

## 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 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 Office, 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 Office before extending a verbal offer and/or final offer letter.** Contact us at [ndsuiimmigration@ndsu.edu](mailto:ndsuiimmigration@ndsu.edu)

Visa Status	Appropriate Uses	Limitations	Procedures
<b>H-1B</b> Specialty Occupation	<ul style="list-style-type: none"> <li>Tenure Track Faculty</li> <li>Permanent Research Positions</li> <li>Permanent Lecturers</li> <li>Other specialized occupations</li> </ul>	<ul style="list-style-type: none"> <li>6-yr time limit</li> <li>Dept. pays <b>\$1,280 filing fees</b> to USCIS</li> <li>USCIS adjudication times vary</li> <li><b>Optional \$2,805 premium processing</b> available, which guarantees response from USCIS within 15 business days (employee can pay depending on scenario)</li> <li><b>Generally, H-4 Dependents can study, but CANNOT work in the US</b></li> <li>Certain <b>H4 dependent spouses</b> can work with employment authorization from USCIS (<b>limited exception; Employee should speak with Faculty Immigration unit</b>)</li> </ul>	<ul style="list-style-type: none"> <li>Department works with our office in petitioning for Dept. of Labor (DoL) approval and subsequent Dept. of Homeland Security (DHS) approval</li> <li>Immigration document issued by DHS/USCIS</li> <li>If int’l person is outside U.S., he/she must apply for an H-1B entry visa at U.S. Consulate abroad</li> </ul>
<b>TN</b> NAFTA - USMCA	<ul style="list-style-type: none"> <li>For <b>citizens of Canada and Mexico, only</b></li> <li>Teaching and research in specific professional positions</li> <li><a href="#">TN- eligible Professions</a></li> </ul>	<ul style="list-style-type: none"> <li>3-yr time limit, with unlimited extensions</li> <li><b>DOES NOT APPLY TO CANADIAN LANDED-IMMIGRANTS</b></li> <li><b>TN-applicant must hold Canadian citizenship</b></li> <li><b>TD Dependents can study, but CANNOT WORK in the US</b></li> </ul>	After position has been determined to be eligible for TN status... <ul style="list-style-type: none"> <li>Canadian citizens apply for TN <b>status</b> at the Port of Entry to the U.S. (no visa required for Canadian citizens)</li> <li>Mexican citizens must work with Faculty Immigration to apply for a <b>TN-visa stamp</b></li> </ul>
<b>F-1 OPT</b> (Int’l Students with Optional Practical Training)	<ul style="list-style-type: none"> <li>Typically used by international postdoctoral/post-graduate students for initial employment after degree program</li> <li>Allows employment in field of study after degree completion</li> </ul>	<ul style="list-style-type: none"> <li>Up to 12-months of work authorization (OPT)</li> <li>Additional 24-month extension available to those with STEM degree (determined by CIP code on I-20)</li> <li><b>F2 Dependents CANNOT work</b></li> <li><b>F2 Dependents CAN study – with limitations</b></li> </ul>	<ul style="list-style-type: none"> <li>Int’l Student must get authorization from their DSO (int’l advisor) at their home institution, after course completion</li> <li>Work permission granted in form of an Employment Authorization Document (EAD card).</li> </ul>
<b>J1</b> Exchange Visitor	<ul style="list-style-type: none"> <li>Positions of a <b>temporary</b> nature</li> <li>Grant-funded research</li> <li>Short-term scholars</li> <li>Visiting scientists and researchers</li> </ul>	<ul style="list-style-type: none"> <li>Up to 5-yr maximum (depending on scholar category)</li> <li>Possible subjectivity to Regulation 212(e) - aka “Two Year Home Country Residency Requirement”</li> <li><b>J-2 Dependents CAN study and work in the US after obtaining work authorization (EAD card)</b></li> </ul>	<ul style="list-style-type: none"> <li>Department should contact us at least 90+ days in advance</li> <li>Faculty Immigration unit issues immigration documents</li> <li>Entry visa often required</li> </ul>