

Updated July 1, 2025

## **H-1B Sponsorship Policy - Effective 07/01/2025**

Wake Forest University (WFU) is eligible to sponsor an employee for the H-1B, temporary non-immigrant, visa for workers in a Specialty Occupation. Each sponsorship request is at the university's discretion. Each case will be handled on a case-by-case basis subject to review by the Center for Immigration Services & Support (ISS), the university's general counsel, and the university's contracted external immigration counsel. The final adjudication for any immigration petition is determined by the U.S. Citizenship and Immigration Services (USCIS). WFU will assist with the H-1B visa application for eligible, full-time employees.

At Wake Forest University these positions include, but are not limited to:

- Assistant, Associate, or Full Professors
- Lecturers/Instructors or Teaching Professionals
- Professional Research Assistants, Research Associates
- Other Professional Exempt Staff where a specific degree is a minimum requirement for the position
- Postdoctoral Fellow (on a case by case basis)
- Visiting Associate Professors (with Dean's approval)

**Note:** A hiring unit shall not promise immigrant visa sponsorship (for Permanent Residency) or the attainment of an H-1B nonimmigrant work visa to any candidate during the recruitment process. They should only speak in general terms regarding the case-by-case review and eligibility for H-1B as determined by ISS and the university's contracted outside legal counsel. All hiring should follow Human Resources' Search and Selection [criteria](#). Any 'promise' of H-1B or other immigration visa sponsorship is not binding, and eligibility for H-1B sponsorship is determined by ISS and the university's contracted outside legal counsel.

### General Sponsorship Guidance:

A unit considering requesting sponsorship of an H-1B should contact the Center for Immigration Services & Support (ISS) before making any commitment of H-1B sponsorship. The decision on sponsorship is based on several factors:

- Business needs of the unit
- H-1B regulations about qualifying positions and the proffered position
- Prospective employee's previous visa history
- Prospective employee's educational credentials

It is generally advised that in the best interest of the institution that all current available immigration benefits should be exhausted prior to utilization of H-1B sponsorship. For non-faculty positions it will be required that the employee exhaust all available immigration benefits for employment before transitioning to H-1B status. This provides financial benefit to the institution, and career flexibility to the employee.

Wake Forest University has determined the parameters below under which an H-1B visa status may be sponsored:

#### Faculty Positions

- After consultation with ISS and contracted outside immigration counsel, a unit may request an H-1B be filed on behalf of the university.
- It is generally advised to utilize all available immigration benefits for employment (such as F-1 OPT) prior to filing the H-1B, but it is not required, and a unit may determine to request H-1B sponsorship based on business need prior to exhausting all available benefits.

#### Non-Faculty/Staff Positions

- IF the employee has no other immigration benefit that allows them to work in the U.S. as determined by ISS and contracted outside immigration counsel, THEN a unit may request an H-1B be filed on behalf of the university
  1. If the employee is able to obtain employment authorization without H-1B sponsorship, then the employee should use their employment authorization first due to the 6-year general limit for H-1B Visas. The H-1B visa then can be utilized at a later date. (Ex. Utilizing All F-1 OPT authorization prior to H-1B sponsorship)
  2. ISS will assist in guidance for other immigration benefits and work authorization if guidance is needed by the employee or unit.
  3. Discussion for sponsorship should begin within the final 12 months of an employee's employment benefit, with final processing beginning at 6 months prior to end of employment benefit.

This policy can be amended at the discretion of the Provost or Executive Vice President. In rare circumstances, an exception may be requested and reviewed by campus leadership. Edits and changes will be communicated to the campus community.

## **Definitions & Responsibilities**

### **What is the H-1B?**

The H-1B is a visa category that is reserved for nonimmigrants working in a specialty occupation (a job that requires theoretical and practical application of a body of highly specialized knowledge). Jobs that qualify for H-1B sponsorship require a bachelor's degree or higher. The employer must prove that the employee is qualified to perform "specialized" duties of the job and document that the employer is following standard industry practices for similar positions. The employee must prove that he/she is in possession of the required credentials, licenses, etc.

### **What are Wake Forest University's responsibilities regarding H-1B sponsorship?**

Unless an employee has obtained U.S. citizenship or permanent resident status in the U.S., the employee will require work authorization to be employed in the U.S. Many employees may start their employment in one type of employment authorization but may require support from their employer to maintain their employment authorization. This support may require the employer to sponsor the employee for a different visa status that allows the employee to continue employment in the U.S, such as an H-1B visa. WFU is not required to sponsor any employee for a work visa, and it is at the university's discretion.

### **Unit Responsibilities for hosting an H-1B employee for the duration they are on campus**

- Notify ISS of any change in the employees job status including, but not limited to, salary increases of more than 5%, salary reductions, change in work location (including remote work), change in job title and job duties, changes from full-time to part-time employment, termination of employment, or sabbatical leave.
- If an employee on an H-1B visa is terminated from their job by Wake Forest before the H-1B sponsorship period expires, then the hiring unit must offer the employee the cost of a reasonable return trip to the employee's home country (or location of permanent residence). The offer must be made in writing and the employee can accept or decline.
  - If an employee on an H-1B visa resigns from their employment at Wake Forest before the H-1B sponsorship period expires, then the hiring unit is not responsible for the cost of a return trip to the employee's home country (or location of permanent residence).

### **Who is authorized to manage the H-1B process at Wake Forest University?**

The university authorizes ISS to submit H-1B petitions on behalf of WFU employees. ISS works closely with the university's contracted immigration attorney to file these petitions. Some employees may choose to retain their own immigration counsel for their personal needs. However, the university may only be represented in H-1B cases by approved outside



immigration counsel as determined by the Office of General Counsel and will only provide support in immigration cases as monitored through the university's contracted outside immigration counsel.

## **Summary of the H-1B Process**

ISS has summarized the H-1B process into seven main steps. There are many documents and procedures within each step that can take months to complete.

1. Initial Meeting between ISS, department chair (or unit manager), supervisor, and employee (at the discretion of the hiring unit) to review the position specifics, timeline, and determine if the employee qualifies for visa sponsorship.
2. Initial Review of documentation related to the position and background of the employee by ISS and outside legal counsel.
3. Prevailing Wage Determination to determine if the offered wage meets the minimum Department of Labor prevailing wage for the position. ISS does not review prevailing wage information until it is necessary for the H-1B application.
4. Labor Condition Application (LCA) is required by the Department of Labor to certify the working conditions and wage being paid to the employee.
5. Employer Posts Notices of Intent to Hire in two locations on campus. ISS will post one notice in Reynolda Hall and the hiring unit will post the second notice. Both notices must be posted for 10 business days.
6. Completion of I-129 forms and assembly of evidence to support the H-1B petition.
7. Petition is submitted to USCIS. Once a decision has been made by USCIS, ISS will notify the employee and hiring unit.

## **Processing Time Considerations**

Processing timeline will vary depending on whether the employee is currently inside the U.S. or outside the U.S. In general, it can take 1-2 months to complete the process from the initial meeting with ISS to the petition being submitted to USCIS. The H-1B petition under regular processing can take 4- 6 months to process, depending on USCIS case loads. ISS recommends filing all H-1B petitions using premium processing, which requires USCIS to make a decision on the H-1B petition within 15 business days.

However, if the employee is outside the U.S. the length of time to obtain a visa appointment at a U.S. Consulate can vary from country to country. It is critical that the hiring unit consult with ISS as soon as an international employee is hired. Please keep in mind that hiring units must follow the U.S. Equal Employment Opportunity Commission [requirements](#) during the interview process



and ISS cannot discuss specific visa status information with the employee until they have accepted an offer of employment. For more information, please contact Human Resources.

## **Fees**

The university is required to cover ALL fees associated with the employee's H-1B process. University funds cannot be used for non-employee expenses, such as those associated with a spouse and children. In general, the fees for an H-1B petition are around **\$6,265. These fees are subject to change.**

<b><i>Service</i></b>	<b><i>Fee</i></b>
I-129 Application Fee (USCIS)	\$460
Anti-Fraud Fee (USCIS)	\$500
Premium Processing Fee (USCIS)	\$2805
Legal Fee for Processing H-1B (immigration attorney)	\$2500

The immigration attorney will invoice ISS for these charges once the H-1B petition is filed with USCIS. Keep in mind that if a hiring unit starts an H-1B process for an employee and then decides not to go forward, there may be an invoice for the work done prior to canceling the petition. Once the petition is submitted to USCIS all fees will be due and there are no refunds.

In order to pay the invoice, hiring units will need to provide a journal entry to ISS (505216 U04606) after the initial meeting with ISS. Some grant funded accounts cannot be used for H-1B purposes. Please contact Accounts Payable with any questions. The journal entry allows ISS to process the invoice for legal services as soon as it is received and allows ISS to track these expenses for the university.