

## IMMIGRATION FAQs for DEPARTMENTS

### Hiring International Faculty and Sponsoring International Visitors at Seattle University

#### Who is an 'international' employee?

For immigration purposes, an international employee is someone who requires a non-immigrant visa that permits lawful employment with the University. U.S. citizens and permanent residents ('green card' holders) are not 'international' in this sense, regardless of their nation or country of origin.

#### What immigration services does the Office of Global Engagement provide?

The Office of Global Engagement is responsible for providing immigration information and documentation services for SU departments and hiring units that want to sponsor and hire an international employee – whether for a temporary or a permanent position. Questions regarding international students go to the International Student Center. We are the “first point of contact” in hiring and recruitment processes where international candidates may be involved.

We also assist individual international faculty with visa- and immigration-related issues, and we work with the University's schools, departments, and administrative units to ensure SU compliance with immigration rules and regulations.

#### If my department wants to sponsor a foreign national for a paid position, what should we do first?

Please contact the Office of Global Engagement for a consultation with Nathan Foster, Program Coordinator for Global Engagement, at [fostern@seattleu.edu](mailto:fostern@seattleu.edu) or (206) 220-8523.

#### What visa type should we request for an international employee?

An international employee may be sponsored under one of a number of different visa categories. Which category is suitable or appropriate will depend on a number of factors, including the employment position, the offered wage, the individual candidate's employment qualifications and U.S. immigration record, and other factors. Please contact the Office of Global Engagement for guidance and advice since even similar cases may require different procedures.

#### What are the different visa types used to sponsor international employees?

Seattle University usually sponsors international faculty and employees using either the J-1 Exchange Visitor visa or the H-1B Temporary Worker visa. In general, the J-1 visa is used to sponsor visiting international faculty – i.e., faculty or scholars who will teach/lecture here on a temporary basis before returning their home countries. We

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may use the H-1B visa when the J-1 is not available or appropriate, or for persons hired for permanent (tenure/tenure-track) employment.

Note that there are additional options for citizens of Canada and Mexico under the terms and provisions of the NAFTA treaty. Please consult with the Office of Global Engagement for additional information.

### **What are the main differences between the J-1 visa and the H-1B visa?**

The J-1 visa process is somewhat 'faster' than the H-1B because the Office of Global Engagement is able to issue a visa certificate directly to a visiting international faculty member so he/she may apply for a visa. The H-1B, however, requires an extensive application process, with various components subject to review and approval from the U.S. Department of Labor and the U.S. Citizenship and Immigration Services. This process, which usually takes 4-5 months or more, also carries a variety of government filing fees that the University is required to pay. H-1B visas can only be used, moreover, for positions that require a minimum of a bachelor's degree and which meets certain salary and wage requirements.

However, the J-1 is a temporary non-immigrant visa – it cannot be used to sponsor permanent, tenure-track faculty. Also, the J-1 sometimes imposes immigration restrictions on the faculty member, limiting his/her eligibility to return to the U.S. in the future (the J-1 is designed to encourage visitors to return home for a period of time before coming back to the U.S.). For this reason, the J-1 is not ideal for someone who may wish to seek long-term employment in the U.S., whether at SU or elsewhere..

### **What about costs and processing times for J-1 and H-1B visas?**

Immigration documents for J-1 faculty and researchers are produced by the Office of Global Engagement. We recommend that you contact us three to four months (and a minimum of two) before the employee is expected to start employment. There is no cost to departments except for the cost of international express mail.

The H-1B is a multi-step application involving submissions to both the U.S. Department of Labor and the U.S. Citizenship and Immigration Services, which is a part of the U.S. Department of Homeland Security. Departments should initiate the H-1B process four to six months before the employee is expected to start employment. The H-1B application comes with filing fees to the U.S. Department of Homeland Security ranging from a minimum of US \$325 (for an extension application) to \$825 for an initial application (current as of July 2013). Processing times take about three to four months, although there is an option to expedite processing with payment of a \$1,225 additional 'premium processing' fee.

Note that per University policy, schools and departments are responsible for the costs of all H-1B filing fees for non-tenure track faculty hired to meet temporary staffing needs. For filing fees for an employee hired to a tenure track position, please contact the Office of Global Engagement.

### **Are there special procedural requirements for persons hired with tenure or to a tenure-track position?**

Yes! Tenure-track employees may be sponsored concurrently for both an H-1B temporary visa and for U.S. permanent residency ('green card'). Please contact the Office of Global Engagement and consult the *Immigration*

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*Handbook* for detailed information about procedures specific to tenure-level faculty. While the documentation requirements for the H-1B visa are fairly straightforward, the hiring process for tenure-track faculty must be carefully executed from the recruitment to the post-hire stage, in order to ensure a smooth and efficient application for U.S. permanent residency. Hiring departments should consult with the Office of Global Engagement before the recruitment process begins, rather than wait until after it is done.

**A professor in our department wants to invite another faculty member from overseas to SU. That person won't be teaching or working for SU, just doing independent research and observation. Is there a visa type for this situation?**

Yes. It depends on how long the visitor will be here. If it's less than three weeks, the visitor will have to come on a visitor's visa as a 'business visitor,' or on a 'visa waiver' if he/she is from a visa waiver country. If the stay will be longer than three weeks, we can sponsor the faculty member as a J-1 visiting research scholar. Please contact the Office of Global Engagement for more information. J-1 research scholars can't be paid, are expected to receive work space from their host departments, and have only limited library and athletic facilities privileges.

**Our department wants to hire a non-SU international student who has an F-1 visa and is on optional practical training. Is this permitted?**

An international student on an F-1 student visa may be eligible for either curricular practical training (CPT) or optional practical training (OPT). Both are immigration benefits that allow an international student in lawful status to work for a period of time to get training in his/her field of study. In most cases, SU departments are likely to encounter international students on OPT, which can be used immediately completion of studies. A student who has been given OPT will have a valid Employment Authorization (EAD) card issued by the U.S. Citizenship and Immigration Services, and can only work in his/her major field of study.

Your department may hire an F-1 student on practical training, but the student should complete a check-in procedure with the Office of Global Engagement. Also, keep in mind that OPT limits are non-extendable beyond a 12-month maximum (or 29 months for certain STEM fields). If the F-1 student will be employed at Seattle University beyond the expiration of the authorized period of OPT, your department will need to initiate procedures to request H-1B sponsorship on behalf of the student.

**How do I get more detailed information on immigration processes and procedures for hiring or sponsoring international faculty, visitors, or employees?**

Contact the Office of Global Engagement at (206) 220-8523, and ask for our *Immigration Hiring Guide: Department Handbook*.

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