

HUMAN RESOURCES

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Supersedes:
Policy on Employment Based Visas

Related Policies:

Responsible
Office/Department:
Human Resources
Management
Office of the General
Counsel

Keywords:
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Immigrant; Non-
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Permanent Resident

Policy On Employment-Based Immigration Sponsorship

I. Purpose and Scope

To define the university's policy on employment-based immigration sponsorship.

II. Definitions

Non-immigrant means a temporary immigration status of limited scope and duration that allows a foreign national to work in the U.S. on behalf of the University. Non-immigrant also refers to an individual in the temporary status.

H-1B status means a category of non-immigrant status for individuals who qualify for specialty occupation positions. Since it allows for dual-intent (no intent required to return home), it is often the prerequisite status prior to applying for permanent resident status.

Permanent Resident, Immigrant, or Green Card means the immigration status that allows a foreign national to reside and be employed in the United States without limitation. Also refers to an individual in the permanent resident status.

III. Policy

The Office of the General Counsel has the authority for immigration and work authorization sponsorship on behalf of the university. No faculty or staff member may approve or authorize immigration or work authorization sponsorship, or submit any application or petition to the United States government on behalf of the university, its employees or potential employees. Departments must work with the Office of the General Counsel on all immigration matters. Employees and

departments may not use outside counsel to apply for employer/ university-sponsored immigration status.

Authorization for immigration related actions on behalf of students and scholars who are eligible for F-1 or J non-immigrant statuses are the exclusive purview of the Office of Global Services.

A. Tenure-track and tenured faculty

The university will sponsor tenure-track and tenured faculty members for permanent resident status. In instances where the university has sponsored the faculty member for H-1B non-immigrant status upon hiring, the permanent resident sponsorship process follows after the actual start of employment. Academic departments must work directly with the Office of the General Counsel on both employer-sponsored non-immigrant and immigrant status. Most permanent resident status cases are submitted to the United States government as an adjustment of status in the United States and are filed under the Faculty PERM Special Recruitment Labor Certification process. Where the faculty PERM application is not possible, after a case-by-case review, an “outstanding professor” petition may be filed by the university for qualifying faculty.

B. Research personnel

Employees holding *postdoctoral research* appointments are not eligible for permanent resident sponsorship by the university. The university may sponsor *senior research personnel* for permanent resident status. Sponsorship is decided on a case-by-case basis and must be approved in advance by the Office of the Provost. Petitions for research personnel are filed for qualifying individuals as “outstanding researcher” cases.

C. All other employees

The university does not sponsor permanent resident status for administrative staff positions except on rare occasion if the university on a case-by-case basis determines such sponsorship to be in the best interest of the university. Such a determination is made by the area Senior Vice President, and the candidate and the position must meet all U.S. Department of Labor and U.S. Citizenship and Immigration Services (USCIS) requirements. Administrative staff positions require a Traditional Labor Certification application, which can only be filed after testing the labor market to show that there are no domestic workers who meet the *minimum* qualifications for the position as determined by the U.S. Department of Labor.

IV. Additional Information

Failure to adhere to this policy may jeopardize the immigration status of the individual employee, limit the university's ability to hire and sponsor foreign national faculty and staff employees, and subject the university to agency oversight.

V. Contact Information

HRM Customer Service Center: (617) 373-2230; HRMInfo@neu.edu

Office of the General Counsel: (617) 373-2157