



## Visa Policy for Employees of the McAllister Heart Institute

The McAllister Heart Institute receives a number of nonimmigrant status requests each year for its employees. MHI does understand and will consider, on a situational basis, instances where there is a critical need to attract or retain unique skills or competencies, sponsorship of a foreign national through the visa process. The McAllister Heart Institute exercises careful discretion in these matters and will adhere to specific procedures when contemplating immigration processes that ultimately affect our operations. These policies and procedures pertain to all MHI positions and laboratories within the institute.

When anticipating the hiring of a foreign national, all Institute participants must observe the following:

- The institute will have standard options in lieu of H1B requests that will be processed. These options are J1- Exchange Visitor Research Scholar, J1- Exchange Visitor Research Scholar short term J1- Exchange Visitor Student, F1 student on Optional Practical Training, TN- Trade NAFTA for Canadians and Mexicans, E-3 Australian in Specialty Occupation
- A Principal Investigator wanting to “sponsor” a potential foreign national employee will be required to contact MHI’s business manager and MHI’s human resource office to discuss appropriate nonimmigrant status type for their potential hire. Under no circumstance is a PI or Laboratory authorized to “sponsor”, sign or submit any employment agreement to a potential foreign national employee on behalf of MHI without coordinating the process through MHI’s business manager and MHI’S human resource office. Agreements that have not been approved by these offices will not be recognized as authorized employment.
- The foreign national seeking temporary nonimmigrant status or permanent residency is responsible for payment of all fees required to obtain that status, except those fees the Department of Labor and University policy requires the employer to pay.
- Decisions to terminate the employment of persons holding certain types of visas before their work authorization expires, for reasons other than for cause, must offer to pay the reasonable costs of the worker's return transportation to their home country. Such costs will be expensed against the sponsoring Principal Investigators budget.
- MHI will comply with the USCIS and OISSS with regard to fees for which the employer is responsible with respect to a foreign national’s obtaining a visa. These charges will be incurred by the “sponsoring” Principal Investigator.

### **Sponsorship of a foreign national residing in this country with an H-1B visa either with another institution or an alien without current work authorization.**

A foreign national may be employed on an H-1B visa for a specific and limited period of time. This type of sponsorship may be approved on a case-by-case basis depending upon the operational needs of MHI. Principal Investigators approved to sponsor an individual on an H1B nonimmigrant status will be required to pay all costs associated with processing a visa of this type. For work authorization, MHI must attest to its compliance with various legal requirements. This process will be handled through the MHI human resource office. The requirements include:

- **Wages:** MHI must pay foreign nationals at least the Department of Labor determined prevailing wage or actual wage, whichever is higher for that position.

- Working Conditions: MHI must attest that non immigrant foreign workers in the same occupation will not adversely affect the working conditions of workers similarly employed. MHI further attests that nonimmigrant's will be afforded working conditions on the same basis, and in accordance with the same criteria, as offered to U.S. workers.
- MHI must also offer benefits to foreign nationals in this category on the same basis as they are offered to U.S. workers.

MHI will not file for permanent residency status of its employees. Foreign nationals seeking permanent residency status must obtain that status through outside counsel at their own expense.