

## ***HOW FAR AM I AWAY FROM BEING AN AMERICAN?***

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Caty Hsu had been an international student in the United States for seven years. She finished her Ph.D. program and accepted an offer as a tenure-track Assistant Professor at a public university in the U.S. After having participated in the new faculty orientation and having prepared the syllabi and much of the teaching materials for the courses that she was scheduled to teach in Fall 2021, Caty was told by the Dean and Chancellor of her new school that she could not teach. American Adjunct Professors would teach her courses, at least in the beginning of Fall 2021. Although the job offer letter - signed by both the university representatives and Caty Hsu - stated that Caty's position started on August 1, 2021, she would not be hired, or paid, in August. Would she start in September? October? Would she have to wait till 2022?

Worse – would she have to start all over again and search for another job at a different university? If she returned to her home country, would she ever be able to return to the U.S.?

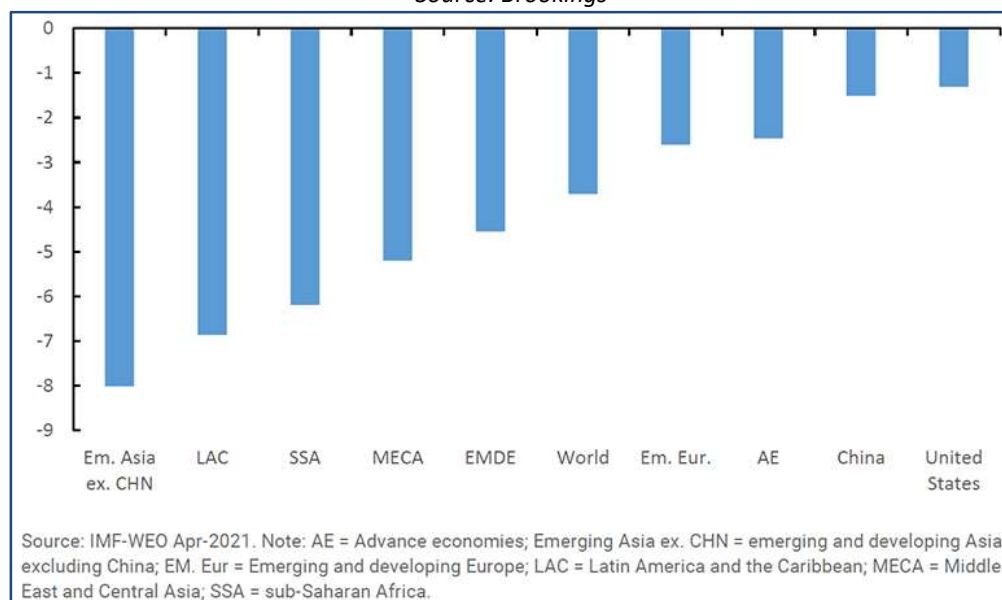
Caty understood the constraints that her new school faced and the reasons behind the school's decision. Nonetheless, she still felt depressed about the situation and thought about what to do next. She could not help wondering: "How far away am I from being an American?" After all these years being in the U.S., Caty now felt that she was now a foreigner in both her home country and in the United States.

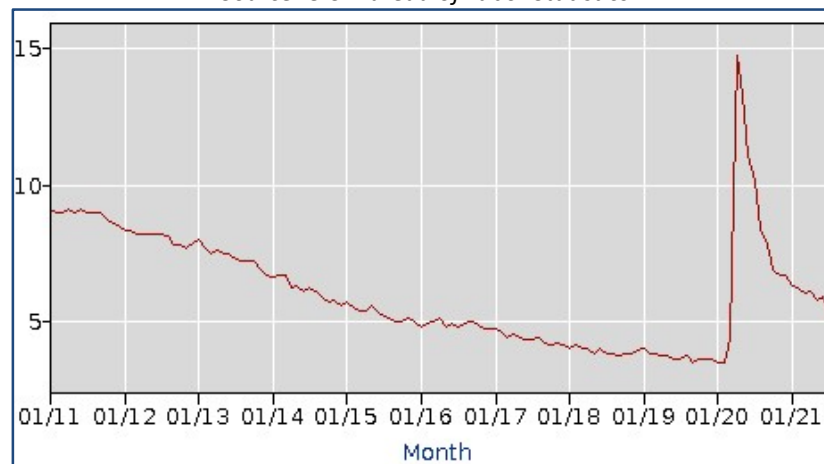
## COVID-19, Economics, and Higher Institutions

The unexpected COVID-19 pandemic brought the deepest global recession since the end of World War II (Levy Yeyati & Filippini 2021). Although the U.S. outperformed other countries during the pandemic, it experienced negative growth in GDP in 2020 (see Exhibit 1). The economic recession also affected the U.S. unemployment rate (U.S. Bureau of Labor Statistics 2021). In April 2020, the unemployment rate increased to 14.8% (see Exhibit 2). Without a doubt, the recession had an impact on institutions of higher education. According to the American Association of University Professors (AAUP), nearly 60% of U.S. universities implemented salary freezes or reductions in response to the COVID-19 pandemic. Over 50% of institutions modified tenure timelines or recommended early retirement programs for tenure-track faculty. More than 20% of universities did not renew contracts or terminated contracts for non-tenure-track faculty (AAUP 2021).

**Exhibit 1. Global GDP Growth 2020**

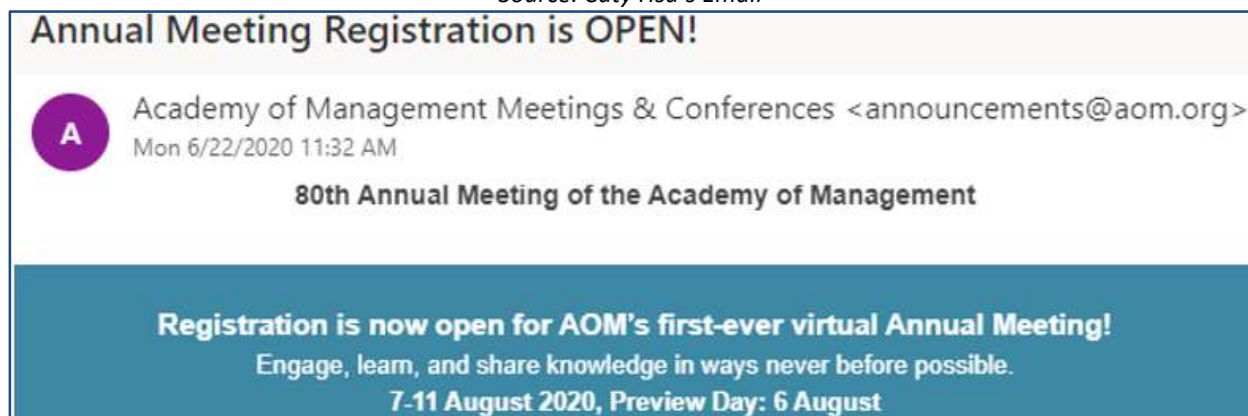
*Source: Brookings*



**Exhibit 2. U.S. Unemployment Rate from January 2011 to 2021***Source: U.S. Bureau of Labor Statistics*

The pandemic prevented faculty, students, and scholarly practitioners from meeting in-person at the Annual Meeting of the Academy of Management (AOM). The 2020 AOM conference was supposed to be held in Vancouver, Canada, from August 7 to August 11. The conference was probably the most important annual academic event for management scholars in the U.S. and abroad. It included a career fair where job candidates could meet university representatives. Because of the uncertainty that the COVID-19 pandemic had caused, the organizing committee of the 2020 AOM conference sent out an announcement on June 22, 2020, changing the conference from in-person to virtual; there would be no face-to-face meetings between candidates for university jobs and university representatives. Since its first meeting in 1936, this was the first-ever AOM conference to be held virtually (see Exhibit 3).

Caty Hsu recalled that there were only about six universities that made employer presentations and held interview sessions at the career fair of the virtual conference. Many universities withdrew not only their participation in the career fair but also their recruitment plans completely. One university recruiter said, “We had five approved Management Assistant Professor positions. They all got cancelled at the last minute in June 2020.”

**Exhibit 3. AOM Announcement***Source: Cathy Hsu's Email*

**Annual Meeting Registration is OPEN!**

**A** Academy of Management Meetings & Conferences <announcements@aom.org>  
Mon 6/22/2020 11:32 AM

**80th Annual Meeting of the Academy of Management**

**Registration is now open for AOM's first-ever virtual Annual Meeting!**  
Engage, learn, and share knowledge in ways never before possible.  
7-11 August 2020, Preview Day: 6 August

### The Trump Administration and Higher Institutions

Former U.S. President Donald Trump had often made offensive comments about nonwhite immigrants (Scott 2018). He had even gone so far as to say, “*Why are we having all these people from shithole countries come here?*” (Dawsey 2018). Trump persistently used the term “*Chinese virus*” to describe COVID-19 and had fanned the flames of anti-Asian sentiments in the U.S. (Vang 2020). Consistent with his attitude towards immigrants, Trump froze the application processes for green cards and suspended newly issued H-1B, L-1, J visas, and other temporary work visas for skilled workers (Ordoñez 2020). These political actions made it much harder for immigrants to find work in the U.S. or to become a U.S. citizen (Narea 2020).

This anti-immigrant macro-environment added to the uncertainty of the COVID-19 pandemic. Many higher institutions posted jobs without visa sponsorship support or simply withdrew their job postings (see Exhibit 4 and Exhibit 5). Exhibit 6 presents the number and percentages of doctorate recipients by citizenship in the fields of Business Management and Administration. Since 2010, non-U.S. citizens or permanent residents consistently made up more than 43% of U.S. doctorate recipients. Given the very limited number of universities recruiting in 2020, applicants, especially those who were non-U.S. citizens or permanent residents, were facing enormous competition in the academic job market.

**Exhibit 4. An Email from a University Representative about H-1B Visa Sponsorship**

Source: *Caty Hsu's Email*




Assistant Professor of Business Management    
 Fri, Nov 13, 2020, 3:03 PM   

Dear Applicant:

This email is to inform all applicants to the 10-month tenure track position in Management starting fall 2021 that H-1B sponsorship is not available for this position. If this information influences your decision to apply, you may elect to withdraw your application. Thank you.

**Exhibit 5. An Email from a University Representative about a Cancelled Job Posting**

Source: *Caty Hsu's Email*

Good afternoon Jul 2, 2021, 1:37 PM   

Thank you for your interest in the position.

The position you have applied for has been cancelled and will reopen. Please reapply for the position and resubmit the same supporting documents.

documents listed below:

Thanks so much,

**Exhibit 6. Doctorate Recipients by Citizenship in Business Management and Administration**

Source: *National Science Foundation*

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
All doctorate recipients	1,366	1,327	1,404	1,551	1,584	1,582	1,509	1,565	1,475	1,536
U.S. citizen or permanent resident	746	755	736	831	849	892	845	858	740	747
Non-U.S. citizen or permanent resident	620	572	668	720	735	690	664	707	735	789
% of non-U.S. citizen or permanent resident	45.4 %	43.1 %	47.6 %	46.4 %	46.4 %	43.6 %	44.0 %	45.2 %	49.8 %	51.4 %

## Caty Hsu's Job Application Experience

Caty Hsu came to the U.S. in 2014 and had actively been working with her professors on research projects. She defended her doctoral dissertation proposal on August 31, 2020, and went on the academic job market with 13 publications, good student evaluations of 5 unique courses that she had taught at her Ph.D. institution, and several conference proceedings. After sending out 132 job applications, Caty had 7 first round interviews, 3 second round interviews, and 1 job offer with H-1B visa sponsorship from a public university. Caty's new school posted the job on May 1, had a Zoom interview with her on June 10, an on-campus interview with her on June 22, and offered her the job on June 25. After signing the employment contract, Caty moved to the area of her new school and settled into a new apartment. She defended her dissertation, and graduated from her doctoral program. At the new school, she participated in the new faculty orientation, and dedicated herself to the preparation of the syllabi and learning materials for her courses in Fall 2021.

One and a half weeks before the Fall 2021 semester started, Caty was called to a meeting with her Dean and Chancellor. They then informed her that she would not be able to teach in Fall 2021 - at least not for the first weeks or months. The university needed time to get approved her H-1B visa. Although her signed employment contract stated that the position began on August 1, 2021, she learned that she would not be paid for August or any time before her visa was issued by the U.S. government.

Caty had already attended new faculty orientation and had completed her syllabi for Fall 2021; she had been working long days preparing PowerPoints and in-class exercises for her new courses. To her surprise, the Dean and Chancellor informed her that she had no obligations or responsibilities for any activities in the university until she was hired officially. The Dean and Chancellor had already hired adjunct faculty members to teach her courses for at least the beginning of the semester – and if needed for the entire semester. They suggested that Caty could take over the courses after her H-1B visa got approved.

## Caty Hsu's Dilemma

Caty Hsu remarked, "I spent about \$200,000 for the 7-year education in the U.S. Although I feel more connected to the U.S. than my home country, I actually have become a foreigner in both countries." For tax purposes, and only for tax purposes, she was treated the same as a U.S. citizen. She deeply wished to be a professor in the U.S. and to live in the U.S. – or at least that was what she wanted prior to the COVID-19 pandemic. COVID-19 had triggered anti-Asian racism in the U.S. From March 19, 2020 to February 28, 2021, there were 3,800 anti-Asian racist incidents. Women, moreover, have reported twice as many anti-Asian hate incidents as men (Yam 2021). Unfortunately, the academic campus was not a haven from such incidents: Chinese international students were killed at universities in both Chicago and Los Angeles (see Exhibit 7).

### **Exhibit 7. Shooting Death of Chinese Student in Chicago Triggers Campus Protests**

Source: CGTN

[https://www.youtube.com/watch?v=EIRChQ\\_VIRE](https://www.youtube.com/watch?v=EIRChQ_VIRE)



In addition to the instances of hate against Asians in the U.S., Caty worried about her visa status and employment status at her new school. She had successfully defended her dissertation on July 14, 2021. However, her doctoral university would not begin posting degrees and issuing

transcripts until August 16, 2021. It took about 30 days for her doctoral university to complete all degree postings. Without a transcript indicating her completed degree status, Caty's new school could not apply for her H-1B. Obviously, her visa could not be approved until her new school had submitted all the paperwork. Until her H-1B visa was approved by the U.S. government, Caty could not be officially hired; therefore, she could not teach courses in the new school. Moreover, because she had applied for graduation from her doctoral university, the international student office there had terminated her student visa (F-1) on August 15, 2021.

The conversation with her Dean and Chancellor happened on August 11, 2021. If she did not get approval for her H-1B visa on time, Caty had 60 days after August 15, 2021 to wrap up her affairs and exit the U.S.

Due to all the uncertainties that COVID-19 brought, the price of a one-way flight ticket from the U.S. to her home country had increased to over \$6,000. Flights, in addition, had very limited capacity. Once she arrived home, she would have to invest several thousand dollars in quarantining in a hotel in her home country for a minimum of 14 days. Without any salary, all of these expenses would create an impossible situation. On top of all that, Caty did not want to go back to her home country because it was uncertain that she would get a flight back when (if?) her visa was finally approved.

Although Caty felt very stressed about what was happening, she felt welcomed by her colleagues at the new school. Several colleagues invited her for lunch or dinner after she had moved to the area. Her department held a welcome lunch for her. Caty was not sure what to do next in these weeks as a foreigner obeying U.S. laws, a professor responsible for her students, a colleague accountable to her department, a faculty member committed to her new school, and a graduate of her doctoral university. Knowing that at Caty's new school, one criterion for getting tenure was U.S. citizenship or permanent resident status, she could not help thinking, *"Would everything be easier if I were American? How far away am I from being an American?"*





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## Appendix A. Several Commonly Used Visa Types in the U.S.

Sources: U.S. Citizenship and Immigration Services; U.S. Department of State - Bureau of Consular Affairs

### **F-1 Student Visa**

The F-1 Visa (Academic Student) allows you to enter the United States as a full-time student at an accredited college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in a language training program. You must be enrolled in a program or course of study that culminates in a degree, diploma, or certificate and your school must be authorized by the U.S. government to accept international students. F-1 students may not work off-campus during the first academic year but may accept on-campus employment subject to certain conditions and restrictions. After the first academic year, F-1 students may engage in three types of off-campus employment:

- Curricular Practical Training (CPT)
- Optional Practical Training (OPT) (pre-completion or post-completion)
- Science, Technology, Engineering, and Mathematics (STEM) Optional Practical Training Extension (OPT)

F-1 students may also be eligible to work off-campus on a case-by-case basis as a result of special situations such as severe economic hardship or special student relief.

### **M-1 Student Visa**

The M-1 visa (Vocational Student) category includes students in vocational or other nonacademic programs, other than language training. M-1 students may engage in practical training only after they have completed their studies.

For both F-1 and M-1 students any off-campus training employment must be related to their area of study and must be authorized prior to starting any work by the Designated School Official (the person authorized to maintain the Student and Exchange Visitor Information System (SEVIS) and USCIS).

### **J Visa**

Exchange visitor visas are nonimmigrant visas for individuals approved to participate in exchange visitor programs in the United States. An exchange visitor visa (J) is required to participate in an exchange visitor program in the United States. Foreign nationals may not study after entering on a visitor (B) visa or through the Visa Waiver Program (VWP).

### **H-1B Visa**

This nonimmigrant classification applies to people who wish to perform services in a specialty occupation, services of exceptional merit and ability relating to a Department of Defense (DOD) cooperative research and development project, or services as a fashion model of distinguished merit or ability.

### **L-1 Visa**

L-1 visa is available for temporary intracompany transferees who work in managerial positions or have specialized knowledge. L-1 visas may be issued when an employer files a petition to obtain authorization for qualified employees to be allowed to work and live in the United States.

### Appendix B. Workplace Immigration and H-1B Visa

Sources: Society for Human Resource Management



MEMBERSHIP   CERTIFICATION   HR TODAY   RESOURCES   LEARNING   EVENTS   Q



# Workplace Immigration

Modernizing employment-based immigration is crucial for employers to find the talented workers they need so that their organizations can thrive. Leverage our resource center to learn how to tap into this talent pool and make the most of talent all over the globe.

SHRM aims to provide the resources and support necessary to advance employment-based immigration of highly educated professionals worldwide.

### SHRM RESOURCES

<b>EDUCATION</b> Self-Paced Courses on Visas and Compliance	<b>COMMUNITIES</b> Immigration Resources for Professionals	<b>HOW-TO GUIDES</b> How to Sponsor an Individual for an H-1B Visa
<b>BUSINESS SOLUTIONS</b> J-1 Visa Sponsorship with SHRM	<b>TOOLKITS</b> Complying with I-9 and E-Verify Requirements in the United States	<b>TOOLKITS</b> Understanding and Obtaining U.S. Employment Visas
<b>HR Q&amp;AS</b> Can we refuse to consider a candidate who is not eligible to work in the United States and would require sponsorship for an H1-B visa?	<b>HR Q&amp;AS</b> What do we have to do to transfer a candidate's H-1B visa from his current employer when he begins working for us?	<b>SEE ALL RELATED RESOURCES</b>

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