

Policy Number/Title:	4.351 H-1B Visa Sponsorship
Effective Since:	12/13/2023
Last Revision Approved:	12/13/2023
Responsible Office:	International Center; Academic Affairs; Human Resources

1. Scope:

All colleges, divisions, departments, units, offices at Winthrop University.

2. Definitions:

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3. Policy:

Winthrop University is committed to attracting and retaining high quality and diverse faculty, staff, and administrators. Toward that end, the University strives to support a community of faculty, administrators, and scholars who are also globally engaged and globally minded. In support of the University's commitment to diversity and global learning, the following policy and procedures related to the hiring and retention of diverse faculty, staff, and administrators who are not U.S. citizens or U.S. Permanent Residents will be followed.

Statement of Policy:

Winthrop University (via the International Center) will facilitate the administrative processes of obtaining authorization to work in the United States for those faculty and staff joining the University from other countries in the H-1B temporary worker immigration status. The H-1B temporary worker immigration status is designated for individuals coming temporarily to the United States to work in a specialty occupation which requires "theoretical and practical application of a body of highly specialized knowledge, and attainment of a bachelor's or higher degree, or its equivalent, as a minimum requirement". The H-1B or temporary worker in a specialty occupation immigration status is usually the most appropriate (and often the only) visa or immigration status for a non-U.S. person who is employed in a professional position by Winthrop University. The University has sole discretion in determining whether to provide any type of sponsorship for potential new employees.



At Winthrop University, H-1B status is typically used for tenure-track faculty, professional staff and administrators in FTE positions. It is not available for employees in secretarial, clerical, office or administrative support, or temporary positions. The University rarely, and only in limited circumstances, sponsors non-faculty or non-tenure track faculty positions (such as lecturers) in H-1B status. In those instances when the University sponsors an employee for H-1B status, there is no guarantee that the H-1B status may be obtained. The process is dependent upon various government agencies, employee eligibility, and factors often outside the control of the University. University sponsorship of employees in H-1B status does not impact the sponsored employee's at-will or other employment status at the University. Additionally, University sponsorship is valid for the employee and does not include spouses or dependents. (The dependent spouses or children of the primary H-1B beneficiary may apply for H-4 status independently.)

Hiring departments must notify the International Center, Academic Affairs, and the Division of Human Resources, Employee Diversity and Wellness **prior to extending an offer** to a foreign national candidate for purposes of discussing appropriate language to be included in the offer letter and to discuss/begin any necessary employment-based visa processes on behalf of the foreign national candidate.

Hiring departments must also notify the International Center and the Division of Human Resources, Employee Diversity and Wellness if a material change in employment occurs (e.g., a significant change in the daily responsibilities of the employee, rank, compensation or department or termination of employment) involving an employee in H-1B status.

Official and public immigration files for non-immigrant faculty and staff will be maintained by the International Center and by the Division of Human Resources, Employee Diversity and Wellness.

If the University terminates an H-1B employee prior to the end of the validity of the H-1B status, the University is liable for offering reasonable costs of return transportation to the last place of foreign residence for the terminated employee only. **This expense will be borne by the hiring department and will be coordinated by the hiring department in conjunction with Winthrop's Division of Human Resources Employee Diversity and Wellness on behalf of the terminated employee.** This process is **not** required if the ex-employee finds employment elsewhere in the USA. Additionally, if the beneficiary voluntarily terminates his or her employment prior to the expiration of the validity of the H-1B, the alien has not been dismissed and the University has no responsibility for providing transportation costs. The International Center will notify the Department of Labor and the U.S. Citizenship and Immigration Services (USCIS) of the termination. Otherwise, normal termination procedures will be followed.

To be in compliance with federal regulations, the employer is required to pay any necessary



legal and filing fees associated with the H1B process. Please review the Fee Schedule on the International Center's website for more detailed information regarding required-payments.

Should USCIS make any changes or updates related to the H-1B visa category, the Winthrop University H-1B policy will follow those regulations as required by federal law.

THIS DOCUMENT IS NOT A CONTRACT BETWEEN EMPLOYEES AND WINTHROP UNIVERSITY, EITHER EXPRESSED OR IMPLIED. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. WINTHROP UNIVERSITY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

4. Procedures:

Before a potential employee may be granted H-1B status, the University must file an H-1B petition with the U.S. Citizenship and Immigration Services (USCIS). The International Center (IC) at Winthrop University will file all official government paperwork related to H-1B petitions for University employees. Additionally, ***the hiring department will have specific responsibilities as part of a successful petition process.*** As part of these responsibilities, the hiring department will:

- Obtain the appropriate approvals ***in advance of extending the offer*** from the appropriate department chairs, academic dean(s), as well as from the International Center, Academic Affairs/Office of the President, and the Division of Human Resources, Employee Diversity and Wellness.
- Request an H-1B petition on behalf of a current or prospective employee based on deadlines established by the International Center & the Division of Human Resources, Employee Diversity and Wellness.
- Complete all necessary and required paperwork including ***but not limited to*** all forms required in the *H-1B Sponsorship Packet* in a timely fashion.
- Pay any related fees and costs associated with the new employee's H-1B petition that are required by law and/or that are the responsibility of the employer. *These payments do not extend to costs associated with immigration processes related to the new employee's spouse and/or dependent(s).*
- Follow the relevant H-1B procedures and instructions as established by the U.S. government, Winthrop's International Center, and the Division of Human Resources, Employee Diversity and Wellness noted on the policy links web pages below.



Any exceptions to this policy must be approved by the Provost and Executive Vice President for Academic Affairs well in advance of extending the job offer.

Contact Winthrop's International Center or the Division of Human Resources, Employee Diversity and Wellness for more detailed information.

5. Resources:

Winthrop's International Center:

<https://www.winthrop.edu/international/>

6. History of Revisions:

12/13/2023	Minor Revisions
01/25/2018	Policy first established

7. Approvals:

Responsible Officer Signature/Date:

Vice President/Senior Administrator Signature/Date:

President Signature/Date: