

Case Studies

Case #1

A researcher from overseas is planning to come on campus to have some meetings and discussions with a faculty member of a department. There would be no academic appointments and the researcher has no plans to participate in any active research on campus but rather just meet regularly with his fellow faculty. He is ready to come in W-B status, as it is quick and easy. In a few email exchanges with the faculty it emerged that it was possible that, out of these meetings and conversations, the two of them could publish an article at some point in the future.

- Would you advise that this researcher be invited on campus in B-1 status?

Case #2

A researcher from a particular lab came to the office with a question about inviting a colleague of his from a country overseas to join him for a very brief period of time in his lab. His colleague would not have any time to wait for documents to apply for any specific visa but could easily come in W-B if a letter of invitation could be issued. They would spend time in the lab, but the visitor would be there only to observe and the researcher would be next to him at all times and present to answer any questions as needed.

- Can he invite his colleague in W-B status?

Case #3

Daniel is a Canadian student who completed everything in his program except his final recital. He postponed this to a different semester due to an injury. Daniel returned home to Canada to receive care for his injury and 2 semesters later, was ready to play his final recital. He tried to reenter the US using the B1 tourist visa to come to Boston for a week-long period to play his recital and visit with friends. Daniel was denied entry by CBP since the recital was “academic” and a degree requirement. He was told since his purpose in the US was to study, he needed a new initial I-20. However, since he wasn’t enrolling in any coursework, he didn’t qualify for an initial I-20. Daniel tried several more times to enter the US using a B1 visa and has been denied each time. SEVIS helpdesk was contacted who said there weren’t any red flags that they could see and confirmed he didn’t qualify for an initial I-20. CBP deferred inspection was also contacted; however, they were unable to help.

- Should Daniel get an initial I-20 to enter the US?
- Would a B category be appropriate for him?

Case #4

The Music History department is hosting a group of Ghanaian drummers for a one-time concert and would like to cover all travel expenses and give each drummer an honorarium for their services. They have been advised to travel to the US on a B2 business visa and complete a Form CI-1 Certification of International Visitor with our Human Resources under the 9-6-5 rule. The drummers successfully obtain their visas, enter the US accordingly, complete the necessary paperwork, and receive honorariums for their concert.

- Is the B2 visa category appropriate?
- Can the group receive honorariums?
- The group hopes establish a tour next year in the US, doing similar work on multiple campuses. Would the B2 visa be advised again?

Case #5

A foreign medical graduate (FMG) enters the US in B status to take USMLE exams for admittance into residency programs. During their stay, the FMG wants to “network” with various medical schools by making themselves known to residency coordinators and staff. As such, the FMG contacts a PI in your institution who had dual clinical and research roles asking for unpaid volunteering opportunities. The residency coordinator contacts your office for guidance:

- Does it make a difference if the FMG was admitted in B-1 or B-2?
- Since this will be unpaid, do the volunteer activities matter?
- What if the FMG requests an observership in the hospital instead of engaging in volunteer activities in the lab?

Case #6

University of Intellectual Stuff (UIS) creates an executive degree program with foreign institution. Degree is issued by foreign university, student registered by foreign institution, tuition paid to foreign institution. Students attend modules around the world, one of which is on UIS campus. The module is comprised of a couple of seminars, visits with local businesses, scheduled guided discussions with professors in the field. Module is required by foreign institution to complete degree, but UIS does not consider the module full-time and the student is at no time considered by UIS administration as an active student.

- Would you recommend B or F status?
- What considerations inform your decision?

Case #7

High school student wants to enroll in summer enrichment program and one credit bearing summer course at your institution. Student also plans to use their stay in the U.S. to visit prospective universities/colleges where the student will pursue undergraduate program in the fall. Student wants to know what visa he/she should apply for.

- Is student eligible for F status?
- If recommended other status why and in what form?