Foreign Faculty Appointment Information

The following information on appointing foreign faculty at CSUF relates to visa/legal immigration classification.

The following information is brief and may not address all situations involved in obtaining work authorization for faculty. Each individual has unique circumstances related to his/her employment eligibility. These procedures apply to individuals who are not U.S. citizens or permanent residents. Employment is contingent upon proof of the legal right to work at CSUF effective with the appointment date. Work authorization is verified during the sign-in process in Payroll Services.

CSUF is not obligated to process any particular visa application for a given foreign faculty appointment. Final approval is based upon the University's need to make an appointment by a specific date and to be able to process visas in a timely way. Only the Vice President for Academic Affairs may approve visa applications for faculty.

All applications are to be considered regardless of the applicant's eligibility to work in the U.S. at the time of application. Applicants are not required to provide information about their visa status during the search process. The CSU1 Form requires all applicants to respond to the following question:

Are you currently eligible to work in the US?
(Yes or No)

Please be aware that while the applicant may answer yes, he/she may not actually be eligible to work at CSUF under his/her current status. When the final selection has been made by the department or the Dean, it may be appropriate to ask applicant(s) about any visa requirements they may have and the faculty should be directed to the Faculty Affairs and Records Office for more information.

Tenure-Track Faculty H-1B (Nonimmigrant visa; temporary worker)

The H-1B visa is the appropriate status for Tenure-track faculty at CSUF. Following the University's decision to request H-1B work status to appoint a tenure-track faculty member, Faculty Affairs and Records will work directly with the faculty member to acquire the H-1B visa. Normally, an initial H-1B nonimmigrant visa is valid for a two year period with extensions possible for a maximum of six years. The six year maximum includes all previous employment under this classification. The number of years the faculty worked in the H1B classification through another employer is deducted from the 6 year availability.

Note: The Vice President for Academic Affairs is the only University personnel who has signature authority to complete immigration forms and related documents.

Approval of the H-1B classification by the U.S. Citizenship and Immigration Services (USCIS) can take up to six months or more from submission of the petition. Departments/Deans should, therefore, submit appointment files to Faculty Affairs and Records Office as soon as they know who they are hiring. The potential faculty who are on an H-1B visa at another institution (including other CSU campuses) must have a new H-1B processed with USCIS for employment at CSUF. First time H-1B faculty must have final USCIS approval before beginning employment. For those faculty who currently hold H-1B status elsewhere, the Receipt Notice provided by
Faculty Affairs and Records  
(657) 278-2125  
USCIS to the CSUF indicating that the petition has been received for review is an acceptable document to begin employment.

**FEES:**

The H-1B application fee (Form I-129) $320.00 ($300.00 for dependents) is paid by the faculty member.

An additional mandatory fee of $500.00 (Fraud Prevention and Detection Fee) is paid by the College/Department from a non-general fund.

In addition to all other fees, there is an option to expedite the review of the application (15 days) which currently costs $1,000.00 (Premium Processing Service Fee).

**Paying any other fees in addition to the above mentioned Fraud Prevention and Premium Processing may be considered a gift of state funds (Office of General Counsel, 2007). See attached statement.**

**H-1B Visa to Permanent Residency**
The H-1B classification provides foreign faculty the opportunity to consider a change in status to permanent resident, which must take place prior to the six year H-1B expiration. The Department Chairs/Search Committees are reminded of the necessity to keep detailed search records regarding reasons for selection/non-selection of U.S. citizen applicants. This information will be required should the faculty member seek permanent resident status and will be needed for the labor certification process.

**TN Status (NAFTA Professional)**
This one-year visa type is used for professionals who are citizens of Canada or Mexico. Faculty working under the TN visa must return to the border each year for renewal and may not convert to Permanent Residency.

**J-1 Visa: Non-Immigrant Status**
This temporary Visiting Professors visa can be issued from one to three years and is not the appropriate classification for tenure-track faculty. If the faculty is currently on a J1 Visa they may be required to a “home stay” following completion of the J-1 assignment. Such a condition may prevent changing from this J-1 visa status to another status while in the U.S. Verify with Faculty Affairs and Records on whether someone is subject to the home residence requirement.

**Employment-based Permanent Residence Immigrant Status (obtaining a Green Card)**
The Office of Faculty Affairs and Records provides liaison services for persons seeking employment-based permanent residence. Those seeking permanent resident status are strongly advised to retain legal representation (immigration attorney or paralegal, who will prepare all documentation) and provide assistance with the completion of the application steps and information that needs to be included with all University approved materials.

**The University expects that all expenses and filing fees associated with employed foreign faculty seeking permanent resident immigrant status are the responsibility of the employee.**

Please contact Faculty Affairs and Records with any questions regarding this process, at 714-278-2125.