U.S. colleges and universities are increasingly embracing global learning and are enhancing student learning experiences by hiring talented faculty, researchers, and scholars from around the world. International faculty, researchers, and scholars bring diverse qualifications, experiences, and perspectives to campus, but also present challenges for administrators trying to navigate the “alphabet soup” of non-immigrant employment visas. Savvy institutions seeking to hire the best and brightest from around the globe are becoming increasingly sophisticated in their understanding of the visa options available for recruiting and employing international staff.

So what do colleges and universities need to know to develop immigration strategies consistent with their educational and research goals and how can administrators make sense of the sometimes overwhelming framework of visa options available? The following bullet points summarize the non-immigrant visa categories most applicable to higher education, and explain the circumstances where each might be well-suited to a particular institutional need:

- **O-1**: For colleges or universities looking to employ international faculty, researchers, or scholars who have achieved distinction in their field of expertise, the O-1 visa category is an appealing option. Foreign nationals who qualify for O-1 status are typically individuals who are at the top of their field, demonstrating extraordinary ability in the sciences, arts, education, business, or athletics. An O-1 petition is document intensive and requires meticulous preparation. Some of the required evidence includes receipt of major prizes or awards, published materials in professional or trade publications, original scientific or scholarly contributions of significance, and authorship of scientific or scholarly articles. The O-1 visa is a great option for those international researchers and scholars who are the best of the best.

- **H-1B**: The H-1B visa is well-suited for international faculty, researchers or scholars because it is available for any foreign national who will be employed in a position requiring at least a Bachelor’s degree or foreign equivalent degree. For most employers, the disadvantage with the H-1B category is that only a limited number of H-1B visas are made available every fiscal year (a/k/a H-1B numerical cap), and in recent years, these visas have been allocated very quickly. Fortunately, institutions of higher education are exempt from the H-1B numerical cap. Therefore, an unlimited number of H-1B visas are available every fiscal year for foreign nationals employed at U.S. colleges and/or universities.

- **TN**: The TN NAFTA category is available for Canadian and Mexican citizens who will be employed in certain occupations in the United States. It is not available for non-Canadian and non-Mexican citizens. Among the occupations that qualify for TN classification are accountants, engineers, lawyers, pharmacists, scientists, and teachers. There is no numerical quota or cap for TN visas, so it is a good option for Canadian and Mexican employees.

- **J-1**: The J-1 exchange visitor visa allows individuals to participate in work and study exchange programs. The goal of the J-1 program is to foster greater global understanding through education and cultural exchange. The J-1 visa allows for part-time employment and academic training. Thus, colleges and universities can benefit from a scholar’s contributions while the scholar continues his/her research and training. The J-1 visa is an ideal option for short-term scholars as well as professors and research scholars. The J-1 visa is not a long-term option, however, as exchange visitors are expected to return to their home countries to share what they have learned once their training has concluded.

- **B-1**: The B-1 visitor visa is designed for individuals who will enter the United States for a temporary period for a business purpose. In the context of higher education, the B-1 visa allows individuals to attend scientific, educational, professional, or business conventions and
conferences. This visa category can also be used to bring in international guest lecturers. B-1 visas are granted for an initial period of 1 to 6 months, depending on the length of the business activity in the United States, and may be extended for an additional 6 months, making this a short term option only.

As trends toward global learning continue, awareness about immigration options allows colleges and universities to evaluate their goals for international hires, recruit from around the world, and develop a successful immigration strategy to bring the most talented faculty, researchers and scholars to U.S. campuses. While the "alphabet soup" of non-immigrant employment visas options may seem overwhelming, many non-immigrant visa categories fit particularly well with the hiring needs of colleges and universities and the qualifications of their international employees. Thus, through careful and individualized strategic planning, U.S. colleges and universities can welcome international faculty, researchers, and scholars, creating diverse learning communities without running afoul of U.S. immigration laws.

If you have additional questions, please do not hesitate to contact the authors or any member of Waller.

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