does not exceed \$500 per accident or illness.

Coverage must have been obtained prior to their arrival in the U.S. and must be maintained until they return to their country of citizenship or residence.

There are additional requirements available on the United States Department of State’s Exchange Program website; <http://exchanges.state.gov/education/jexchanges/participation/eligibility.htm>.

A foreign national has 4 choices: (1) we can purchase insurance for them from an approved source; (2) they can purchase it for themselves from an approved source; (3) a 3rd party can purchase it on their behalf from an approved source; or (4) they prove that their insurance meets the State Department’s requirements. This will be accomplished by their insurance carrier sending a certified letter to the issuing agency (FAS or Forest Service Int’l Programs) care of the host (so that it comes with the assistance memo) stating that the holder’s policy will be acceptable in the U.S. and meets the requirements outlined above (their letter must mention these requirements specifically to ensure they’ve read and understand what’s required).”

SAMPLE MEMO (Amended arrival/departure dates for Visa)

SUBJECT: Request for FAS Assistance

TO: Director
Research and Scientific Exchange Division, ICD/FAS

THROUGH: Jeff Hayes, Director
ARS Homeland Security Staff

Area Director

Institute/Center Director

Research Leader

FROM: Host

This memorandum is to request FAS assistance to amend Dr. _____'s existing J-1 visa from (insert current arrival/departure date) to (insert new arrival/departure date) for his visit at the Bovine Functional Genomics Laboratory in Beltsville, Maryland. Enclosed is a copy of the previously approved DS 2019.

(Paragraph added 5/1/08) Please send the DS-2019 directly to Dr. Wilhelm Oast at the following address and charge my Federal Express Account Number XXXX-XXXX-X:

Dr. Wilhelm Oast
Home Address or Employer's Address
City, State or Province, Postal Code, and Country

Enclosure:

Previously Approved DS 2019 (certificate of eligibility for exchange visitor (J-1 status))

TRACKING PROCEDURES FOR FOREIGN NATIONALS IN ARS FACILITIES

I. Purpose

This updated document provides procedures for clearance, tracking and reporting foreign nationals that visit or work in an ARS facility or office. These procedures apply to foreign nationals whose visa is sponsored by a non-USDA entity as well as those sponsored by USDA.

II. USDA Sponsorship of Visas

Effective May 1, 2003, USDA Agencies regained the ability to sponsor foreign nationals to come to visit and work in the United States. The Foreign Agriculture Service (FAS) and the ARS can be sponsors of foreign nationals with some restrictions. Typically, the foreign nationals are visiting scientists or postdocs employed as temporary scientists. (Note: Country restrictions are more stringent for those foreign nationals who are to become ARS employees.) Sponsorship capability is dependent on satisfactory clearance of foreign nationals, which is initiated by completion of the Foreign national Data Sheet (form ARS-230).

III. CIFA Name Trace Request

Completion of form ARS-230 allows ARS Office of Homeland Security (ARSHS) to initiate a Name Trace Request (NTR) of the foreign national through the Counterintelligence Field Activity (CIFA) of the Department of Defense. At the present time NTR will be run only on workers not visitors. The NTR must be satisfactorily completed prior to the Area office forwarding the reimbursable agreement, memorandum of understanding or other paperwork to sponsor or employ foreign nationals.

Additionally, foreign nationals who have valid employment authorization documents, or other visas that permit them to work, must also be cleared through the name trace system prior to beginning work in an ARS facility. An exception: A foreign national with permanent residence status does not need to undergo a NTR but must meet all other requirements. Foreign nationals may also be required to have appropriate background investigation depending on the nature of the work and location of ARS facility or office.

IV. Designation of an Area POC and Back-up/Responsibilities of the Area POC

Each Area Director (AD) has appointed a central point-of-contact (POC) and backup for foreign national tracking and visitor issues. Any changes in the Area POC and/or their backup must be reported to ARSHS. This Area POC will hold all paperwork to sponsor or employ foreign nationals until a satisfactory name trace has been reported by the ARSHS.

The Area POC will also be contacted should a request be made for foreign national visitor logs.

V. Tracking System for Foreign national Workers in ARS Facilities and Visitors to BSL-3 Facilities

A computer-based electronic tracking system has been developed for use of ARS Homeland Security office. The database is being used to capture and track information on foreign national workers in any ARS facility and visitors to BSL-3 facilities. The database is updated using the information on the form ARS-230. It is imperative that Locations and Areas keep ARSHS informed of the pertinent information of all foreign nationals who work in an ARS office or facility and foreign national visitors to BSL-3 laboratories.

All foreign nationals who work in ARS facilities must be reported and tracked, regardless of the source of their visa sponsorship, their employer, or how/if they are paid. These foreign nationals may or may not be employees of USDA. Foreign national volunteers must also be reported.

Locations must complete the Foreign national Data Sheet (Form # ARS-230). It is available at the following website: <http://www.afmtestlab.ars.usda.gov/noncitizen/data.wpd>

The form should be sent via e-mail to the Area Office who will review the form for completeness and then forward it to ARSHS (ARS_Tracking@nps.ars.usda.gov). Note: If the foreign national is a legal permanent resident of the United States (green card), the form must be faxed (301-504-4518). **It may not be E-mailed because of Privacy Act requirements.**

Foreign nationals may not begin work in an ARS facility until clearance is received from ARSHS in addition to any paperwork needed from FAS or HRD.

To summarize:

Foreign national with valid Visa/Green Card, etc. - Submit completed form ARS-230 through the Area office to ARSHS. If the location wishes to support the foreign national, upon notification by ARSHS of a clean NTR, submit a memo to FAS/ICD through the RL, I/CD, AD, ARSHS requesting establishment of a maintenance allowance.

Foreign national needing a J-1 visa - Submit completed form ARS-230 through the Area office to ARSHS. Upon notification of a clean NTR, submit a memo to FAS/ICD through RL, I/CD, AD, ARSHS requesting issuance of an approved form DS-2019 and, if desired, establishment of a maintenance allowance.

Foreign national needing an H-1B or TN visa in order to be employed by ARS - Submit completed form ARS-230 through the Area office to ARSHS. Upon notification of a clean NTR, submit SF-52 and accompanying documents through the Area Office to the servicing specialist within the Human Resources Division.

Changes in Status Must be Reported - If there is a change in the worker's status (visa-type, name, address, etc.), the location must update Section IV of the ARS-230 form within 5 days. Similarly, if the original data sheet was incomplete, the location must update the form and forward it through the Area Office to ARSHS as soon as the information is received.

If an anticipated USDA-sponsored foreign national worker fails to arrive on schedule or is absent without notifying the location of the reason, locations will immediately determine the reason for non-arrival or absence and notify the Area Office and ARS HSS concurrently via e-mail. ARS HSS will then notify the OIG, FAS, and/or Bureau of Citizenship and Immigration Services (formerly the Immigration and Naturalization Service) of the absence.

Extensions - Requests for extension of a USDA sponsored visa and/or maintenance allowance must be forwarded through the Research Leader (RL), Center/Institute Director, AD, to ARS HSS. **DO NOT send any requests directly to FAS.**

VI. Tracking of Foreign national Visitors to Non-BSL-3 Facilities by Area

Each AD must also set up a system (electronic or manual), of record keeping of visitors to any non BSL-3 ARS office or facility within his/her Area. The purpose is to provide a permanent record of foreign nationals who visit ARS facilities but DO NOT work in the laboratories. This information should be accessible at all times from the Area POC in the event ARS receives a request for this information from another Agency or the Department. Areas may use the attached Foreign national Visitor Log or develop their own visitor log or form, which must include at least:

- * Name of Visitor
- * Date of Birth
- * Affiliation of Visitor (for whom does (s)he work)
- * Country of Origin (Citizenship)
- * Actual date(s) and time of visit
- * Person(s) hosting visitor
- * Laboratories and ARS persons to be visited
- * Purpose of visit
- * Remarks (as appropriate, including reason for failure to visit as scheduled if ARS provided a letter of invitation for the visit)

Most of the information will be recorded when the foreign national arrives at the location for the visit.

For short-term visits to non-BSL-3 facilities: The location will (1) ensure that the visit is warranted; (2) complete the foreign national visitor form or log required by the Area; and (3) Effective with FY 2005, the Area Office discontinued to maintain foreign national VISITOR logs. Instead EACH MWA LOCATION WILL BE RESPONSIBLE TO COLLECT AND TO MAINTAIN FOREIGN NATIONAL VISITOR LOGS; and when information from these logs is needed, the Midwest Area Office will contact the location to provide the information. (Per email 9/8/04 from Marie Bishop)

VII. Glossary

AD. Area Director. Ultimately responsible for ensuring all foreign nationals in his/her Area are reported and tracked as indicated in this procedure.

ARS HSS. ARS Homeland Security Staff.

BSL-3. Biological Safety Level 3. Information regarding policy and procedures found in ARS DM 9610-1, USDA Security Policies and Procedures for Biosafety Level 3 Facilities.

CIFA. Counterintelligence Field Activity of the Department of Defense.

Contract Workers. These are people who are brought in by a ARS contracted company to complete a task (i.e.: maintenance worker, cafeteria employee, cleaning, staff, etc.).

FAS. Foreign Agriculture Service. This is the USDA Agency that issues form DS-2019 which authorizes issuance of a J-1 visa for the non citizen. This office is also responsible for processing stipends as requested by the ARS location.

HRD. Human Resources Division. This is the office within ARS that processes documentation to hire a foreign national.

Foreign national. Anyone who is not a U.S. citizen. A green-card holder is a foreign national, legal permanent resident of the U.S. There are two broad groups of foreign nationals:

a. Workers. This group includes visiting scientists, students, volunteers, collaborators/consultants/contractors, maintenance personnel, etc. Workers are generally sponsored by a federal agency, an educational institution, an organization, or their employer. They may be paying their own expenses while working in the ARS facility.

b. Visitors. This group is provided short-term access to ARS facilities for the purposes of tours,

workshops/meetings, procurement, training etc. Foreign national visitors may or may not have a sponsor; they may be foreign businesspersons or tourists, but they must have a valid visa or permanent resident status.

Name Trace Request. A database check conducted on foreign nationals by CIFA.

Foreign national Data Sheet. This document is used to report the expected arrival of foreign national workers. The information on this sheet will be entered into the database tracking system. This form is also used to information that was missing (not available) at the time the original data sheet was submitted.

Office or Facility. Any space used for housing ARS personnel whether purchased, leased, or acquired free of charge from a cooperator.

RL. Research Leader

Find the Visitor Log here: [MWA PASTG SOP - Non-US Citizen Workers and Visitors](#)

