**Notes Regarding Hiring International Faculty Who Need Visa Sponsorship**

**(In consultation with Attorney Aaron Blumberg with Fragomen Worldwide)**

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The university may not discriminate on the basis of national origin. However, the university can choose not to hire someone based on the fact that they require sponsorship for an employment visa.

* Every FAU faculty job application asks the question “Will you now or in the future require sponsorship for employment visa status?” Hiring committees can see this answer on the “Applicant Information” form. (A link to this form is shown under each applicant’s name in the job posting summary list of applicants that the search committee members can access.)

Fees for visa/green card sponsorship:

*H1B Visa*

* $960 in filing/antifraud fees paid by department/college
* $1,225 additional fees if the case must be expedited (this can be avoided in most cases with appropriate notice)

*Green Card*

* $750 in labor certification fees that legally must be paid by the department/college
* ~$7,500 in other fees that may be paid by entirely by the employee, entirely by the employer, or split between employer/employee. Generally these are paid by the employee, but this may be negotiated. The College of Business does not have a history of paying this.

Foreign doctoral students studying in the US under an F1 visa often are eligible under OPT (Optional Practical Training) to work in the U.S. for one year post graduation before requiring sponsorship for a visa or green card.

* For those with one-year OPT status, the department should file *immediately upon acceptance of the offer* (do not wait until they start work) to begin the H1B visa application process, to avoid the additional fees for expediting the process if the process is started later

H1B visas are good for three years, and can be renewed for another three years (the fees must be repaid at each renewal.)

Green card sponsorship requires:

(1) that the search was advertised nationally, and

(2) that it can be demonstrated/documented that the candidate was the best person to hire within the certified pool of applicants.

* For a faculty member, this can be demonstrated with evidence such as “the candidate’s research aligned best out of the applicant pool with the posted job requirements,” or “the candidate interviewed the best out of the applicants.”

Green card applications must be filed within 18 months ***after the date of the job offer*** – NEITHER after the date they accept, NOR after the employment start date. This means that the application process must be initiated by the department in collaboration with the attorney’s office ***NO LATER THAN 12 MONTHS AFTER MAKING THE OFFER*** to allow sufficient time to meet the application deadline.

* If the application deadline is missed, the university must start all over – start a new search, re-advertise the position, go through review of all applicants, and show that the employee is still be best qualified for the position out of all the new applicants.

The rules are essentially the same for tenure and non-tenure track faculty lines. However, they differ for visiting or adjunct positions.