

Guidelines on H-1B Visas for Postdoctoral Scholars

Postdoctoral scholars at ECU are advanced non-matriculating trainees in an educational program. Foreign national postdoctoral scholars are valued members of the ECU academic community. In view of increasingly complex immigration and labor laws, university-wide guidelines with respect to H-1B visa sponsorship for foreign postdoctoral scholars at ECU are outlined below.

The following circumstances may warrant ECU's sponsorship of an H-1B petition on behalf of an individual who desires a postdoctoral scholar appointment:

1. The postdoctoral scholar is currently in valid H-1B status;
2. The postdoctoral scholar has pending United States Permanent Resident status as evidenced by an I-485 document;
3. The postdoctoral scholar is married to a US citizen or a US Permanent Resident; or
4. The postdoctoral scholar has received their PhD or equivalent degree in the United States on an F-1 student visa, has completed six months of optional practical training at ECU and is in good standing as a postdoctoral scholar.

The following commitments must be made from the faculty sponsor and the department chair and funding sources verified prior to initiation of H-1B sponsorship:

1. Salary and benefits funding for the appointment period as a postdoctoral scholar with the understanding prevailing wages established by the Federal Government must be met and may exceed current salary levels;
2. Payment for initial H-1B visa costs (currently \$460 filing fee, \$500 fraud prevention fee and \$2500 for expedited processing if there is a business need to expedite);
3. Payment for H-1B visa renewals (currently \$460 filing fee and \$2500 for expedited processing if there is a business need to expedite); and
4. Payment for reasonable cost of transportation to the home country if the postdoctoral appointment is terminated by ECU prior to the end date of the contract.

Current scholars on H-1B may remain in ECU-sponsored H-1B status through the duration of their appointment.

Certain postdoctoral scholars in the United States in J-1 status may seek H-1B status. Those in J-1 status are often subject to the 2-year home residency requirement, which requires residency in the home country for 2 years before they can benefit from H-1B status. Alternatively, scholars may pursue a waiver of the 2-year home residency requirement, where applicable, as a personal matter. Information about the waiver application can be found at: <http://travel.state.gov/content/visas/english/study-exchange/student/residency-waiver.html>. ECU is normally not involved in the waiver process. Additional information about this waiver can be found at: <http://www.uscis.gov/working-united-states/students-and-exchange-visitors/conrad-30-waiver-program>. Scholars are strongly encouraged to discuss this with their faculty sponsor(s) and seek guidance from the Director of Immigration Services, Erin Eatman, prior to seeking such waivers. ECU may sponsor the H-1B petition of a scholar who received a waiver if the H-1B status is acceptable to the department and faculty sponsor and if the department and faculty sponsor are willing and able to make the four commitments noted above.

A Postdoctoral Scholar on a J-1 waiver and H-1B visa may choose to seek employment at ECU, following approved ECU recruitment and employment policies. This process should be discouraged except for those scholars with significant postdoctoral experience and training.