

## H-1B Sponsorship

### H-1B Visa Sponsorship

Clark University adopts a presumptive policy against initiating new H-1B sponsorships, subject only to the limited exceptions and approval processes described below.

#### Section 1: General Rule

Clark University will not initiate new H-1B visa sponsorships for any employee classification except as expressly permitted under this section. H-1B sponsorship is not a standard benefit of employment and will be considered only where institutional needs clearly justify an exception.

Clark University will honor previously approved H-1B commitments and filings (including renewals, amendments, and changes of status that do not constitute a new petition) that were officially approved or initiated prior to October 1, 2025.

#### Section 2: Prohibition on Sponsorship Triggering the \$100,000 H-1B Fee or any Extraordinary Government Fees

Clark University will not sponsor an H-1B petition that would subject the University to the currently imposed \$100,000 H-1B employer surcharge or any other extraordinary government-imposed fee above standard filing costs, except under extraordinary institutional circumstances and only with the approvals described in Section 5 below.

“Extraordinary government fee” refers to any employer-paid immigration filing fee, surcharge, assessment, or supplemental payment obligation that exceeds standard base H-1B filing, ACWIA, and fraud prevention fees and is triggered by statutory or regulatory conditions.

If federal law or regulation modifies, replaces, or creates a substantially similar elevated employer fee, this prohibition will automatically apply to the obligation in effect at the time of filing.

Such cases are expected to be extremely rare and will be evaluated in light of long-term institutional benefit, financial impact, and strategic necessity.

### **Section 3: Faculty Sponsorship (Limited Circumstances)**

For full-time faculty positions, H-1B sponsorship may be considered only if:

- The position qualifies as a specialty occupation under USCIS standards;
- The sponsorship does not trigger the \$100,000 H-1B employer surcharge or other extraordinary government fee described in Section 2, or falls within an approved extraordinary exception under Section 5; and
- The case aligns with Clark's academic priorities and recruitment needs.

Nothing in this policy guarantees sponsorship for any faculty member.

### **Section 4: Staff and Research Positions — Presumptive Prohibition with Narrow Exception**

H-1B sponsorship for staff or research positions is presumptively not available. A narrow exception may be considered only where all of the following are documented:

1. A bona fide national search was conducted;
2. No qualified U.S. workers emerged as viable candidates;
3. The role is demonstrably critical to institutional operations, research capacity, or strategic initiatives; and
4. The sponsorship does not trigger the \$100,000 H-1B employer surcharge or other extraordinary government fee described in Section 2, or an extraordinary exception under Section 5 is approved.

Hiring a former student or employee solely on the expectation that the University will later pursue H-1B sponsorship is inconsistent with this policy.

### **Section 4A: Staff Hiring and Future Sponsorship Limitation**

Employment of individuals who are work-authorized for a limited duration (including F-1 OPT, STEM OPT, or other time-limited EAD categories) does not create any expectation or commitment of future visa sponsorship.

Prior to extending an offer, Human Resources should review the expiration of current work authorization and consider the institutional risk of employment interruption. Clark University may decline to pursue sponsorship at any future point, consistent with this policy.

## **Section 5: Extraordinary Institutional Exception**

In rare cases where sponsorship:

- Would trigger the \$100,000 H-1B employer surcharge, or other extraordinary government fee described in Section 2, or
- Falls outside the standard faculty parameters above,

The matter may be considered as an Extraordinary Institutional Exception. Approval requires:

- The Provost (for faculty) or Chief Human Resources Officer (for staff/research), and
- A determination that the candidate's expected long-term institutional value, leadership role, research impact, or programmatic significance justifies the exception.

Such approvals are discretionary, case-specific, and do not establish precedent.

## **Section 6: Costs**

Clark University generally covers required employer legal and filing fees for approved H-1B petitions. For non-faculty employees currently on OPT, the University reserves the right to require a cost-share of certain filing expenses in exceptional circumstances, subject to eligibility and federal wage regulations. All costs associated with dependents are the responsibility of the employee. All fee decisions remain subject to federal and state wage and hour regulations and prevailing wage requirements.

## **Section 7: No Guarantee of Sponsorship**

Nothing in this policy obligates Clark University to sponsor any employee for an H-1B visa. All sponsorship decisions are made in the University's sole discretion, consistent with institutional priorities, financial considerations, and compliance obligations.

<b>Responsible Office/Division:</b>	<b>Office of Human Resources</b>
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