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 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

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<th>Visa Status</th>
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<td><strong>H-1B</strong></td>
<td>• Tenure Track Faculty&lt;br&gt;• Permanent Research Positions&lt;br&gt;• Permanent Lecturers&lt;br&gt;• Other specialized occupations</td>
<td>• 6-yr time limit&lt;br&gt;• Dept. pays $960 filing fees to USCIS&lt;br&gt;• USCIS adjudication times vary&lt;br&gt;<strong>Optional $2,500 premium processing</strong> available, which guarantees response from USCIS within 15 business days (employee can pay depending on scenario)&lt;br&gt;<strong>Generally, H-4 Dependents</strong> can study, but <strong>CANNOT work in the US</strong>&lt;br&gt;<strong>Certain H4 dependent spouses</strong> can work with employment authorization from USCIS (limited exception; Employee should speak with Faculty Immigration unit)</td>
<td>• Department works with our office in petitioning for Dept. of Labor (DoL) approval and subsequent Dept. of Homeland Security (DHS) approval&lt;br&gt;• Immigration document issued by DHS/USCIS&lt;br&gt;• If int’l person is outside U.S., he/she must apply for an H-1B entry visa at U.S. Consulate abroad&lt;br&gt;<strong>After position has been determined to be eligible for TN status...</strong>&lt;br&gt;• Canadian citizens apply for <strong>TN status</strong> at the Port of Entry to the U.S. (no visa required for Canadian citizens)&lt;br&gt;• Mexican citizens must work with Faculty Immigration to apply for a TN <strong>visa stamp</strong>&lt;br&gt;<strong>Note:</strong> If position is in Critical Shortage occupations, please contact the Faculty Immigration unit before extending an offer. The world of technology and sciences is changing rapidly, and flexibly defined eligibility is needed.</td>
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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. The below eligibility criteria must be met to be considered for sponsorship in this category:

1. Position must be full-time and permanent;
2. Position must have been advertised in a national, professional journal;
3. Paid advertisement must have been posted for at least 30 calendar days;
4. 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 10 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.