

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 Provost Office, 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.

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 US Dept. of Labor USCIS average processing time for approval notice is 8+ months Optional \$1,225 premium processing available, which guarantees response from USCIS within 15 days (employee can pay) 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) 	<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 foreign national is outside U.S., he/she must apply for an entry visa (H-1B) at U.S. Consulate abroad.
TN Trade NAFTA	<ul style="list-style-type: none"> For Canadian and Mexican citizens in specific professional positions Teaching and research quality For a list of TN NAFTA Professions, contact the Faculty Immigration staff 	<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"> 12-month time limit 24-month extension possible for those with STEM degree 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 permission after studies. 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 Faculty Immigration staff to have immigration documents issued Process takes about 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. 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.