

SOUTHEASTERN UNIVERSITY

GENERAL ADMINISTRATIVE POLICY

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TITLE: H1B Visa Sponsorship Requests

POLICY NUMBER:

EFFECTIVE DATE:

REVISION DATE:

ACCREDITATION STANDARDS:

POLICY:

An H1B Visa allows foreign nationals an opportunity to work temporarily in the U.S. in a “specialty occupation” for a maximum of six years. Any full-time position requiring a Bachelor’s degree or higher can be considered for H1B Sponsorship. H1B Sponsorship is not available for adjunct, part-time, or temporary positions. Exceptions to the above criteria will only be considered under extraordinary circumstances on a case-by-case basis.

PURPOSE:

To provide guidance to departments that desire to hire a foreign national through an H1B visa status. The policy also applies to H1B visa renewal for current SEU employees.

SCOPE:

This policy applies to all employees of the University in any department seeking to hire a foreign national. The policy also applies to all employees currently working in H1B status seeking to renew or extend an existing H1B visa.

DEFINITIONS:

H1B Visa - Allows foreign nationals an opportunity to work temporarily in the U.S. in a “specialty occupation” for a maximum of six years.

Foreign National - Any person other than a U.S. Citizen or legal resident alien

Beneficiary - The foreign national seeking to obtain an H1B visa

FORMS AND APPLICABLE DOCUMENTS:

1. H1B Department Request Form - Part A (Faculty)
2. H1B Candidate Profile Form - Part B (Faculty)
3. H1B Department Request Form - Part A (Staff)
4. H1B Candidate Profile Form - Part B (Staff)

PROCEDURES:

The process for hiring a candidate in an H1B status or renewing an H1B visa of a current employee may not begin until clearance is given by the Executive Committee and Board of Regents for faculty positions or the Executive Committee for staff positions approving the candidate for SEU employment. The same approval process and procedures for hiring non-immigrant employees still apply and must first be followed prior to initiation of an H1B request. A tentative offer of employment may be made to a candidate

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following employment approval; however, the offer must be tentative until the USCIS grants final approval of the H1B Visa.

Internal H1B Approval Process

Following approval for a faculty hire or contract renewal, H1B requests will be reviewed and approved first by the Department Chair and Dean of the requesting department, secondly by the Vice President for Academic Affairs, thirdly by the Executive Committee, and finally by the President and Board of Regents.

Following approval for a staff or administrative hire, H1B requests will be reviewed and approved first by the Director of the requesting department, secondly by the appropriate Vice President, and finally by the Executive Committee.

Authorization to Sign

The Office of the President has the authority to sign H1B documents on behalf of Southeastern University. In the case of absence, the authority to sign is given to the Vice President for Finance and Administration.

Procedures for Requesting an H1B Visa

1. Obtain approval to hire a candidate through regular hiring process.
2. Following approval to hire a candidate, the employing department would initiate a request for approval of an H1B sponsorship by completing the H1B Department Request Form - Part A and attach all required supporting documentation to the form. Once all signatures are obtained, the packet should be submitted to Human Resources along with a letter including the following information:
 - a. Rationale for the request
 - b. Statement describing the individual's special abilities
 - c. Evidence of department funding (at least 3 years' salary plus H1B costs - see USCIS Fees section)

The H1B candidate should complete the H1B Candidate Profile Form - Part B and attach all supporting documentation to the form. This form must be submitted in the same packet as the H1B Department Request Form.

3. Once all documentation is compiled and all approval signatures obtained, the requesting department should schedule a meeting with the Benefits Coordinator in Human Resources to review the file and discuss the next steps in the filing process.

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4. Human Resources will then work with the hiring department, the beneficiary, and attorney to begin the application process with USCIS. SEU currently utilizes the law firm, Gorman Miotke & Associates, P.A., for legal immigration proceedings. If the beneficiary chooses to utilize the services of the selected legal counsel, the legal fees will be provided at no cost to the beneficiary. If the beneficiary chooses to utilize his/her own legal counsel, the beneficiary will be reimbursed up to an established University limit for incurred legal costs.

USCIS Fees and Legal Requirements

The requesting department is required to pay the following fees for processing an H1B Visa application:

1. I-129 Petition and Labor Condition Application - \$320
2. Fraud Fee - \$500
3. Legal Fees - \$1000 - \$2000
4. Premium Processing (optional) - \$1000
5. Return Transportation (conditional): \$800-\$2000

The requesting department would be required to present in the original request, evidence of budgetary allowance for the above listed fees with the exception of premium processing (Item 4), which can be paid by the H1B applicant. Pursuant to the Department of Labor regulations, sponsoring employers cannot require or allow a foreign national to pay employer/university-related fees for Items 1, 2, or 3 listed above. Fees indicated are current as of November of 2008.

For Item 5 listed above, note that if a foreign national is hired in an H1B status and is terminated before the end of the H1B term, the employer is required to pay the cost of one-way transportation to return the employee to his/her home country. The cost of this transportation must be included in the original request indicating evidence of department funding.

APPROVAL:

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DISTRIBUTION:

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