

EMPLOYMENT OF INTERNATIONAL FACULTY and SCHOLARS

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 two most commonly used nonimmigrant statuses at NDSU, for employment purposes, are J-1 “Exchange Visitor” and H-1B “Alien in a Specialty Occupation (Profession).” The following is a list of factors to consider when proposing to hire or host an international professor or researcher. **Most importantly, to avoid any potential problems, please make certain to involve the Faculty Immigration unit, as soon as possible, in the hiring process.** When bringing an international candidate on campus for an interview, please consider scheduling an interview with us, as well. Contact us at ndsuiimmigration@ndsui.edu

Visa Status	Appropriate Uses	Limitations	Procedures
H-1B Specialty Occupation	<ul style="list-style-type: none"> • Tenure Track Faculty • Permanent Research Positions • Permanent Lecturers • Other specialized occupations 	<ul style="list-style-type: none"> • 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 H4 dependent spouses can work with employment authorization from USCIS (limited exception, talk with int’l advisor) 	<ul style="list-style-type: none"> • 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. • If int’l person is outside U.S., he/she must apply for an entry visa (H-1B) at U.S. Consulate abroad.
TN NAFTA - USMCA	<ul style="list-style-type: none"> • For Canadian and Mexican citizens in specific professional positions • Teaching and research quality • TN- eligible Professions 	<ul style="list-style-type: none"> • 3-yr time limit, with unlimited extensions • DOES NOT APPLY TO CANADIAN LANDED-IMMIGRANTS • TD Dependents can study, but CANNOT WORK in the US 	<p>After position has been determined to be appropriate use of TN status,</p> <ul style="list-style-type: none"> • Canadian citizens apply for TN status at the Port of Entry to the U.S. • Mexican citizens must work with our office to apply for additional approvals from DoL & DHS
F-1 OPT (Int’l Students with Optional Practical Training)	<ul style="list-style-type: none"> • Typically used by international postdoctoral/post-graduate students for initial employment after degree program • Allows employment in field of study after degree completion 	<ul style="list-style-type: none"> • 1-yr time limit • 24-month extension possible for those with STEM degree (determined by CIP code on I-20) • F2 Dependents CANNOT work • F2 Dependents CAN study – with limitations 	<ul style="list-style-type: none"> • International Student applies through their own university for one year of work authorization after course completion • Permission issued by DHS in the form of an Employment Authorization Document (EAD card).
J1 Exchange Visitor	<ul style="list-style-type: none"> • Positions of a temporary nature • Grant-funded research • Short-term scholars • Visiting scientists and researchers 	<ul style="list-style-type: none"> • 5-yr time limit (Research Scholar & Visiting Professor categories, only) • Possible subjectivity to Regulation 212(e) - aka “two year home country physical presence rule” • J-2 Dependents CAN study and work in the US after obtaining work authorization (EAD card) 	<ul style="list-style-type: none"> • Department works with our office. • Faculty Immigration unit issues immigration documents • Process approx. six weeks minimum • Entry visa often required, as person is usually outside the U.S.

***Immigrant Status (Green Card):**

A green card allows an international person to stay indefinitely in the U.S. After five years as an immigrant (Green Card holder) based on employment, they may apply for U.S. citizenship.

There is a unique route to a Green Card designed specifically for university teachers (Special Handling). This is the preferred method of obtaining a green card for *teaching-faculty* whenever the situation permits use of this option. However, the petition must be filed with the Dept. of Labor (DoL) within 18 months of the offer letter, and the petition must have been advertised on **PAPER** in a national journal. **At NDSU, the process for obtaining this type of Green Card must be initiated within 15 months of the date of the offer letter. Other options used by NDSU when sponsoring employment-based permanent immigrant status are determined on an individual-case basis.**

Please consult the Faculty Immigration unit for advertising requirements related to Green Card sponsorship. (ndsu.immigration@ndsu.edu)