Within the context of immigration vocabulary, the terms “status” or “classification” define a non-U.S. citizen’s legal status in the United States and describe the Foreign National’s presumed principal purpose for being in this country. The most commonly used employment statuses at NDSU are noted below. The list includes factors to consider when proposing to hire or host a foreign national. **Most importantly, to avoid any potential problems, please make certain to involve the Faculty Immigration unit, as soon as possible, in the hiring or hosting process.** When considering a foreign national as a final candidate for hire, please contact the Faculty Immigration unit before extending a verbal offer. Contact us at ndsu.immigration@ndsu.edu

<table>
<thead>
<tr>
<th>Visa Status</th>
<th>Appropriate Uses</th>
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</table>
| **H-1B** Specialty Occupation | • Tenure Track Faculty  
• Permanent Research Positions  
• Permanent Lecturers  
• Other specialized occupations | • 6-yr time limit  
• Dept. pays $960 filing fees to USCIS  
• USCIS adjudication times vary  
• **Optional $2,500 premium processing** available, which guarantees response from USCIS within 15 business days (employee can pay depending on scenario)  
• Generally, H-4 Dependents can study, but **CANNOT work in the US**  
• Certain H-4 dependent spouses can work with employment authorization from USCIS **(limited exception; Employee should speak with Faculty Immigration unit)** | • Department works with our office in petitioning for Dept. of Labor (DoL) approval and subsequent Dept. of Homeland Security (DHS) approval  
• Immigration document issued by DHS/USCIS  
• If int’l person is outside U.S., he/she must apply for an H-1B entry visa at U.S. Consulate abroad |
| **TN NAFTA - USMCA** | • For citizens of Canada and Mexico, only  
• Teaching and research in specific professional positions  
• TN-eligible Professions | • 3-yr time limit, with unlimited extensions  
• **DOES NOT APPLY TO CANADIAN LANDED-IMMIGRANTS**  
• TD Dependents can study, but **CANNOT WORK IN THE US** | After position has been determined to be eligible for TN status...  
• Canadian citizens apply for TN status at the Port of Entry to the U.S. (no visa required for Canadian citizens)  
• Mexican citizens must work with Faculty Immigration to apply for a TN **visa stamp** |
| **F-1 OPT** (Int’l Students with Optional Practical Training) | • Typically used by international postdoctoral/post-graduate students for initial employment after degree program  
• Allows employment in field of study after degree completion | • Up to 12-months of work authorization (OPT)  
• Additional 24-month extension available to those with STEM degree (determined by CIP code on I-20)  
• F2 Dependents CANNOT work  
• F2 Dependents CAN study — with limitations | • Int’l Student must get authorization from their DSO (int’l advisor) at their home institution, after course completion  
| **J1 Exchange Visitor** | • Positions of a temporary nature  
• Grant-funded research  
• Short-term scholars  
• Visiting scientists and researchers | • Up to 5-yr maximum (depending on scholar category)  
• Possible subjectivity to Regulation 212(e) - aka “Two Year Home Country Residency Requirement”  
• J-2 Dependents **CAN study and work in the US after obtaining work authorization (EAD card)** | • Department should contact us at least 90+ days in advance  
• Faculty Immigration unit issues immigration documents  
• Entry visa often required |
Green Card Sponsorship (EB-2b, Special Handling)

There is a unique route to obtaining Green Card sponsorship designed specifically for university teachers (EB-2b, Special Handling). This is the preferred method of obtaining a Green Card for tenure-track faculty at NDSU with teaching responsibilities. Three eligibility criteria must be met to be considered for sponsorship in this category:

1. The position must have been advertised in a national, professional journal
2. For at least 30 calendar days
3. Job title and teaching responsibilities must be clearly stated – and/or implied by way of classes listed in the advertisement

Additionally, it is critical that a Labor Certification application be filed with the Department of Labor (DoL) within 18 months from the date of the offer letter (not the date the offer was accepted.) Due to this critical timing, our Faculty Immigration unit requires that the steps to initiate EB-2b sponsorship start after employment begins but within 12 months of the date of the offer letter to minimize the risk of missing the 18-month deadline.

Hiring units are encouraged to please consult the Faculty Immigration unit for advertising requirements related to Green Card sponsorship. (ndsu.immigration@ndsu.edu)

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DISCLAIMER: This information has been provided for use as a general guide for NDSU employees. This guide does not provide any legal advice nor does it replace any legal advice/counsel from an experienced immigration attorney. NDSU is not responsible for the accuracy of the information provided or for any discrepancies in the information based on changes in immigration policy.