

# SUL ROSS STATE UNIVERSITY

*A Member of the Texas State University System*

## **SRSU Policy: Hiring International Workers**

**SRSU Policy ID: APM 5.20**

**Policy Reviewed by: Director of Human Resources**

**Approval Authority: Vice President of Finance and Operations**

**Approval Date: December 11, 2025**

**Next Review Date: December 11, 2030**

**PURPOSE:** Provide guidance for hiring international workers in conformity with federal immigration laws.

**POLICY:** This policy applies to the recruitment, hiring, or processing of federally required documents for employment of international workers. Procedures for international student employment and exchange visitor programs are established and implemented by Enrollment Management. Procedures for international faculty and staff employment are established and implemented by Human Resources.

### **DEFINITIONS:**

**International Students Visa** - A visa issued to international students who are temporarily admitted in the United States (U.S.) to study at a recognized educational institution. A F-1 Visa is issued to students who are taking a full course of study and may be offered on campus employment pursuant to the terms of a scholarship, fellowship, or assistantship deemed to be part of their academic program if related to their course of study.

The F-1 visa normally limits the number of hours international students may work. Sul Ross designates nineteen (19) hours per week during academic sessions. International students must be enrolled full-time and be in good academic and disciplinary standing to be eligible to work on campus. Student hourly employees working an average of 19 hours per week are not considered to be half-time employees or full-time employees for benefit purposes even though they may work up to 40 hours when classes are not in session.

Spouses or children with F-2 visas may NOT be employed by University.

**Non-immigrant Visa –**

- i. H-1B Visa is issued to an individual with permanent residency outside the U.S. to work in the U.S. on a temporary basis. A H-1B Visa requires employer sponsorship and is issued for an initial period of up to three (3) years, and may be renewed for a maximum of six (6) years.
- ii. J-1 Visa is issued to participants in exchange visitor programs in the U.S. for the purpose of teaching, studying, conducting research, or providing specialist skills to the University. Non-immigrants with J-1 visas may be employed by the University if permission to work is obtained from their sponsors.
- iii. NT Visa is issued to a citizen for Canada or Mexico who has a prearranged job offer in a specific professional occupation and meets corresponding education or license requirements.
- iv. O-1 Visa is for individuals with extraordinary ability in fields like science, art, education, business, or athletics who are coming to the U.S. to work in their area of expertise.

**Permanent Immigrant Visa –** An employment-based visa issued to an individual to reside permanently in the U.S. An EB-1 (employment-based immigrant workers with first preference) or EB-2 (second preference) requires employer sponsorship.

**Prevailing Wage** - The average wage paid to similarly employed workers in terms of position classification, which includes job duties and skill level. Wage data can be found on the U.S. Department of Labor Office of Foreign Labor.

## **ELIGIBILITY FOR HIRE AND SPONSORSHIP:**

### Eligibility for Hire

In accordance with the Immigration Reform and Control Act (IRCA) and applicable federal regulations, the University only employs individuals authorized to work in the U.S. and does not permit individuals awaiting employment authorization or those with an expired work authorization to work or serve as volunteers.

Unless state or federal law requires that a position be filled by a U.S. citizen, such as the terms of federally funded research, citizenship status shall not be a factor considered in the selection of an applicant for employment. A hiring department may not request documentation of an applicant's work eligibility until a contingent offer of employment has been made. All offers of employment with the University are contingent on the applicant's ability to provide employment eligibility documentation required by federal immigration laws.

1. Employment of international students will follow all processes and procedures according to APM 4.03 Student Employment.
2. Any offer of employment for an international faculty or staff candidate is contingent on the ability of the prospective employee to provide employment authorization on or before the first day of employment.
3. New employee sponsorship requires that Human Resources has all required documentation from the department and from the new employee twelve(12) weeks prior to the employee's intended start date.
4. The salary must conform to the Prevailing Wage for the occupational classification.
5. To ensure compliance with legal requirements, I-9 supporting documentation must be submitted to Human Resources no later than 3 business days from official start date. If it is discovered that a new hire requires visa sponsorship or work authorization on or after their first day of employment, their start date will be delayed until the necessary documentation is obtained.

Eligible University positions for H-1B sponsorship include:

- Tenured/Tenure-track faculty, including librarians and archivists;
- Professors of Practice, all ranks;
- Visiting Professor;
- Lecturer and Senior Lecturer;
- Research Associate;
- Senior Research Associate;
- Research Professor, all ranks;
- Research Scientist;
- Research Aide;
- Postdoctoral Research Associate;
- Visiting Research;
- Staff Science, Technology, Engineering, and Mathematics (STEM) positions

Eligibility exceptions for sponsoring an international worker for a Staff position without responsibility in a research or STEM discipline must be made in writing through the hiring department and approved through the division Vice President.

University sponsorship for permanent residency is reserved for international workers appointed to full-time tenured faculty, full-time tenure track faculty, or full-time research or STEM staff positions.

6. An employee is limited to one permanent residency petition with the type of petition determined by the University.
7. Tenured or tenure track positions must be advertised for at least thirty (30) calendar days in a national professional journal to satisfy regulatory requirements for sponsorship of university teachers. When a position is not advertised for a minimum of thirty (30) calendar days, it requires re-recruitment as a part of the petition for permanent residency. Re-recruitment must follow the State of Texas and University posting and hiring requirements.
8. Permanent residency petitions are generally initiated during the faculty member's second semester at the University.

## **SPONSORSHIP PROCESS**

Employment sponsorship is governed by federal law and coordinated by Human Resources. It is a lengthy, potentially multi-year, process involving significant costs and documentation from the applicant, department, and University.

### **A. Responsibility for Sponsorship Fees and Expenses**

1. To initiate the sponsorship process, the hiring department will notify Human Resources in writing of the hiring department's intent to sponsor the international worker. The written notification must include:
  - a. The employment offer letter for faculty positions must be signed by the Provost.
  - b. A justification memo requesting approval of the petition must include the following:
    1. The employee's name, title and current or proposed salary;
    2. The visa(s) requested;
    3. Salary;
    4. How the sponsorship is in the University's best interest; generally, that sponsorship enables the institution to meet critical scientific, teaching, public service, and/or other needs;
    5. The department's funding source (FOAP) committed and available to support the position and to pay the employer required petition filing fees/legal fees.
2. The hiring department will submit the justification memo through applicable administrative approval process, including the division Vice President, before sending to Human Resources.
3. The hiring department and division Vice President are responsible for paying the following fees, in amounts not to exceed:
  - a. employer filing fees,
  - b. premium processing fees, if required to meet University employment timelines, and
  - c. employer legal fees as required by federal law.

Any request for payment of premium processing fees must be initiated by the department and include written justification. The department must route the request for premium processing through the dean, the division Vice President, and then to Human Resources.

4. The international worker is responsible for paying:
  - a. applicant fees required by federal law,
  - b. any legal fees not required to be paid by the employer,
  - c. fees for dependent applications, if any, and
  - d. premium processing fees, if desired by the employee, and not paid by the University.

Additionally, an international worker is solely responsible for legal fees of any attorney or counselor the individual may hire to represent the international worker's personal legal interests.

- B. Once an employment petition is approved, the prospective employee is responsible for filing the visa application. Appointment arrangements for U.S. embassies and consulates, and additional security clearances that may be required, may cause unpredictably long delays in securing the proper visa to enter the U.S. The individual visa holder is responsible for obtaining status in a timely manner and maintaining status for initial and continued employment at the University. Employee must promptly notify Human Resources of any changes to their work authorization status or the supporting documentation.
- C. Hiring departments must promptly notify Human Resources of any change in the employee's position, duties, or employment status, including the termination of an international worker's employment. Substantive changes in the employee's position or duties can affect the employee's visa status and require a new visa petition.

#### **AUTHORIZED IMMIGRATION ATTORNEYS AND SIGNATORIES**

Human Resources coordinates employment-based non-immigrant petitions and permanent residency petitions with immigration attorneys approved by, and under contract with The Texas State University System (TSUS) in accordance with procedures established by the Texas Attorney General.

Privately retained attorneys do not have the authority to represent the University.

International worker petitions must be prepared by the University's duly authorized agents, to include approved immigration counsel and those employees authorized by the University President to execute immigration documents.