

## OPT Work Authorization

### What is Optional Practical Training?

- 12-Month work permission
- Benefit of F-1 visa status
- Work or training related to the most recent degree
- Temporary training and/or employment experience
- USCIS eligibility criteria

### Foreign National (FN) Hired with Approved Work Authorization

- Post Completion Optional Practical Training (OPT) **12 Months** of Work Authorization
- STEM OPT Extension **24 Months** of Work Authorization

### FN Work Authorization

- Employees without work authorization 45 days prior to start date will need an H1-B petition filed.

### Authorized Employment

- FN will need an Employment Authorization Document (EAD) to begin working. This document is required to complete the I-9 in HR. Employees on OPT will need to provide OPT I-20 at the time of job offer.

### Processing Times

- Regular processing for the OPT takes 3-5 months.
- Regular H1-B Processing takes 3-8 months
- Premium processing of the H1-B (additional cost) takes about 15 days.

## H1-B Work Visa

### General H-1B Process and Timeline

Receive Request from Department Chair via Terra Dotta (TD) to begin the process.

#### 5-6 Weeks for processing from date request is received to mailing to USCIS

Request Employee to provide supporting documentation

- LOI, CV, Passport, Contract, Prior Work Authorization

### Labor Condition App (LCA)

- LCA is given to Bargaining Unit/HR for posting notice of filing **10 days**
- Department of Labor will certify LCA in **7 days**
- I-129 Petition for a Nonimmigrant Worker is drafted by outside counsel

### Dept. Chair or Hiring Manager

- Certified LCA, I-129, & Support Letter is signature requested
- Department will provide account numbers for billing on the CISP TD form
- CISP will complete Journal Entry to bill dept for petition costs

### All signed forms, letters, & checks are express mailed to USCIS

Receipt Notice is received in the CISP Office

The employee will receive an email of the receipt notice for tracking

H-1B is Approved or RFE Request for Further Evidence (Documentation Provided)

#### 15 days up to 8 months

H-1B employee arrives on campus and receives a copy of signed LCA and approval notice for HR & I-9 completion

Faculty that are in permanent positions and not visiting should provide a copy of their Provost contract to the CISP office the first week of employment.

**NOTE: All times are approximate and subject to change.**

## Green Card Process

### EB-2 PERM Flow Chart to Permanent Residence

#### Deadline third week of the second semester of employment.

Special handling labor certification application for a position that includes classroom teaching requires the faculty member to be found more qualified than any US worker pursuant to competitive recruitment. The labor certification application for a faculty member using the special handling procedure must be filed within 18 months of the foreign national being selected. This is typically the date the foreign national signs the contract letter.

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Prerequisites to filing the labor certification application are obtaining a favorable prevailing wage determination, providing a legal notice to the bargaining representative, confirming the foreign national satisfies the position requirements

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The I-140 immigrant petition must be filed within 180 days of the labor certification application being approved. The approval of this petition classifies the employee as an immigrant and is the basis for the next step.

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The priority date determines when the sponsored employee will actually, be eligible to apply for a green card I-485. The foreign national applies for the green card at the time the priority date is current.

## Costs for Departments and Employees

### Department Responsible Costs

An F-1 with approved OPT No Cost to Department

### H1-B Filing

- *\$460 H-1B base filing fee*
- *\$500 Fraud Prevention and Detection fee only if first H-1B petition for the employee*
- *\$2,500 premium processing filing fee if seeking optional 15-calendar day processing service*

### I-140 Petition

- \$700

### Employee Cost

I-485 Petition

- \$1225 per applicant
- *\$2,500 premium processing filing fee if seeking optional 15-calendar day*
- If there is no Business Need for Premium Processing the employee can agree to pay for the Premium processing if desired.