

March 13, 2017

To: Department Chairs and Directors (via SBCHR-L, SBDIR-L)

From: Cindy Doherty, Director,  
Academic Personnel

Re: Impact of H1-B Delays on Academic Hiring

As you may be aware, the Department of Labor recently announced changes in the processing of H-1B petitions that will likely impact the time required to secure an H-1B visa. I would like to provide you with additional information regarding the hiring of employees into academic positions in light of this new information.

For faculty (Professorial or Lecturer) offers that have already been extended with a July 1, 2017 start date:

- If the visa is obtained prior to the first day of Fall quarter (September 24, 2017) the faculty member will still be able to start in Fall. If they have been outside of the country until that time, they may be hired retroactively to July 1 once they arrive. If they were in the country on another visa type, they may be hired on a 9/9 bases (paid October-June) for their first year of employment.
- If the visa is obtained after the first day of Fall quarter, the prospective employee will need to delay their start date to Winter quarter 2018. If the visa is obtained prior to November 1, 2017 they may be hired effective that date. If the visa is obtained prior to the start of Winter quarter (January 8, 2018) they may be hired either retroactively to November 1, or hired on a 9/9 basis (paid January-June) depending on if they have been in the country or not, as described above.

For faculty candidates to whom offers have not yet been extended:

- Consider the time-lines the Office of International Students and Scholars (OISS) suggests and the options above when discussing a potential start date with the candidate. A Winter or Spring quarter start may be more realistic than a Fall start. However, we recommend extending the offer with a Fall start date so that the H1-B application process can begin as soon as possible. This should be done with the understanding that the start date may have to be delayed if the H1-B is not received by the start of Fall quarter.
- Remember that determination of the finalist in a search or the hiring decision itself cannot be based on citizenship or visa status.

For other academic employees (researchers, project scientists, etc.):

- The start date of the appointment can be adjusted as necessary once the visa is secured.

In all cases, please continue to work with OISS regarding the H-1B request. You may also consult with the analyst in Academic Personnel to determine the appropriate start date once the visa is secured or to discuss other issues related to the appointment. For faculty appointments, you may wish to consult with your Dean regarding replacement teaching support if a faculty start-date is delayed.

More detailed information is available on the OISS web site at:

<http://oiss.sa.ucsb.edu/alerts/premium-processing-suspended-for-h-1b-petitions>

cc: Academic Business Officers and Analysts

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