



Hiring / Appointing Internationals : A Guide for Departments

Optional Practical Training (OPT)

An F-1 Student with OPT can begin working at TU if s/he:

- Has a valid TU job offer
- Has a valid Employment Authorization Document (EAD) in hand
- Will work in the field of study in which s/he will/has earned a degree
- Completes an I-9 with HR within 3 days of beginning employment at TU
- Will work during the first 12 months of OPT at TU

J-1 Exchange Visitor status is not appropriate if the scholar will:

- Engage in any position that does not require the minimum of a Bachelor's degree
- Hold tenure-track or tenured faculty appointments
- Enter the US to participate in a medical residency program or engage in clinical activities
- Pass through the formal recruitment and hiring process with TU's HR Dept; H-1B status is appropriate for such cases
- Pursue US Permanent Residency (Green Card)

No STEM OPT Employment Permitted at Temple University

To be eligible for a STEM OPT extension, the student's employer must be registered in E-Verify and must use the system to verify all new employees. While TU is registered in the E-Verify system, TU does not use the system to verify all new employees, only those that are working on a Federal Contract. This means that TU does not allow individuals to work here using a STEM OPT Employment Authorization Document (EAD) as proof of US Work Authorization. This is not an ISSS policy but rather a TU HR matter. Department Chairs with questions regarding STEM OPT can speak with Karen Ward in HR for clarification. Hiring Departments will need to speak with ISSS about alternate work authorization.

J-1 Categories Professor

- For teaching, observing, lecturing
- 3-week minimum, 5-year maximum - 24 month bar on repeat participation

Research Scholar

- For conducting research, observing, or consulting
- Minimum of a Bachelor's degree
- 3-week minimum, 5-year maximum - 24 month bar on repeat participation

Short-term Scholar

- Lecturing, conducting research, observing, or consulting
- no minimum, 6-month maximum, **no extensions**
- 6 month bar on repeat participation; can return with a different program objective

Student Intern

- Must be currently enrolled in and pursuing studies at a post-secondary academic institution outside US
- Research must fulfill the educational objectives for current degree program at home institution
- Must return to home institution once J-1 Program is complete
- 3-week minimum, 12 month maximum - **no extensions past 12 months**

Specialist

- Expert in a field of specialized knowledge or skills who enters the US for the purpose of observing, consulting, or demonstrating special knowledge or skills

H-1B Application Process

ISSS requires up to 45 days to process an H-1B petition from the day we receive a complete H-1B Application. Submit a complete application 6 months (but no more than 6 months) prior to the H-1B Requested Start Date if you hope to avoid the \$2805 Premium Processing Fee.

- Department begins H-1B application in Destiny One (D1).
- Department requests necessary checks
- H-1B applicant completes Applicant sections of the application and uploads required documents
- Department adds required information and uploads required documents
- Department emails completed Controlled Technology Form to ISSS and uploads a copy of it into D1
- ISSS sends Controlled Technology Form to the Office of the Vice President for Research (OVPR)
- Appointment/Offer Letter must be uploaded into D1 by the appropriate person depending upon job title
- Dept or HR sends ISSS an Actual Wage Form depending upon the position
- Department submits a completed H-1B applicant's record
- ISSS begins Labor Condition Application (LCA) posting notice process. Dept of Labor (DOL) requires a minimum of 7 days to certify the LCA
- Once ISSS has a certified LCA and a complete application, we begin preparing the H-1B Petition
- Once ready, H-1B Petition is submitted to USCIS via UPS. With Premium Processing, USCIS should respond within 15 business days. Without Premium Processing, we expect a Receipt Notice in 2 weeks / Approval Notice in 2-3 months
- Department, HR and H-1B applicant will be emailed when ISSS receives the Receipt Notice and Approval Notice from USCIS

H-1B Specialty Occupation Workers

- Position must require a minimum of a bachelor's degree in a specific field
- H-1B Applicant must meet the minimum qualifications for the position
- ISSS determines the actual wage rate and the prevailing wage rate, then Department must pay the higher of the two
- Temple University does not support H-1B sponsorship for Part-Time Faculty Positions

"Volunteering" for a position that is usually paid can have severe consequences for TU and the foreign national. Reach out to your HR Generalist before asking someone to "volunteer."

Does your applicant qualify for TN, E-3 or O-1 Status?
email sharonl@temple.edu

Contact ISSS

J-1 Scholars:

joan.mcginley@temple.edu

and

gabriella.pavlakis@temple.edu

H-1B, TN, E-3 and O-1:

sharonl@temple.edu

215-204-7708

Special Handling

Department of Labor regulations allow for universities to use a special Labor certification process for Faculty and those who teach called "Special Handling". The recruitment and selection process that must be undertaken and documented by the University is much less onerous. Cases may be processed by the Department of Labor faster than other labor certification applications. To qualify, the University must demonstrate that the scholar performs classroom teaching and that the scholar was more qualified than any of the U.S. workers who were available, able, and willing to do the job after a competitive recruitment process was conducted for the position. Applications filed for college and university teachers under "Special Handling" must be filed within 18 months after a selection is made pursuant to a competitive recruitment and selection process. Department Chairs can contact Karen Ward in HR to discuss Temple Sponsorship for a Green Card once a Foreign National has been offered a Tenure-Track Position.