



## **20i.003: Norfolk State-Sponsored Applications for H-1B (Employment) Visas**

**Responsible Executive:** Vice President for Student Affairs  
**Responsible Office:** Office of International Student and Scholar Services  
**Related Policy:**  
**Approved-On Date:** March 6, 2008  
**Effective Date:** March 13, 2008  
**Revision Date:** March 13, 2008

### **Policy Statement**

Norfolk State University hires a number of international scholars for both instructional and research faculty positions each year.

Employer-sponsored H-1B visa petitions assist with the recruitment and retention of international scholars. Additionally, an H-1B visa can serve as a stopgap for the employee in his/her pursuit to establish a more permanent immigrant status, allowing for continuous employment so that an interruption in the provision of mission-related activities and services can be avoided. This policy outlines the conditions under which Norfolk State may sponsor an application for the H-1B visa.

### **Purpose**

The purpose of this policy is to establish consistent policies and procedures for handling applications for the H-1B visa (employment visa) that support a scholar's longer term employment in the United States. Such policies and procedures must be consistent with evolving federal immigration law and institutional needs. This policy outlines the conditions under which Norfolk State University may support an employer-sponsored application for H-1B visas.

This policy must remain consistent with good faith interpretation of federal immigration law and regulations and state directives, which evolve over time. Nothing in this policy overrides such guidelines.

## **Procedures**

### **I. Conditions that must be met in order to receive Norfolk State sponsorship for an H-1B visa**

1. The position must have the potential to be on-going with successive renewals over a period of several years. For positions funded from sponsored grants or contracts (or similar uncertain sources), the supporting unit must demonstrate a record of sustained external funding.
2. The individual's appointment must be full-time and salaried, and in compliance with federal regulations, such as prevailing wage rate. (The appointment may be restricted or regular, either academic or calendar year, as long as it is salaried, full-time, and there is an expectation of successive renewals over a period of several years. Wage employment does not meet this test.)
3. The position must be significant and meet institutional needs as documented by the department and validated by the approval of the relevant senior manager.

Significance may be signaled in part by rank and title, as well as documented in the job description and supported by the credentials of the individual:

- a. Faculty: Ranks of instructor and assistant professor or above, including clinical faculty, but excluding adjunct, wage, or visiting faculty members. Also includes research faculty.
  - b. Administrative/professional faculty members with significant expertise critical to the university (rank not relevant).
  - c. Classified employees with significant expertise critical to the university (e.g. technology-specific occupations).
4. The department verifies that it wishes to retain the employee in the position for a period of no less than 1 year subject to availability of funding, need for services, and satisfactory performance.
  5. A Request for Immigration Petition is completed by the department and requires the approval of the department head, dean or senior manager, and relevant vice president. The signed document is returned to The Office of International Student & Scholar Services, which forwards a copy to Human Resources and University Counsel for their files.

The Office of International Student & Scholar Services then contacts the beneficiary (employee) and initiates the petitioning process.

H-1B petitions are filed in-house through the Office of International Student & Scholar Services in conjunction with the beneficiary, the department, and the Office of Human Resources.

## **II. Filing Fees**

1. The department wishing to hire the non-immigrant is responsible for covering the costs of filing fees. NSU may ask the beneficiary to cover the additional cost for premium processing if expedited adjudication is desired by the petitioner (NSU) and/or the beneficiary (employee).

## **III. Early Termination**

### 1. Employment Terminated by the H-1B Employee

If an H-1B worker voluntarily terminates his or her employment, an employer is not liable for the cost of return transportation abroad (8 C.F.R. § 214.2(h)(4)(iii)(E)). Such an employee must depart the United States on the final day of employment with the sponsoring employer, unless he or she has secured the H-1B sponsorship of another employer or otherwise changed immigration status.

### 2. Employment Terminated by the Employer

If the employer terminates the H-1B worker prior to the end of the H-1B petition validity period, for any reason, the employer is required to pay reasonable costs of return transportation to the H-1B worker's last place of residence abroad (8 C.F.R. § 214.2(h)(4)(iii)(E)).