



## Guidelines on H-1B Sponsorship for Faculty and Staff

### 1. Purpose

These guidelines outline the criteria under which Texas State University (TXST) will sponsor eligible faculty and staff for an H-1B in accordance with federal immigration regulations and university priorities.

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### 2. Scope

These guidelines apply to benefits-eligible faculty and staff in full-time positions who require employer sponsorship for work authorization in the United States.

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### 3. General Principles

- Sponsorship is a discretionary university benefit, not an automatic entitlement.
- The process is guided by U.S. Department of Labor (DOL), U.S. Citizenship and Immigration Services (USCIS), and Department of State (DOS) regulations.
- Employment with TXST does not guarantee H-1B sponsorship.
- The university department in which the eligible faculty or staff member works is responsible for initiating the H-1B sponsorship process with the TXST International Employment office.
- To ensure fairness and transparency, all hiring units must develop, document, and consistently apply standardized criteria and evaluation processes when considering H-1B sponsorship requests.

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### 4. H-1B Sponsorship Eligibility Criteria

#### A. General Eligibility

##### 1. Position Requirements

The role must qualify as a "specialty occupation," necessitating at least a bachelor's degree in a specific field relevant to the position's duties.

## **2. Employment Terms**

The position must be full-time and benefits-eligible. Part-time roles, adjunct positions, and roles contingent upon student status are ineligible.

## **3. Wage Compliance**

The university must pay the higher of the actual wage (what it pays similarly qualified employees) or the prevailing wage as determined by the U.S. Department of Labor.

## **4. Duration**

Generally, the maximum period for H-1B workers is six years with some common exceptions. In most cases of an initial H-1B, status can be granted for up to three years with the possibility of extension for a maximum of six years.

## **B. Faculty Positions Eligibility**

The university strongly supports H-1B sponsorship for full-time, tenure-track and non-tenure-track faculty positions that require advanced academic credentials.

### **1. Eligible Titles**

Assistant Professor, Associate Professor, Professor, Lecturer, Clinical Faculty, and similar academic titles.

### **2. Sponsorship Considerations**

- i. Must be a permanent or renewable appointment.
- ii. A formal job offer and signed offer letter must be in place.

## **C. Postdoctoral Positions Eligibility**

Full-time postdoctoral positions in specialty occupations typically requiring a doctoral degree.

### **1. Eligible Titles**

Positions such as Postdoctoral Fellow, Research Fellow, and similar titles.

## 2. Sponsorship Considerations

A formal job offer and signed offer letter must be in place.

### D. Staff Positions Eligibility

Sponsorship for staff positions is more restrictive and is considered under specific circumstances.

#### 1. Eligibility

Only full-time, benefits-eligible staff positions that are classified as "difficult to fill" due to the specialized nature of the role may be considered for H-1B sponsorship. Example titles include: IT Specialist, Research Analyst, Specialized Accountant, scientific roles or similar titles.

#### 2. Sponsorship Considerations:

- i. A formal job offer and signed offer letter must be in place.
- ii. Institutional priorities addressed by the position.
- iii. Institutional knowledge gained through long-term employment by individual.

### Summary Table

Category	Eligible Positions	Eligibility Criteria
<b>Faculty</b>	Assistant Professor, Associate Professor, Professor, Lecturer, Clinical Faculty	<ul style="list-style-type: none"><li>- Full-time, benefits-eligible</li><li>- Requires advanced academic degree</li><li>- National or international recruitment</li><li>- Long-term or renewable appointment</li></ul>
<b>Postdoctoral</b>	Postdoctoral Researcher, Postdoctoral Fellow, Postdoctoral Scholar	<ul style="list-style-type: none"><li>- Full-time appointment</li><li>- Requires advanced degree</li><li>- Research or scholarly focus</li></ul>

<b>Staff</b>	Specialized positions difficult to fill	<ul style="list-style-type: none"> <li>- Full-time, benefits-eligible</li> <li>- Requires highly specialized knowledge and bachelor's degree minimum</li> <li>- Documented recruitment difficulty for U.S. workers</li> </ul>
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## 5. Initiating the Sponsorship Process

### A. Timing

Hiring units initiate H-1B sponsorship requests in a timely manner based on USCIS processing times. Currently 6 – 8 months from the start date of employment.

### B. Considerations

1. Financial commitment. The hiring unit covers the filing fees and other relevant fees.
2. Hiring units must notify International Employment of any changes in role responsibilities or employment status after initiating the H-1B sponsorship request.

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## 6. Costs and Fees

### A. University Covers

- Legal fees.

### B. Hiring Unit Covers

- Government filing fees.
- FedEx fees.
- External counsel consultation fees when requested.

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## 7. Sponsorship Approval Process

### A. Hiring Unit Request

H-1B sponsorship requests can only be initiated by the hiring department through the TXST International Employment's [H-1B Petition Request](#) form.

## **B. Review and Approval**

### **1. Faculty and Postdoctoral Positions**

- i. TXST International Employment will review the hiring department's request for sponsorship.
- ii. TXST Faculty and Academic Records will confirm hire and type of position.
- iii. Outside legal counsel will review petition information and will assess if requirements for petition are met.

### **2. Staff Positions**

- i. **Justification:** The hiring department must provide evidence demonstrating the position's critical nature and the challenges faced in recruiting qualified U.S. workers.
- ii. TXST International Employment will review the hiring department's request for sponsorship.
- iii. TXST Human Resources will review and assess the justification presented.
- iv. IF approved by International Employment and Human Resources, outside legal counsel will review petition information and will assess if requirements for petition are met.

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## **8. Compliance and Monitoring**

Any changes to the H-1B employee's job duties, work location, salary, title or employment status must be reported to TXST International Employment prior to implementation. Unauthorized changes may violate visa conditions and jeopardize both the employee's status and the university's compliance.

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## **9. Guidelines Review**

These guidelines will be reviewed at least every three years or sooner based on legal or procedural changes.

*These guidelines are intended for internal use by university departments and hiring officials and will also be published on the university website under International Employment/ H-1B Sponsorship.*