



Southwestern University

International H1B Timeline

H-1B Visa Timeline for International Faculty

This document provides a detailed overview of the steps, key dates, and responsibilities associated with the H-1B visa application process for faculty and staff at the university. This document is designed to give faculty and administrators a clear understanding of the timeline involved in securing an H-1B visa, ensuring that all parties are prepared for necessary actions and can meet critical deadlines. The goal is to facilitate a smooth and transparent process for hiring International faculty members.

Overview of the H-1B

The H-1B visa is accessible to individuals from any country. To be eligible for this visa, the International Faculty must work in the United States in a "specialty occupation." This term refers to jobs that necessitate both theoretical and practical expertise in a specific field, requiring at least a bachelor's degree or its equivalent as the baseline qualification for entry into the profession. Additionally, the position must meet particular wage criteria.

Maximum Validity

Typically, H-1B status can be granted for a maximum duration of six years, divided into increments that do not exceed three years at a time. Any time spent outside the United States during this six-year period can be accounted for and added back to the total, provided that the absences are properly documented. There are opportunities for extensions beyond the six-year limit under specific conditions, primarily if the individual is the recipient of an employment-based green card application. After fully utilizing their H-1B duration with no options for extension tied to a green card application, the foreign national must remain outside the U.S. for a complete year to qualify for a new six-year H-1B term.

H-1B Application Process Overview

To obtain H-1B status for an International Faculty Member, the University, as the sponsor, must submit a petition to USCIS. The University can file this petition up to six months before the desired start date. The application process can take a considerable amount of time, often lasting several months. Once the petition is ready, it is sent to USCIS for review. If the University opts for Premium Processing, USCIS will review the petition within 15 days. For cases involving transfers, extensions, or amendments, International Faculty may continue working while their petition is under review, subject to certain conditions.

For a detailed review of the H-1B application process, see the Process Outline below.

Dependent Family of International Faculty

Dependents of H-1B International Faculty, including spouses and unmarried children under 21, can obtain H-4 status. While H-4 holders may study, they cannot work unless they secure an Employment Authorization Document (EAD). To qualify for an EAD, they must file Form I-765 based on a pending green card application.

Eligible individuals for an EAD include:

- H-4 spouses and children who are beneficiaries of an Adjustment of Status (I-485) application.
- H-4 dependents whose H-1B spouse has an approved I-140 petition or has received an extension beyond the standard six-year limit due to a green card application. The I-765 can be filed alongside the I-539 and I-129 for these extensions.

If dependents are abroad, they can apply for their dependent visa using the International Faculty's H-1B approval notice (Form I-797) and proof of relationship. Canadian citizens are exempt from the visa requirement. For dependents already in the U.S. under a different status, they must file Form I-539 to change their status, typically done by the applicant themselves.

Fees

University Responsibility

The University is tasked with covering the USCIS filing fees and the processing fees for the H-1B nonimmigrant petition. If a swift decision from USCIS is necessary, the University may also pay the Premium Processing fee, which ensures that the H-1B petition is reviewed within 15 business days.

International Faculty Responsibility

International Faculty are responsible for the USCIS filing fees for their dependents, which can be paid via credit card (for online submissions), personal check, certified check, or money order made out to the U.S. Department of Homeland Security.

If the International Faculty opts for expedited processing for personal convenience, they must provide a personal check for the associated fee. Additionally, they are responsible for any visa application fees at the U.S. consulate, which may include a visa application fee (MRV fee) and a reciprocity fee, depending on their country of citizenship, as outlined by the Department of State.

Process Outline

Stage 1: Initial Consultation & Preparation (1-2 months)

- **Task:** Faculty member consults with HR or the university's immigration office to discuss eligibility and required documentation.
- **Details:**
 - HR and the international faculty member review job descriptions, qualifications, and immigration history.
 - Faculty member gathers required documentation (e.g., passport, degrees, transcripts, CV).
 - HR Works with ACAD to discuss financial impact and obtain budgetary approval.

Stage 2: Labor Condition Application (LCA) Filing (1-2 weeks)

- **Task:** Employer files the Labor Condition Application (LCA) with the U.S. Department of Labor (DOL).
- **Timeframe:** 7 days for DOL to process the LCA.
- **Details:**
 - Employer submits LCA to ensure that the salary meets the prevailing wage for the position.
 - The LCA must be posted at the workplace for 10 days to notify other workers of the H-1B petition.
 - The DOL approves or certifies the LCA.

Stage 3: H-1B Petition Filing (2-4 weeks)

- **Task:** Employer files the H-1B petition with U.S. Citizenship and Immigration Services (USCIS).
- **Timeframe:** 2-4 weeks to prepare and submit petition, depending on required documentation and internal review processes.
- **Details:**
 - HR or the immigration attorney submits Form I-129 (Petition for a Nonimmigrant Worker) to USCIS.
 - Supporting documents, including the certified LCA, job description, faculty member's qualifications, prior approvals, I-20s, and/or proof of degree credentials, are submitted.

Stage 4: USCIS Processing (3-6 months)

- **Task:** USCIS processes the H-1B petition.
- **Timeframe:** 3-6 months (can vary depending on service center).
- **Details:**
 - USCIS reviews the petition, and the faculty member may be asked for additional evidence (Request for Evidence, RFE).

- If all documentation is in order, USCIS approves or denies the petition.
- **Premium Processing Option:** If selected, USCIS processes the petition within 15 business days for an additional fee.

Stage 5: H-1B Approval & Visa Stamping (1-2 months)

- **Task:** Faculty member applies for an H-1B visa stamp at a U.S. consulate (if outside the U.S.) or changes status if already in the U.S.
- **Timeframe:** 1-2 months (for consulate stamping), faster if changing status within the U.S.
- **Details:**
 - If outside the U.S., faculty member applies for an H-1B visa stamp at a U.S. embassy or consulate.
 - Faculty member may need to attend an interview and submit additional documentation.
 - If already in the U.S. in another valid status, the faculty member may change their status to H-1B through USCIS.
 - Once approved, faculty member can begin work on the H-1B visa status.

Stage 6: Employment Start (1st day of employment)

- **Task:** Faculty member begins working under H-1B status.
- **Timeframe:** Typically begins on the start date indicated in the petition (usually no earlier than October 1 for cap-subject petitions).
- **Details:**
 - Faculty member starts their appointment as outlined in the petition and LCA, with H-1B status in effect.
 - Employer must ensure continued compliance with H-1B regulations throughout employment.

Stage 7: Ongoing Compliance & Renewal (annually or every 3 years)

- **Task:** Employer ensures continued compliance and prepares for renewal of H-1B visa.
- **Timeframe:** 6 months before expiration (H-1B is typically valid for up to 3 years).
- **Details:**
 - Monitor the H-1B expiration date and begin preparing for an extension or renewal application.
 - If the faculty member's position or salary changes, a new petition may be required.

Summary of Estimated Total Timeline:

- **Total Processing Time:** 6-9 months for initial petition approval (depending on processing times and premium processing options).

Faculty Expectations and Responsibilities:

- **Document Submission:** Faculty must ensure timely and accurate submission of all requested documents, such as academic credentials, professional history, and other supporting materials.
- **Timely Communication:** Faculty should maintain communication with the HR/legal team, providing any updates on status changes (e.g., if the faculty member is currently working in the U.S. on another visa).
- **Patience with Timeline:** Faculty must be prepared for potential delays, especially in the lottery and processing stages. While the university will manage most of the application, faculty will need to stay informed and involved throughout the process.
- **Understanding the Temporary Nature of the Visa:** The H-1B is a temporary visa, and faculty should begin the green card or permanent residency process early if they wish to remain in the U.S. long-term after the visa expires.

Note: Specific timelines may vary based on USCIS service center processing times, faculty member's circumstances, and potential delays due to additional documentation requests or other complications.

For more information and questions please reach out to hr@southwestern.edu