



HIRING INTERNATIONAL EMPLOYEES

Work Authorization Sponsored by Gordon State College:

Gordon State College sponsors work authorization for all faculty members (members of the corps of instruction) who are not U.S. citizens and require employer sponsorship to secure authorization to work at Gordon State College.

Types of work statuses Sponsored by Gordon State College:

Gordon State College sponsors H-1B work authorization for most international faculty. Some types of statuses held by foreign persons in the United States are referred to as “non-immigrant” statuses, meaning that they are held by people who do not presently intend to immigrate to the U.S. If you hold a non-immigrant status, depending on the type of nonimmigrant status you hold, it can be difficult to become permanent resident (green card holder). An H-1B status, however, allows for dual intent -- meaning that H-1B status holders can apply for permanent resident status (green cards) even though they are considered to be non-immigrants.

Gordon State College may consider sponsoring other types of statuses depending on a faculty member’s citizenship and country of birth, although an H-1B is generally preferable from the College’s perspective.

Application Process:

The Human Resources Department (HR) at Gordon State College coordinates the process of obtaining work authorization. If you accept a job offer to become a professor or instructor at Gordon State College, the Vice President of Academic Affairs will contact HR and make a request to begin the H-1B process. HR will contact you to obtain information and documents needed to begin this process. HR will forward your information to outside attorneys who specialize in immigration matters. The outside attorneys will work with Gordon State College and with you to prepare and file a petition with the U.S. Citizenship and Immigration Services (“USCIS”) requesting, on behalf of Gordon State College, that you be approved for H-1B work authorization and status. Generally, HR will be your point of contact throughout this process, although we may put you in touch directly with our outside immigration attorneys as needed.

We sometimes refer to this process as obtaining a “visa,” but what we actually obtain is a Notice of Action from USCIS and a new I-94 card for the applicant, showing the USCIS has approved the H-1B petition. These documents authorize Gordon State College to employ you. An actual visa is the stamp/sticker issued by a U.S. Consulate in your passport. Depending on whether you are already in the United States or not, you may not need to obtain a new visa in your passport in order to begin working with Gordon State

College in the United States. However, generally, you will need to schedule an appointment at a U.S. embassy or consulate in order to obtain an actual H-1B visa in order to reenter the United States after your H-1B status has been approved by the USCIS.

Validity of Work Authorization:

Gordon State College typically sponsors faculty members for H-1B work authorization. An initial H-1B can be requested for up to three years, and then can be extended for an additional three years. Thus, a faculty member can hold an H-1B for up to six years, provided they did not hold H-1B status sponsored by any previous employers. If you have not taken steps to begin the permanent residency process before the end of your fifth year of H-1B status, however, it may be difficult for Gordon State College to continue your employment.

Payment for Work Authorization:

Gordon State College will pay the attorneys' fees and filing fees needed to obtain H-1B work authorization for faculty members. You must pay all additional fees associated with obtaining an actual H-1B visa in your passport. If a faculty member needs a different type of non-immigrant status, the allocation of costs will be decided on a case-by-case basis.

Two to three weeks are generally needed to gather information and prepare an H-1B petition. Once an H-1B petition is filed, USCIS may take several months to approve it. Thus, unless we are able to file an H-1B petition on your behalf in a timely manner, there is a chance that USCIS will not approve your H-1B before the beginning of the academic year. If you are presently in valid H-1B status with another employer, you may be eligible to begin work with Gordon State College upon the filing of a new H-1B petition and you may not require an actual approval notice to begin working. However, generally, **you cannot complete employment paperwork, receive keys or computer access, or teach or attend classes until you have been approved for a status authorizing your employment with Gordon State College.**

Cost associated with the H-1B process:

Current fees include:

- \$325 I-129 Petition for a Non-immigrant Worker (required for all H-1B petitions)
- \$500 Fraud Prevention Fee (for initial H-1B petitions only)
- \$1225 Premium Processing (optional) which guarantees expedited 15-day processing of H-1B petitions.

USCIS normally takes approximately 3-4 months to process, review, and adjudicate an H-1B petition. Premium processing means that USCIS will process your petition in 15 calendar days and may be necessary if you are late applying for your visa or if the USCIS falls behind in evaluating applications.

At the time that Gordon State College Human Resources contacts you, you will be given information that identifies the process, required documents, and the schedule by which they must be provided. Unless you meet the requirements of the schedule proposed by HR, you will be expected to pay the \$1225 fee when premium processing is needed.

Dependent Family Members:

Gordon State College will not bear the costs of any applications needed to allow your spouse and other dependents to obtain H-4 authorization.

Optional Practical Training and Curricular Practical Training:

Gordon State College occasionally recruits faculty members who are in the process of completing graduate work at other U.S. universities. International graduate students normally hold F-1 status, sponsored by the College or University that granted (or that will grant) the student's graduate degree. Students holding F-1 status are authorized to work for the institution where they are enrolled up to 20 hours per week. By itself, F-1 status does not permit graduate students to work at Gordon State College, however, persons in F-1 status may work at Gordon State College if they hold specific authorization through Curricular Practical Training or Optional Practical Training authorization.

Curricular Practical Training ("CPT") can authorize an F-1 student to work at another institution (like Gordon State College) and to receive academic credit for doing so from the student's degree-granting institution. CPT must be approved by a student's academic advisor as well as by USCIS. Because an F-1 student gets academic credit for CPT, the student must pay tuition to the degree-granting institution. CPT can be used to permit new faculty members to begin working at Gordon State College while they complete their graduate degrees. F-1 students must apply for CPT through their degree-granting institutions. CPT authorization will be shown by notation on the F-1 students' Form I-20.

Optional Practical Training ("OPT") authorizes an F-1 student who has completed their degree requirements to work in their area of study for up to 12 months. OPT is designed to give F-1 scholars an opportunity to apply knowledge gained in the classroom to a practical work experience at another institution (like Gordon State College). F-1 scholars must apply for OPT through their degree-granting institutions. While an OPT recommendation will appear on the F-1 students' Form I-20, an F-1 student is not authorized to begin working without an employment authorization card from USCIS in hand. It can take up to 90 days for the employment authorization card to be issued by USCIS after the application is submitted.

If you have F-1 status, there are two potential advantages to applying for CPT or OPT. First, you may be able to get CPT or OPT approval in less time than it would take Gordon State College to get H-1B approval on your behalf. Thus, if time is an issue, CPT or OPT *may* allow you to begin work without paying for premium processing of an H-1B petition. In certain cases, you may not be able to travel outside the U.S. while using your CPT or OPT authorization. If you begin work in CPT or OPT status, however, Gordon State College can still file an H-1B petition on your

behalf and request that H-1B status (which generally permits travel outside the U.S.) to become effective as soon as the petition is approved. If you need to travel, please be sure to let our immigration attorneys know the dates you desire to travel outside the United States so they may work with you to determine the best course of action.

Second, if you are being employed in a temporary position, CPT or OPT authorization will allow you to work for up to one year without converting to an H-1B. Generally, you cannot hold H-1B status for longer than six years, and using CPT or OPT will permit you to begin work without “using up” any H-1B time.

Finally, if you have F-1 and OPT status and your most recent degree was in a Science, Technology, Engineering, or Mathematics field that has been listed on the “STEM Designated Degree Program List” you may also be eligible for a 17 month extension of your OPT status and employment card. F-1 scholars must apply for this OPT extension through their degree-granting institutions and such an employment card application must be submitted to USCIS in advance of the date the current employment card expires. However, once the employment card application is submitted to USCIS, the F-1 scholar is authorized to continue working while awaiting the new card to be issued.

Degree Requirements for Work Authorization:

At the time of interview, some new faculty members have not yet completed all of the requirements for the terminal degree required for the position. Unless your position does not require a terminal degree, or the advertisement for the position allows ABD (All But Dissertation), it is imperative that you complete all of the requirements for your degree before the date specified in the advertisement for your position. For example, if the advertisement for your position states that the selected candidate must complete his or degree by the starting date, it is of critical importance that you do not miss this date. Though it is possible for us to secure temporary work authorization for faculty prior to completion of degree requirements, failure to complete a degree within the required time frame could negatively impact Gordon College’s ability to take advantage of streamlined processing for teaching faculty members’ permanent residence applications.

Legal Advice on Visa and Immigration Law Issues:

If you need legal advice, you should consult an attorney of your choice. No one at Gordon State College can give you legal advice on immigration issues. We cannot, and will not, represent or advise you or any of your family during the course of the any immigration processes (or in relation to any other legal matters). We can only: (a) explain what Gordon State College does with respect to obtaining work authorization for international faculty members; (b) provide an explanation of the non-immigrant and immigrant petition processes and related College policies and practices; (c) collect information and documents needed to prepare the necessary petitions; and (d) keep you informed regarding the status of any petitions filed on your behalf. Communications from the College do not constitute legal advice, however, and you should not rely on them on such. If you believe you require legal advice, you should consult a private immigration attorney. The Board of Regents does have in effect a standing agreement with a

private immigration law firm, Kramer & Alfano, P.C., which is authorized to represent the College in immigration matters and the State has an agreement for set legal fees with this firm for immigration services provided through this firm. You may utilize any attorney you wish in this process. However, any attorney representing Gordon State College must secure a specific appointment from the State Attorney General to represent the College before the USCIS (which would include filing any petitions in which the Gordon State College serves as the sponsor).

Green Card:

Gordon State College cannot represent, advise, or otherwise assist you in applying for permanent resident (“green card”) status. To become a permanent resident, you must file a Form I-485 (Application to Register Permanent Residence or to Adjust Status) and related forms with USCIS. Gordon State College does not pay for the Form I-485 petition, and we cannot give you legal advice or otherwise assist you with the Form I-485 process.

The employment-based green card process generally requires three separate applications, only the last of which is the Form I-485. Therefore, if you are a professor or instructor in a non-temporary position, Gordon State College will do two things that will help lay the groundwork for you to obtain permanent resident status based on your employment:

1. First, Gordon State College, after a one year academic appointment, will *consider* filing an application for Permanent Labor Certification (“PERM”) with the U.S. Department of Labor (“USDOL”). If you are interested in asking Gordon State College to sponsor you for this initial step in the green card process, **you must raise the matter with the Vice President of Academic Affairs**. There is an 18 month deadline after you are selected for your position (as indicated by the date of your offer letter) for such a case to be filed with the U.S. Department of Labor. A PERM application can take 60 days or longer to prepare, therefore it is important that you monitor the date of your offer letter accordingly. If Gordon State College does make the decision to sponsor your PERM application, the College will pay for the PERM application as is required by law, however it generally will utilize the services of the law firm listed earlier, Kramer & Alfano, P.C., to represent the College in this process. Processing times vary greatly, but generally USDOL takes at least three to four months to approve a PERM.
2. Second, after the PERM is approved, Gordon State College will file a Form I-140 (Immigrant Petition for Alien Worker) with USCIS. Gordon State College will not be responsible for paying the attorneys’ fees, filing fees or other costs related to the filing of a Form I-140 petition. The College generally will prefer the services of the law firm listed earlier, Kramer & Alfano, P.C., to represent the College in this process. However, you may utilize any attorney you wish. However, any attorney representing Gordon State College must secure a specific appointment from the State Attorney General to represent the College before the USCIS (which would include this type of petition, in which the Gordon State College serves as the sponsor). Processing times vary, but generally USCIS takes six to ten months (and often longer) to approve a Form I-140.

Generally, after USCIS approves the Form I-140 petition filed on your behalf and sponsored by Gordon State College, you will be eligible to apply for permanent residence through the filing of a Form I-485 (Application to Register Permanent Residence or to Adjust Status). Faculty members from some countries, however, are able to file their Form I-485 applications at the same time the Form I-140 petition is filed. Faculty members from some countries may face a wait before they will be eligible to file their Form I-485 application. It is possible to prepare and file the various permanent residency forms on your own, but we suggest that you retain an experienced immigration attorney to assist you. Upon request, we can give you the contact information for Gordon State College outside immigration attorneys, but you may utilize any attorney you wish.

(Note: The discussion above relates to an employment-based application for permanent residency. Permanent residency can be based on factors other than employment. Consult USCIS or an outside immigration attorney for more information.)