

H-1B Visa Sponsorship

What is an H-1B?

The H-1B nonimmigrant category was established for alien personnel who temporarily come to the U.S. to perform services in “specialty occupations” for which the alien employee is qualified. A “specialty occupation” is defined as work that requires: *theoretical and practical application of a body of highly specialized knowledge, and attainment of a minimum of a bachelor's degree as a requirement for the specialty occupation.*

Note: These personnel can hold permanent positions as long as they depart the U.S. when the authorized period of stay expires or another valid nonimmigrant or immigrant status is obtained.

An H-1B petition establishes that Columbus State University can hire a specific alien employee for a “specialty occupation” and that the individual qualifies for the occupation.

What positions qualify for H-1B sponsorship?

H-1B status is reserved for “specialty occupations”, defined as those requiring a Bachelor’s degree as the minimum requirement for the profession. Pursuant to Department of Labor regulations, CSU must pay the higher of the actual or prevailing wage for the position. CSU will only sponsor individuals for H-1B whose positions meet these requirements and who have obtained at least a Bachelor’s degree in the appropriate field. Additionally, CSU limits its H-1B sponsorship to full-time positions with an initial appointment of at least one full academic year for faculty or one full year for staff. Please contact Human Resources directly to determine if a position is H-1B eligible.

Who is eligible for H-1B sponsorship?

To be eligible for H-1B sponsorship, a foreign national must meet the minimum requirements for the position in question. This includes degrees, licenses, certification and experience. Foreign degrees must be evaluated for their U.S. equivalent. All qualifications must be met at the time of the filing of the H-1B petition.

Who needs to file an H-1B petition?

As H-1B is an employer-sponsored status, the hiring department is responsible for starting the H-1B process. HR will only petition for qualified personnel whom the department wishes to employ. The hiring department must begin this process on behalf of new and continuing personnel.

Who determines whether or not a position is eligible for sponsorship?

A decision about whether a position will be eligible for sponsorship for an H-1B visa will be made by the Dean of the Faculty in consultation with the department chair during the hiring process. There is no mechanism for transferring an H-1B visa from another employer. If the college decides to hire someone who is working for another employer on an H-1B visa, we still must go through the entire H-1B application process.

How much does sponsorship cost?

Sponsorship requires the department to pay all filing and legal fees which vary on a case-by-case basis. Premium processing is available for \$2,500. **All fees must be paid by the department. H-1B salary requirements may require adjustments (increases) to salary offered as well.**

How long does it take to hire an employee requesting to be in H-1B status?

The process for securing an H-1B visa takes three to six months.

How long is an H-1B valid?

An initial H-1B petition can be approved for a maximum of three (3) years with the possibility to extend up to a maximum period of six (6) years.

What obligations does an H-1B sponsor have?

An employer sponsoring an employee for H-1B status is obligated to employ the H-1B beneficiary. Any change in duty, title or salary must be cleared by Human Resources to ensure compliance with DHS and DOL regulations. Changes may

require an amendment to the H-1B petition. Early termination of an employee in H-1B status may incur an obligation to fund the employee's return to their home country.

Can an employee seek both permanent residency and H-1B status at the same time?

Yes. Permanent Residency is considered an immigrant category, while an H-1B is considered a nonimmigrant category.