Washington County School District
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Administrative Letter A165

District Sponsorship of Visas and EAD/Green Cards

Administrative Letter #165 District Sponsorship of Visas and EAD/Green Cards - Approved 04/2023

DATE: April 24, 2023

REGARDING: DISTRICT SPONSORSHIP OF VISAS AND EAD/GREEN CARDS

As a school district we do not have a clear policy or procedure regarding renewing the visa status for our International Guest Teachers (IGT). There is evidence that this has caused the district to incur additional costs by way of fees paid. Specifically, the practice of paying premium processing for visa renewals. In addition, we have trained teachers that became highly respected and demonstrated a skill for helping students achieve at high levels, that ultimately ended up leaving our district. Sometimes, this was to return to their home country to fulfill the requirements of the J-1 visa, or to enter another district willing to assist them in earning an Employment Authorization Document (EAD) which states the employee is a permanent resident and allows them to apply for a green card.

As we are currently working on sponsoring EAD for several teachers (20) we have learned some lessons. First, premium processing fees do not need to be paid for every application. Second, when filing an extension using the Lengthy Adjudication Clause, it is not always best to wait for the teachers to receive the I-140 as part of the EAD process. It would have been advantageous for the district to accept a one-year extension to H-1B visas and applied for a second extension after one year.

Given the above experiences, I believe it is to the districts advantage to have a clear practice, regarding the sponsoring of visas and the process of working towards an EAD and green card.

Considering the requirement for teachers from China to return to China after completing their time here on a J-1 visa status, I recommend we continue the practice of sponsoring the Q-1, and the H-1B visa status for IGT's from China, and other countries that are not likely to grant an exemption, situations where a J-1 visa is not an option, and when the state of Utah is unable/unwilling to sponsor a J-1 visa. The latter situation would most likely be when a teacher applied from a foreign country directly to the school through AppliTrack.

Since most Spanish and Portuguese speaking countries allow for an exemption of the requirement to return to the country for two years, or do not have the requirement as part of the visa process, it is recommended we continue to have the state sponsor J-1 visas for teachers from these countries.

Sincerely,

Travis Wilstead

DLI/World Language Coordinator

The following will be the practice of sponsoring visas and EAD's in the Washington County School District:

Purpose:

- To create a set of procedures for the Washington County School District (WCSD) in regard to sponsoring visas for teachers and interns in the DLI & Advanced World Language Courses.
- To create a set of procedures for WCSD to sponsor Employment Authorization Documents.

Hiring of International Guest Teachers:

Principals will consider candidates through the state sponsored procedures, in district transfers, and applicants.

Once a candidate has been selected the principal will follow the required procedures through the state, in district transfers, and applicants who have applied directly but are not within the district.

If the selected candidate needs a district sponsorship for a visa, the principal will notify the DLI & World Language coordinator, simultaneously with the HR department.

Teacher accepts the position and the district or state move forward with the sponsoring of the appropriate visa.

Sponsorship of J-1 Visa Through the State of Utah:

Once a teacher has accepted a position with the Washington County School District (WCSD), the process of filing for a visa will begin.

- While teaching in WCSD for the first year, the teacher will participate fully in the state, district, and school professional learning opportunities.
    - This includes the Annual Utah Dual Immersion Institute (where applicable)
- As part of the staffing process for the next year the principal will declare the teacher effective/successful.
    - If the teacher is effective/successful, the teacher continues employment in WCSD on the J-1 visa and will continue to participate in professional learning opportunities from the state, district, and school.
- As part of the staffing process for the teacher's second year the principal will declare the teacher effective/successful.

- If the teacher is effective/successful, the teacher continues employment in WCSD on the J-1 visa and will continue to participate in professional learning from the state, district, and school.
    - The principal will declare if the teacher should be offered an opportunity to have permanent residence.
        - If yes, we will move forward with the process to move the teacher to an EAD.
    - The process of evaluation and recommendation for continued employment will continue each year, like all other teachers.
    - Cost to the district will be the cost of the EAD process.
    - Teacher will stay on J-1 visa status for up to 5 years. If the teacher runs out of J-1 visa eligibility years, the district will sponsor an H-1B visa (we will not need premium processing if we apply for the change in visa status on time).

Sponsorship of Q-1, and/or H-1B Visa Through the State of Utah:

- Teacher is interviewed by local principals the principal makes a recommendation through the HR & DLI depart.
    - Principal simultaneously notifies HR & DLI of the decision to hire a candidate in need of a visa sponsorship.
    - The district will apply for a Q-1 (whenever possible), or an H-1B, visa.
        - Premium processing will be utilized as needed.
    - While teaching in WCSD for the first year, the teacher will participate fully in the state, district, and school professional learning opportunities.
        - This includes the Annual Utah Dual Immersion Institute (where applicable)
    - As part of the staffing process for the next year the principal will declare the teacher effective/successful.
        - If the teacher is effective/successful, the teacher continues employment in WCSD on the H-1B visa and will continue to participate in professional learning from the state, district, and school.

*If the teacher is on a Q-1 visa, we will apply for the H-1B visa (given the current processing times, we should not need premium processing if we apply in time)

- As part of the staffing process for the teacher's second year the principal will declare the teacher effective/successful.
- If the teacher is effective/successful, the teacher continues employment in WCSD on the H-1B visa and will continue to participate in professional learning from the state, district, and school.
    - The principal will declare if the teacher should be offered an opportunity to have permanent residence.
        - If yes, we will move forward with the process to move the teacher to an EAD.
    - The teacher can continue the Q-1 visa status for up to 15 months.
    - The teacher can continue the H-1B visa status for up to 6 years (with standard extensions).
    - Cost to the district will be the cost the initial visa, with premium processing, the cost of the H-1B visa (if we started with a Q-1 visa), any visa extensions (we should not need premium processing if we apply for the extension on time), and the cost of the EAD process.

Regardless of which visa process the teacher is under, the process of evaluation and recommendation for continued employment will continue each year, like all other teachers.

If at any time the principal feels it is best to end the teacher’s contract, we will end the contract and notify the appropriate agencies to cancel the visa status for the teacher on the last day of the teacher’s current contract.