

Employing internationals in professional faculty and staff positions

After accepting a position, any new employee must provide the employer with evidence of his/her identity and eligibility to work in the United States. The H-1B visa allows non-citizens who are professionals in specialty occupations to work in their fields of expertise. This classification includes university faculty members. H-1B visa regulations require the employer to pay at least the prevailing wage for the position and to assume liability for return transportation costs of the employee if employment is terminated during the approved period of the H-1B visa.

The petition for H-1B classification is filed by the employer who requires the services of a non-citizen in a faculty position. At Murray State, this petition is handled through the Human Resources office. Murray State University contracts are issued on a yearly basis however the H-1B visa may be approved for up to three years and may be renewed for a total employment period of six years.

Once the interview process has begun and an international candidate is being considered as a serious candidate, the hiring department should contact the Human Resources office as soon as possible for important information regarding the H-1B application process. Processing time for an H petition varies from one jurisdiction to another, but generally ranges from 120 to 180 days; therefore, it is important that the petition be filed early enough to ensure that the employee will be available to begin work when needed. The employee will not be eligible to begin work at Murray State until the H-1B visa has been approved.

The Human Resources office will prepare all paperwork to obtain the H-1B visa approval. The first step is the Prevailing Wage Information Request which is processed through the Department of Employment Services in Frankfort. The employer is required to pay the higher of the actual or prevailing wage for the position as determined by the Department of Employment Services.

The Labor Condition Application (ETA 9035) is processed through Atlanta and includes the prevailing wage information obtained from Frankfort. On this form, the University must agree to pay at least the prevailing wage for the position and "accepts liability for the reasonable costs of return transportation of the alien abroad [last place of foreign residence] if the alien is dismissed from employment by the University before the end of the period of authorized admission as stated in the H-1B application."

After the Labor Condition Application has been approved, the Petition for Non-Immigrant Worker (I-129) is processed. The I-129 must include supporting documentation such as the offer letter, credentials of the employee and information about the department and the University. A filing fee of approximately \$320 and a \$500 anti-fraud and detection fee (paid by the hiring department) must be included with the I-129. The USCIS (U.S. Citizenship and Immigration Services) will notify the hiring department that the petition has been approved in the Notice of Action. The USCIS, if requested, will also notify the consulate in the applicant's home country to issue the H-1B visa to the applicant. After approval of the I-129 has been received, the hiring

department should prepare the Murray State Personnel Action form to complete the employment process.

TN Visa Application (Canadian citizens)

The TN visa is applicable only to Canadian citizens. The employee must provide proof of eligibility for the TN visa, complete forms, and pay the \$50 fee at the port of entry into the United States. Required proofs include evidence of degrees, certifications, references from employers or peers, and a letter of appointment from the U.S. employer stating the professional capacity in which the applicant will be employed. TN visas are issued for one year and must be renewed annually for the term of the position.

If you have questions about the H-1B visa or TN visa process, please call Teri Ray in the Human Resources office at 2156.