

North Dakota School Boards Association - 2022 Annual Convention

Clinic Session - Hiring Foreign Teachers

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Presented by:

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Fredrikson
& BYRON, P.A.

*All handouts associated with this presentation
can be found by scanning the QR code below.
Thank you!*



Visa requirements, considerations and limitations

10/24/2022

Fredrikson
 & BYRON, P.A.

Common Visa Options

F1 student
OPT

J1 Teacher
Exchange

H1B
Specialty
Occupation

Q1
Culturally
Unique

F1 Students

CPT – Authorized by the University while in school to work part time

- I-20 will authorize employment (per school program)

OPT – Authorized by the University and USCIS to work full time after graduation

- EAD will authorize employment (12 months)

Visa Options for Hiring Foreign Teachers

- J1 Program
 - Regulated through the Department of State
 - Accredited primary and secondary schools
 - 3 years with possible extension up to 5 years

J Visa Requirements

- Teacher must be qualified to teach primary or secondary school in their home country
- Working presently as a teacher at time of application or if not, otherwise meet the qualifications as a teacher and have completed an advanced degree within 12 months of the application

J Visa Requirements

Two years of full-time teaching experience in last 8 years

A minimum of a bachelor's degree in education or subject field to be taught

Meet state teaching standards

Apply from outside the United States

J Visa Requirements

- How to sponsor?
 - Requires sponsoring agency
 - <https://j1visa.state.gov/participants/how-to-apply/sponsor-search/?program=Teacher&state=any>
 - Fees paid to agency
 - Also requires insurance, wages

J Visa Requirements

DS-2019



Embassy appointment for visa



Passport



Family members



I-94 record and I-9 completion

J Visa Considerations

Coming to the
US with little
cultural
competence

Housing

Transportation

Community
integration

Cap Exempt H1B

- Non-profit related to or affiliated with an institute of higher education
- Formal written affiliation agreement between the school/district and the University
 - Example, student teachers
- Must be active agreement

H1B Visa

- Specialty occupation – requires a bachelor's degree to perform
- Licensure – follow state teaching rules
- Union notification – Labor Condition Application (LCA)
- Wages – BCA or prevailing wage/actual wage

H1B Visa

- Can be granted up to 3 years (6 years total)
- USCIS may limit duration due to license expiration
- Obligations to notify USCIS if early termination, pay for ticket home

Q1 – Culturally Unique



Immersion language teachers – need to educate the community about the culture



18 months only



Wage obligations



Limited occupations will qualify

Green Card

PERM labor certification



I-140 Immigrant Visa



I-485 Adjustment of Status



2+ year process



Must maintain nonimmigrant status

Q & A SESSION

10/24/2022

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