



## *H-1B Visas and Universities*

### What is an H-1B Visa?

H-1B visas are non-immigrant visas for temporary “professional specialty workers,” an employment category closely associated with science, technology, engineering, and mathematics (STEM) fields, but not limited to them.

Current law limits general annual H-1B visas to 65,000 visas. There are an additional 20,000 visas for aliens holding a master’s or higher degree. Universities and nonprofit research facilities are exempt from the cap.

### What is the H-1B Visa Application Process?

The H-1B process currently takes roughly four to six months. Applicants are subject to a background review similar to those with F, M, and J visas. However the consular interview is more specific to employer- and job-duties and the employer expends significant time and resources to secure the H-1B visa. In addition, certain fields subject to the Export Control Act require a deeper employee background check.

Premium processing has often been relied on for on-time processing (\$1,225+ per application). Note: Premium processing was temporarily suspended for five months in 2017 due to a regular processing backlog.

### How Do Universities Use the H-1B Visa?

Universities may use H-1B visas to offer a pathway for F-1 student scholars to work in the U.S. after graduation and can be a stepping stone to permanent residency, but many countries that

compete with the U.S. for top talent offer easier and more straightforward pathways from student to permanent residency status.

The most common uses of H-1B visas by universities include: faculty appointments; research associates; computer systems analysts; postdoctoral fellows; software engineers; doctors, clinicians, therapists; researchers, post-docs, biologists, research between postdoc and fellows; financial planners, PR experts, writers, editors, sports coaches, designers, accountants, economists, statisticians, architects.

***The H-1B visa remains an important tool for hiring foreign nationals who receive their advanced degrees from U.S. universities.***

In many critical disciplines, particularly in science, math, engineering and technology (STEM), 50 percent or more of the post-graduate degrees at U.S. universities are awarded to foreign nationals.

### Looking Ahead

In April 2017, the Trump Administration issued the “[Buy American and Hire American](#)” Executive Order aimed at protecting the interests of U.S. workers. In publishing this order, additional rules are likely to be proposed by the administration through the rulemaking process. In the Fall Unified Agenda, Department of Homeland Security indicated plans to “[strengthen the H-1B visa](#)” and add “[registration requirements for H-1B petitions](#).” In separate efforts, Congress continues to assess legislation that would reform the H-1B visa program.