

STAFF VISA SPONSORSHIP

- Introduction to Staff Visa Sponsorship
- Visa Request Process
- H-1B Temporary Workers
- TN Canadian & Mexican Professionals
- E-3 Australian Treaty Workers
- Resources & Q&A

INTRODUCTION TO STAFF VISA SPONSORSHIP

Before we begin...

- Not everyone *needs* visa sponsorship
- Not everyone *is eligible* for visa sponsorship
- If sponsorship is needed, UW generally chooses the visa type
- **All** staff visa sponsorship is screened by UWHR
- **All** UW-sponsored visa petitions are processed by ISO

Sponsored Vs. Non-sponsored Visas

Sponsored by UW through ISO:

- **H-1B Temporary Workers***
- **E-3 Australian Treaty Workers***
- **TN Professionals***
(when filed through USCIS)
- J-1 Exchange Visitors
- Legal Permanent Residence
(for faculty only)

Sponsored by schools (UW or other):

- F-1 Optional Practical Trainees
- J-1 Academic Trainees

Non-sponsored:

- EAD Holders
- Legal Permanent Residents

*** These visa types are in scope for the staff visa sponsorship pilot**

Who is ISO?

- International Scholars Operations (ISO) is a team within the Office of Academic Personnel (OAP)
- ISO is the ONLY campus unit that processes and submits UW-sponsored, employment-based visa petitions to USCIS
- ISO also advises campus units and employees on their UW-sponsored visas and associated work/travel concerns

Staff visa sponsorship division of labor

UWHR

- Administers work authorization screen in UWHires
- Reviews for position visa eligibility:
 - Position descriptions
 - H-1B eligibility rubrics
 - TN letter drafts
- Assembles evidence of position visa eligibility to share with ISO

ISO

- Provides visa sponsorship guidance based on specialized immigration knowledge
- Supports UWHR on **position** visa eligibility screening
- Reviews visa requests for **individual** visa eligibility
- Submits visa sponsorship documents to US Department of Labor and US Citizenship and Immigration Services

Visa eligibility can depend upon:

- Position:
 - Title
 - CBA membership
 - Minimum requirements
 - Paid or unpaid
 - FTE
 - Duties
- Employee:
 - Country of origin
 - Whether they're in the U.S.
 - Current visa status
 - Previous visa history
 - Highest degree
 - Source of funding

UW only sponsors visas for full-time, UW-paid titles.

SCREENING WORK AUTHORIZATION

Work authorization assessment

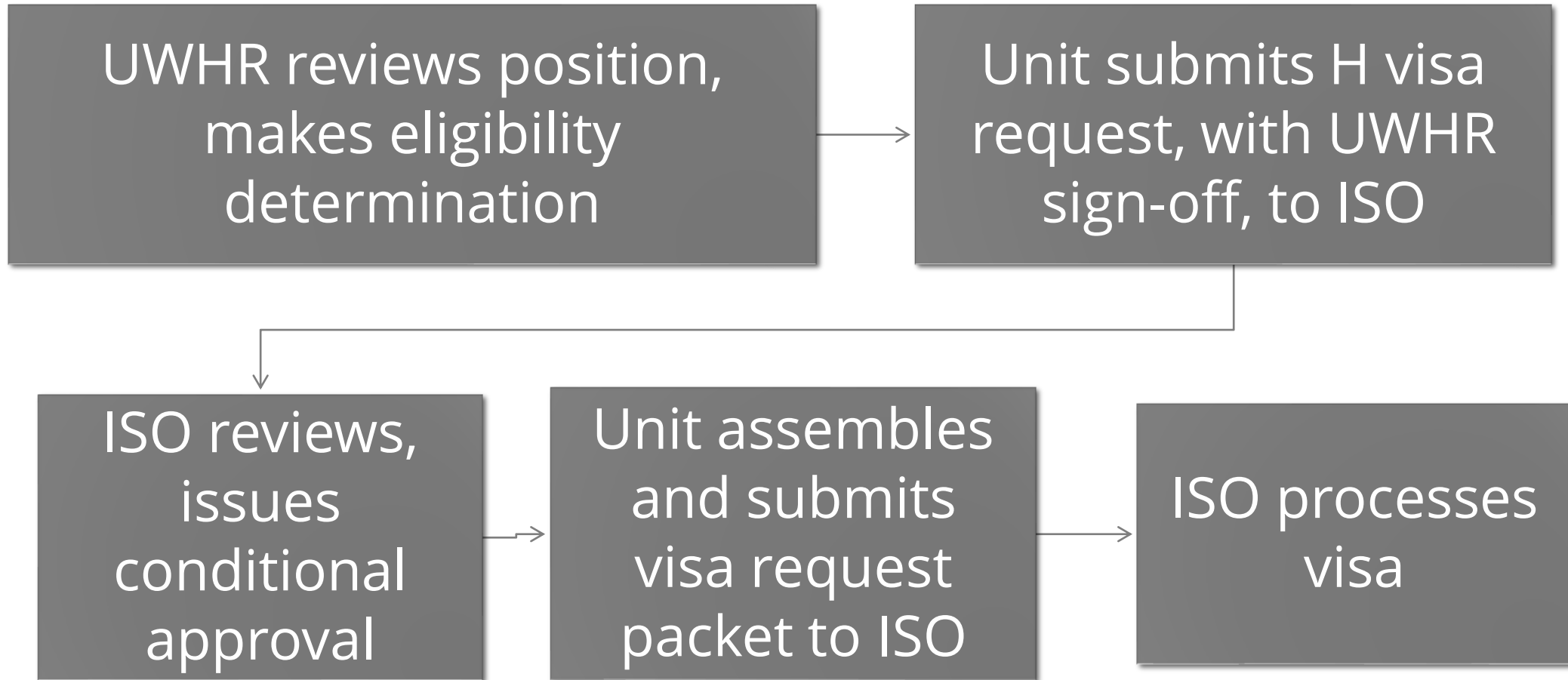
- When applying for UW employment, applicants complete a work authorization assessment in UWHIRES.
- UWHR has historically screened out applicants who required visa sponsorship
- The work authorization assessment will be updated this fall. Applicants who indicate they need/will need employer visa sponsorship will be asked if they will need an H-1B/E3 or TN.

VISA REQUEST PROCESS

What is a visa request?

- A web form on the Office of Academic Personnel (OAP) website.
- The process by which a UW unit initiates UW visa sponsorship for an employee.
- The process by which UW makes sure that visa sponsorship is feasible and appropriate.
- One part of the larger process of getting a visa.

Visa Request Process



Who should submit a visa request?

Only someone **in the chair's office or a central business unit** with basic knowledge of both visa and employment issues **should** submit a visa request, even if anyone with an employee UW NetID **can**.

Who **should not** submit:

- The employee
- The supervisor
- An outside third party

Who looks at a visa request?

1. ISO advisors review for **visa issues**
2. Export Control in the Office of Research reviews for **deemed export issues** (country of origin, grant funding, controlled technology)

This is why you may get emails from different people about the same visa request!

Visa Request Packet

Once review is complete, ISO will email you a PDF of the approved visa request.

The approved visa request must be routed for signatures and sent back to ISO along with the relevant supporting documentation from the checklist.

Send the entire packet back to ISO by:

- Campus mail to Box 351245
- Dropping off in our dropbox outside the Gerberding 240 suite
- Email, as a single PDF, in reply to the conditional approval email
- Upload, as a single PDF, to the visa request “Manage Files” page in Lux

Things to remember:

→ **A determination from UWHR, or a conditional approval from ISO, is not the end product.**

ISO must process further before the visa is in place.

→ **A visa request requires supporting documents.**

Checklists of supporting documents for each visa type are on our website.

→ **A visa request is not your only way to get answers.**

UWHR and ISO will happily discuss visa eligibility and sponsorship procedures with you, with or without a visa request.

H-1B SKILLED WORKERS

What is an H-1B?

“Temporary Worker in a Specialty Occupation” requiring a post-secondary degree in a relevant field

Must be sponsored by a specific employer, and the terms and conditions of their employment must be reported to the Department of Labor (DOL) and to U.S. Citizenship and Immigration Services (USCIS)

[More information on H-1B temporary workers](#)

H-1B Eligibility Review & Support

- UWHR reviews for **position** eligibility for H-1B sponsorship
- ISO reviews for **individual** eligibility for H-1B sponsorship
- If you ask questions about both, we'll work together to get you answers.

H-1B Position Eligibility

An H-1B specialty occupation must require:

- Theoretical and practical application of a body of highly specialized knowledge
- Attainment of a bachelor's or higher degree in a relevant specialty

The position must meet one or more of the following criteria:

- Bachelor's or higher degree (or its equivalent) is normally the minimum entry requirement for the position;
- The degree requirement is common to the industry
- The employer normally requires a degree or its equivalent for the position; or
- The job is so complex or unique that it can be performed only by an individual with a degree

Position Eligibility Considerations

- If any type of bachelor's degree is acceptable, probably not a specialty occupation
- Examples of specialty occupations include jobs in STEM, healthcare, architecture, education, law, accounting and auditing, graphic designers and artists
- Examples of positions unlikely to be considered specialty occupations: cook/food preparation; trades (mason, plumber); administrative assistants, customer service representatives
- It's about the job description and educational requirements, not the title:
 - NO** Program Ops Specialist: Bachelor's Degree and 1 -2 years of experience in a college level student services/programs setting (grade 6)
 - MAYBE** Program Ops Specialist: BA in finance/accounting or related field AND three years of experience (grade 8)
 - YES** Program Ops Specialist: Bachelor's degree in engineering field AND experience as a Patent Agent or Patent Attorney AND ... (grade 10)

Unique features of H-1B status

- Primary purpose is employment
- Can cost up to \$4022 (including USCIS and ISO fees)
- Long processing times, even with payment of USCIS "premium processing" fee:
 - 2-3 months for CBA titles
 - 7-9 months for non-CBA titles
- Position must pay salary at or above both "prevailing wage" (assigned by DOL) and "actual wage" (paid to similar workers)

Limitations of H-1B status

- Employer-, title- & location-specific
- No reductions in FTE or salary
- No outside employment permitted
- Early termination requires that the sponsoring unit pay the “reasonable costs of return transportation”
- Period of stay: up to 3 years, renewable for total of 6 years (with some exceptions)
- H-4 dependents are generally not employment-authorized

Opening your recruitment to H-1B/E-3 applicants

1. Confirm the hiring department:

- ✓ understands sponsorship is temporary and UW does not sponsor permanent residency for staff positions
- ✓ is willing to pay visa sponsorship costs
- ✓ understands the timelines associated with sponsorship and that approval is not guaranteed

2. Review H-1B and E-3 position eligibility requirements

3. E-mail your recruiting office partner your intention to consider H-1B and E-3 applicants for a new or ongoing recruitment

UWHR H-1B/E-3 position review

After your recruiting office partner receives your e-mail, they will engage the director of recruiting for your area and UWHR will:

- ✓ Confirm the position is in a specialized field and requires a minimum of a bachelor's degree in a specific field relevant to the specialty.
- ✓ Determine whether the education requirements are specified by a collective bargaining agreement or civil service rules.
- ✓ Confirm the job posting will specify the minimum degree requirements.
- ✓ Confirm the minimum education requirements are well-established in the hiring unit, by industry standards, or are uniquely specialized.

Recruiting H-1B and E-3 applicants

After UWHR determines an ongoing or new recruitment is visa eligible:

- The director of recruiting for your area will send the hiring manager and other department contacts an approval email.
- Your recruiting office partner will add “This position is eligible for H-1B or E-3 visa sponsorship.” to the job posting.
- Your recruiting office partner will forward applicants who indicate they will need visa sponsorship separate from candidates who do not.

Making your hiring offer

If the selected finalist requires H-1B or E-3 sponsorship:

- After the offer has been accepted, send the finalist an offer confirmation letter that indicates the offer is contingent upon visa sponsorship.
- UWHR will provide a completed H-1B position eligibility rubric for the hiring department to include when submitting their visa request to ISO.
- Your recruiting office partner will place the job requisition in hold status while the visa process is pending.

Converting a current UW employee to an H-1B or E-3 visa

1. E-mail employeerelations@uw.edu with the following:
 - ✓ Current Workday Position Number (PN)
 - ✓ How is the employee currently authorized to work in the U.S.?
 - ✓ When does their work authorization expire?
2. UWHR will assess whether the employee's current position meets visa sponsorship requirements.
 - If yes, they will engage ISO for consultation and provide a completed H-1B position eligibility rubric for the hiring department to provide ISO.
 - If no, they will consult with the hiring department.

Before you submit an H Visa Request:

You should have collected the following:

- Completed UWHR H-1B eligibility rubric
- Offer/hire confirmation letter
- Information for the visa request, usually on the [H-1B Visa Intake Form](#)
- For non-CBA titles, a completed [Prevailing Wage Intake Form](#)

Units should wait to assemble other [required documents](#) until after the visa request has been approved by ISO.

H Visa Intake Form

Used for H-1Bs, TNs,
and E-3s.

W UNIVERSITY of WASHINGTON
OFFICE OF ACADEMIC PERSONNEL
Academic Human Resources

H-1B/E-3/TN Visa Intake Form
International Scholars Operations

This form is provided to facilitate collection of information for the [H Visa Request Form](#). Units must submit an H Visa Request Form to initiate visa sponsorship through ISO. Please [contact ISO](#) with questions.

UW Employee ID (if any):

If correctly entered on the visa request, this will allow the beneficiary to access basic information about the visa request and associated files (Petition Scans, Receipt Notices, and Approval Notices).

PART I: To be completed by the future or current employee to be sponsored.

PART II: To be completed by the UW unit that is inviting the [beneficiary](#)

Section Three – Appointment/Job Information

UW Appointment/Job Title: Select one title from this list: Choose an item. If "Other," or staff, please specify:

response. Please note that other academic personnel titles require specific preapproval from ISO.

For staff titles, documentation of [UWHR approval](#) will be required in order to submit the visa request.

Part I gathers
**biographic, education,
and immigration**
information from the
employee.

Part II gathers
employment information
from the UW unit.

Accessible at: <https://ap.washington.edu/h1b-visa-intake-form/>

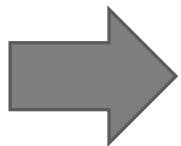
H Visa Request Form

Used for H-1Bs, TNs,
and E-3s.

Sections:

- Purpose of Form
- Section One - Biographic Information
- Section Two - Dependents
- Section Three - Appointment Information
- Section Four - Funding Information
- Section Five - Sponsoring Department/Program Information
- Section Six – Budget/Billing Information

Accessible at <https://lux.ap.washington.edu/visa/h/new/>



Did you know? The visa request tool (Lux) lets you **save draft visa requests** (without attachments) **for up to 30 days.**

What does ISO review for?


- Does the position appear **H-1B-eligible**?
- Does the person meet **the requirements** for the position?
- Does the person have **another status** they should exhaust first?
- Is the person **eligible for H-1B status** through the requested end date?
- Is the person **ineligible for an H-1B** due to prior immigration history?
- Is the **salary** higher than the **likely prevailing wage**?
- Is the **start date achievable**?

After reviewing for these issues, and incorporating any resulting changes, ISO will issue a PDF conditional approval.

H Supporting Documents

ISO requires supporting documentation with each signed H Visa Request, including but not limited to:

- Wage documentation
- Documentation of the employee's visa status
- Documentation of the employee's credentials
- Filing fee payment

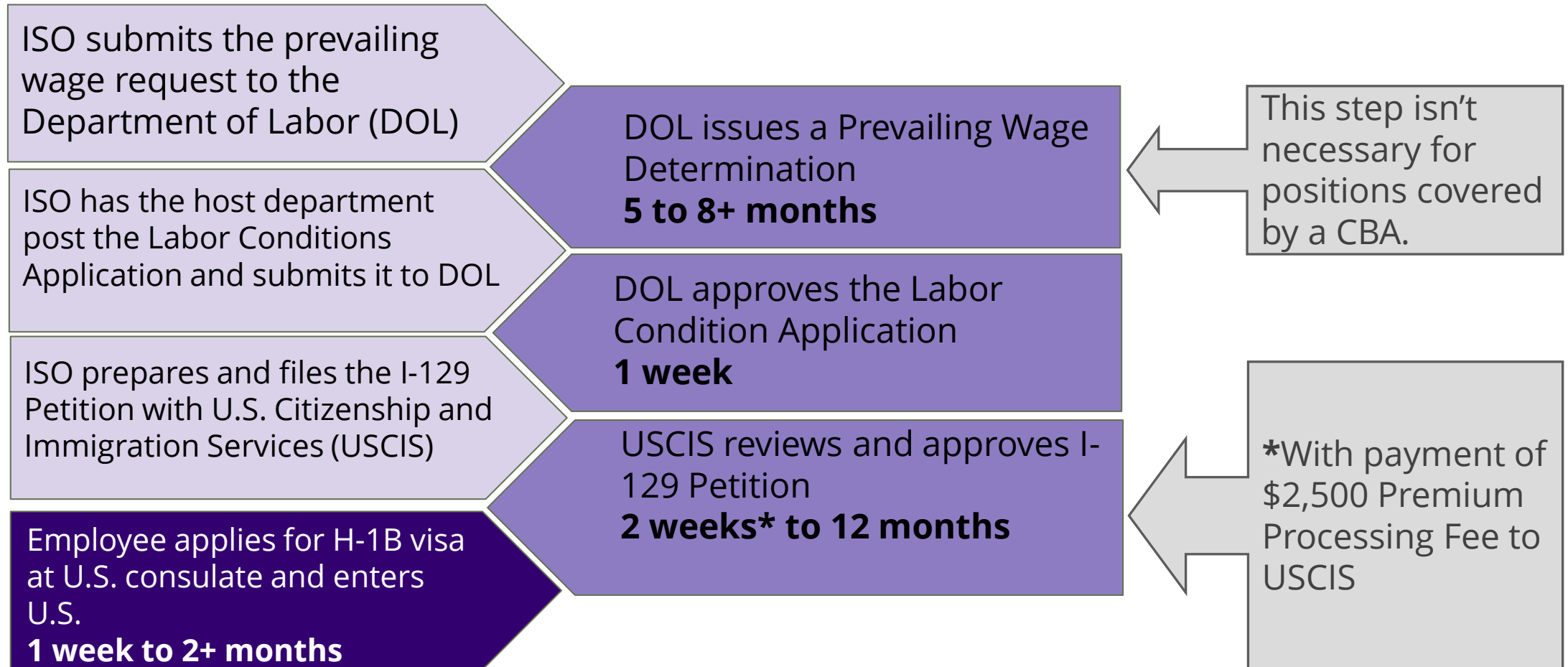


See our
[Staff H-1B](#)
[Checklist](#)

However, ISO can often initiate certain processes without having all documents on hand.

Feel free to ask us what we need right away and what can wait.

H-1B Adjudication Process



Beyond initial H Visa Requests

A new H Visa Request, with supporting documentation, is necessary to do any of the following:

- **Extend** the person's H-1B status
- **Change** the person's appointment **title**
- **Move** an H-1B already at UW to your department
- **Transfer** an H-1B already in the U.S. to UW

Submit as early as you can but remember that these usually require at least **seven months** to process.

TN CANADIAN & MEXICAN PROFESSIONALS

What is a TN?

A Canadian or Mexican national entering as a professional under the U.S. Mexico Canada Agreement (formerly NAFTA).

Can be processed directly at the border (for Canadians) or the U.S. consulate (for Mexicans) OR filed with USCIS.

Filing with USCIS requires a visa request to ISO, but processing at the border or consulate does not.

[More information on TN professional workers](#)

Unique features of TN status

- TN status is employer- and job-specific
- Position must be a USMCA occupation
- Requires CGFNS Visa Screen for some occupations
- Does *not* require a prevailing wage determination or Labor Condition Application
- Does not require a petition to USCIS (except in-country changes of status or extensions)
- Period of stay: Up to 3 years, renewable indefinitely
- TD spouse not eligible for work authorization

Recruiting & hiring TN visa applicants

- Your recruiting office partner will forward TN applicants if the position is TN eligible. Hiring departments do not need to take any special action.
- If your finalist requires a TN visa, notify your recruiting partner.
- UWHR will confirm the position is eligible for TN status and then either:
 - prepare a letter for the finalist to apply for TN status at a U.S. port or entry
or
 - provide position eligibility approval for the hiring department to submit to ISO when initiating a TN visa request

TN Adjudication Process

UW unit works with UWHR to draft TN letter, provides it to employee

Employee takes original TN letter and credential documents to US port of entry or consulate

OR, if employee is inside the U.S.:

ISO prepares and files the I-129 Petition with U.S. Citizenship and Immigration Services (USCIS)

USCIS reviews and approves I-129 Petition
2 weeks* to 12 months

*With payment of \$2,500 Premium Processing Fee to USCIS

E-3 AUSTRALIAN PROFESSIONALS

What is an E-3?

An “Australian Treaty Worker” requiring a post-secondary degree.

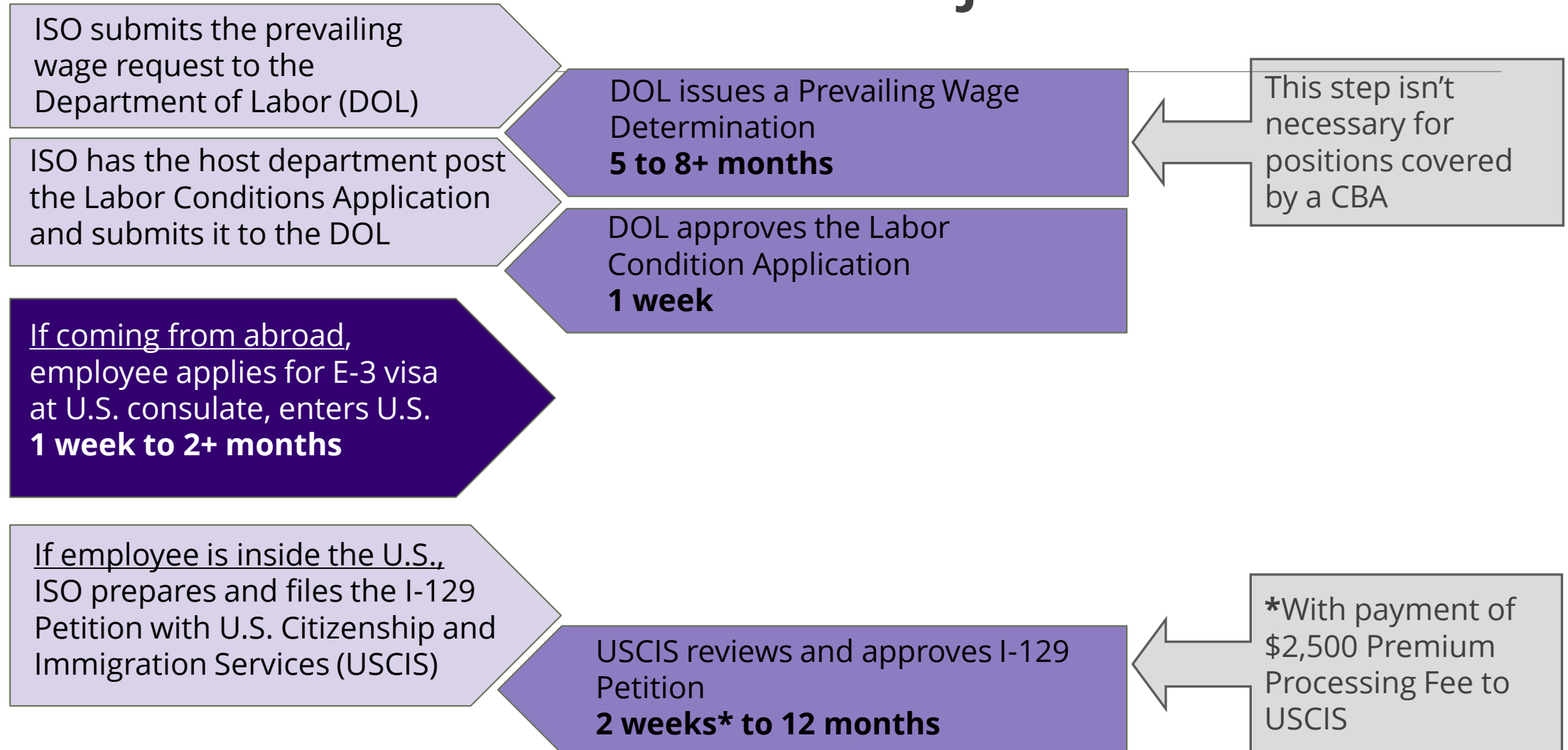
A lot like H-1Bs: Must be sponsored by a specific employer, and terms and conditions of employment must be reported to the DOL and (sometimes) USCIS

[More information on E-3 treaty workers](#)

Unique features of E-3 status

- E-3 status is employer, location- and job-specific
- Requires Prevailing Wage Determination and Labor Condition Application, but no petition to USCIS (except in-country changes of status or extensions)
- Can be processed at U.S. consulate abroad instead of through USCIS
- Period of stay: Up to 2 years, renewable indefinitely
- E-3D spouse may apply for work permit
- Change of employer is harder with E-3 than with H-1B

E-3 Adjudication Process



RESOURCES

- [ISO webpage](#)
- [ISOcontacts mailing list](#)
- [UWHR Community of Practice](#)
- UWHR: employeerelations@uw.edu
- ISO: acadvisa@uw.edu