

Employment Guidelines for Inviting to Campus Addendum

These are general statements and do not cover all the requirements.

If the professor/research scholar is a non-resident currently working in the US at another institution:

- If the person is currently on a J-1 visa sponsored by another institution, we will need to initiate a transfer of the J-1 visa BEFORE the expiration of the current authorized stay as noted on the Form DS2019.
- If the visitor is on an F-1 student visa (such as a PhD candidate), Bunny Goodjohn will have to work with the student's sponsoring institution to ensure that the student is able to work off-campus.
- If the department and the College wishes to sponsor a person for an H1-B visa, **the candidate** will need to consult an immigration lawyer. We are in the process of revising these procedures and will keep you apprised of any major changes.
- Be advised that procurement of an H1-B visa may take six months or more. This process can be expedited using premium processing.

J-1 Visa – Exchange visitors and scholars

- Exempt from FICA
- Annette Stadtherr of Lynchburg College is the Responsible Officer (RO) – She will process the proper documents; Bunny Goodjohn is the main contact, (but Sharon Saunders in Human Resource and Sandy Vaglio in Business Office should be copied) with information about the scholar and/or questions.
- Some scholars will be subject to a two-year home residency requirement following their J-1 employment.
- College provides an international tax document.

TN – For Canadian or Mexican Citizens

- Put in place by the North American Free Trade Agreement (NAFTA).
- TN employment must be in a profession listed in Appendix 1603.0.1 to NAFTA.
- No annual limit on admissions from Canada or Mexico.
- Canadian citizens do not need to obtain a TN visa. They present themselves at the border with required documentation.
- Mexican citizens, the College must file and obtain approval of Form ETA 9035 and Form I-29. The process is very similar to obtaining and H1B, requiring prior approval by the immigration service.
- Can extend each year indefinitely, provided that the stay remains temporary in nature.

H1-B Visa – For Specialty Workers

- Person is usually hired for a tenure track position. College pays a filing fee, along with some other required fees. Mark Rhodes mrhodes@lawmh.com is the College immigration attorney out of Richmond, VA.
- Working visa with a renewal every three years; cumulative duration is six years. Then the worker must leave the USA, unless they have taken steps to obtain permanent residence.
- Employer must petition for H1-B on Form I-129, supplement H to form I-129 and Form I-129W
- An I-129 petition may be submitted up to six months prior to the employment start date.
- The College may have to wait to employ the scholar until BCIS approves the I-129 petition and the scholar obtains H1B status.
- The candidate is urged to consult an immigration lawyer; candidate must pay this cost.
- H1-B and green card process – individuals have 18 months from the date of the search committee decision to hire date to start process of applying for green card (legal permanent residence) 18 months before the H1B expires.
- Special handling – can hire a foreign national versus a U.S. citizen as long as they are the best qualified for the position. Department of Labor will not second-guess the College.
- Must maintain a Public Access File for this group of personnel. File must include:
 1. Posting notice with date included
 2. Document showing “prevailing wage paid to U.S. workers” for same particular job
 3. LCA (Form ETA 9035)
 4. Give a copy of ETA9035 – receipt statement indicating that scholar was given a copy of Form ETA 9035
 5. Statement of wage rate
 6. Benefits summary
 7. Note any change in wage

If the H1B leaves the College early (Human Resources)

- Human Resources must notify Immigration and the Department of Labor
- The College is responsible for the cost of return transportation to the worker’s home country, if the H1B is dismissed before petition period expires. If the worker voluntarily resigns, the College is not liable for the transportation cost.
- If dismissed, the worker must depart the U.S. unless they have secured another H-1B sponsorship or changed immigration status.

Include in contract letter (Dean of the College)

- The visiting faculty person will be responsible for obtaining a required U.S. Social Security Number in order to be paid in the United States.
- The visiting faculty person is responsible for knowing and following BCIS regulations.