

Hiring Foreign Nationals

Updated: 7/09/2016

Purpose

To provide administrators a procedure in hiring foreign nationals on an H-1B status.

Policy

This policy complies with the University's Policy on Hiring Staff and Faculty, in the Office of Human Resources Chapter of the Handbook of Operating Procedures. A request to hire a foreign national is made by a University Administrator.

Procedures

1. The determination as to what type of visa best fits the foreign national and the short-term needs of the hiring department is made between the hiring official, the Office of Human Resources, and the designated outside immigration attorney office supporting UTEP.
2. In the event, the hiring official intends to employ the foreign national for longer than one (1) year, a temporary specialty worker (H1-B) visa may be requested. The H-1B visa is used for the temporary employment of a worker in a specialty occupation. Basic requirements are as such that the position demands the services of an individual with at least a baccalaureate level of education in a specific field, and that the employee holds the relevant degree, or equivalent experience. The H-1B visa may be requested for an initial period of three (3) years with a three (3) year extension.
3. The application processing time is approximately (8) eight to (10) weeks) including time for the educational evaluation and labor condition application.
4. Premium processing is an option used to expedite United States Citizenship and Immigration Services (USCIS) review upon receipt of the petition within a two (2) week time period versus a 3 to 4 month review. The cost associated with premium processing can be paid either by the employee or department. This time frame does not include a request for further evidence (RFE) from the USCIS. An RFE may extend the time frame as needed for review and additional documentation may be required by the employee and department.
5. Hiring departments/colleges will pay all associated fees related to the filing of an H1-B petition for faculty, and select staff positions. Payment of the premium processing fee by the college/department is subject to certain conditions and is the only fee associated to the H-1B petition that may be paid by the employee.
6. Hiring officials will work with the Office of Human Resources and the designated immigration outside council to process and file the petition with the USCIS according to the specified wage and posting guidelines.
7. Upon approval, a notice will be sent by the USCIS to the designated U.S. Consulate where the employee would present his/her passport for issuance of the visa. The employee may also be eligible to change status in the United States. Either way, the employee should work with the Immigration Department within the Office of Human Resources.

8. The Office of Human Resources will maintain a separate public examination file for the visa holder.

In some cases, depending on the type of visa being requested, the hiring official may be referred to the Office of International Programs (OIP) for a student (F-1) and exchange visitor (J-1) visa.

Applicability

Faculty and select staff positions.

Responsible Party

Associate Vice President, Office of Human Resources