

# Frequently Asked Questions About Status Transfers

## **J-1 Status (Research Scholars)**

### **Q: How do I transfer my J-1 status to MCW sponsorship?**

A: If you've interviewed for an MCW position and the department expresses interest in transferring your J-1 status to MCW, you should contact your employer's International Scholar Services office to find out what they require in order to transfer your J-1 status via the SEVIS system to MCW. Once the MCW department completes the necessary paperwork and submits it to MCW's Immigration Consultant, she will make contact with your current employer to facilitate the transfer process.

### **Q: I have already received an approval on a waiver of my 2-year home residency requirement. Am I still eligible to transfer my J-1 status to MCW?**

A: No. If you have already obtained a waiver, MCW must sponsor you for a change of status to H-1B in order to employ you. The H-1B petition must be approved in order for you to begin working for MCW.

### **Q: My employer has confirmed that they have approved the transfer of my J-1 status to MCW. When can I receive my new DS-2019 form?**

A: MCW will not have access to your form in the SEVIS system until the effective date of your transfer (i.e. your start date with MCW). As of your MCW start date, the Immigration Consultant will have access to your record in the SEVIS system and will, at that time, be able to print your form(s).

### **Q: Will I have to depart the United States when I transfer to MCW?**

A: No. You can transfer to MCW without ever having to leave the United States.

## **J-1 Status (Alien Physicians)**

### **Q: How do I transfer my J-1 status to MCW sponsorship?**

A: If you've interviewed for an MCW fellowship position and the department expresses interest in transferring your J-1 status to MCW, you should ensure that the MCW department contacts the Immigration Consultant to initiate this process. Once the MCW department completes the necessary paperwork and submits it to MCW's Immigration Consultant, she will enter

information into the ECFMG's (Educational Commission for Foreign Medical Graduates) online system. Once her portion has been completed, you will receive an email from the system asking you to complete information and upload necessary documents.

**Q: Will I have to depart the United States when I transfer to MCW?**

A: No. You can transfer to MCW without ever having to leave the United States.

**Q: When can I start working for MCW?**

A: Once the ECFMG has approved your J-1 application, they will issue a DS-2019 form for you and your dependent(s) (if applicable), and will send the form(s) directly to the Immigration Consultant. The Immigration Consultant will then send the form(s) to you. You will then be able to start working for MCW upon the effective date of the transfer to MCW, or as soon as possible thereafter (if the paperwork isn't processed in time).

## **H1B Questions**

**Q: How do I transfer my H-1B status to MCW sponsorship?**

A: If you have interviewed for an MCW position and the department expresses interest in making an offer to you, they will then contact the Immigration Consultant to initiate the H-1B transfer process. Once the Immigration Consultant receives the necessary paperwork, she will send it to one of MCW's approved Immigration attorneys, who will then contact you directly to request further information and paperwork.

**Q: When is it OK for me to stop working with my current employer?**

A: You should not stop working for your current employer until you are certain the MCW H-1B petition has been filed with the USCIS on your behalf.

**Q: I am currently working in the U.S. in H-1B status. When can I start working for MCW?**

A: As long as MCW files the H-1B petition prior to your last day of work with your current employer, you can start working for MCW as of the effective date of your H-1B petition, even while the petition is pending. In other words, your MCW H-1B petition does not need to be approved in order for you to start working for MCW.

**Q: I am currently in the U.S. but am not working in H-1B status. When can I start working for MCW in H-1B status? Do I have to depart the U.S.?**

A: As long as MCW files the H-1B petition prior to the expiration of your current status, you can remain in the U.S. lawfully while awaiting the approval of your H-1B petition. However, you cannot start working for MCW until the petition has actually been approved. In general, you should not have to depart the U.S.; however, there are certain instances when that may be necessary. For more guidance on that, you can contact the Immigration Consultant.

**Q: Can I use my own attorney for the H-1B petition?**

A: MCW would prefer that an attorney from our approved list be retained. If you have any issues or concerns with an attorney the MCW department has selected, please express that to the Immigration Consultant.

**Q: Do I have to pay for any of the costs associated with the H-1B petition?**

A: MCW is required by law to pay for the costs associated with the H-1B petition. In general, MCW does not cover the fees associated with H-4 dependents, but in some cases, departments will agree to cover those fees, as well.

## **TN Questions**

**Q: I am currently working in the U.S. in TN status. Can I transfer to MCW without filing a petition?**

A: No. TN status is employer-specific, so you must either have MCW file a TN petition with the USCIS on your behalf, or you must go to the border with a letter of support from MCW along with other required documents and re-enter in TN status.

**Q: How do I transfer my TN status to MCW sponsorship?**

A: If you have interviewed for an MCW position and the department expresses interest in making an offer to you, they will then contact the Immigration Consultant to initiate the TN sponsorship process. You can decide if you'd like MCW to file a petition with the USCIS or if you'd like to travel to the border and re-enter.

**Q: When can I start working for MCW?**

A: If MCW files a TN petition on your behalf, it must be approved in order for you to start working for MCW. If you travel to the border and re-enter, you can start working for MCW as of the effective date of your requested TN status via MCW sponsorship.

## **O-1 Questions**

### **Q: How do I transfer my O-1 status to MCW sponsorship?**

A: If you have interviewed for an MCW position and the department expresses interest in making an offer to you, they will then contact the Immigration Consultant to initiate the O-1 sponsorship process. Once the Immigration Consultant receives the necessary paperwork, she will send it to one of MCW's approved Immigration attorneys, who will then contact you directly to request further information and paperwork.

### **Q: Can I use my own attorney for the H-1B petition?**

A: MCW would prefer that an attorney from our approved list be retained. If you have any issues or concerns with an attorney the MCW department has selected, please express that to the Immigration Consultant.

### **Q: Do I have to pay for any of the costs associated with the O-1 petition?**

A: MCW is not required by law to pay for the costs associated with the O-1 petition. However, in general, MCW typically does cover the fees associated with the O-1 petition.

### **Q: When can I start working for MCW?**

A: If MCW files an O-1 petition on your behalf, it must be approved in order for you to start working for MCW.