

# SEATTLE UNIVERSITY

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## IMMIGRATION HANDBOOK FOR DEPARTMENTS

SPONSORING AND EMPLOYING FACULTY AND STAFF

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# **I. INTRODUCTION**

## **1. Purpose of this Handbook**

Seattle University (SU) is committed to sponsoring and employing international faculty and researchers in its effort to provide an outstanding and enriching academic and cultural environment for the entire SU community. At the same time, SU recognizes its obligation to comply with federal immigration, labor, and employment regulations concerning the immigration sponsorship and employment of foreign national visitors and employees. Because these regulations are often complex and difficult to navigate, SU is issuing this *Immigration Handbook*. The purpose of this *Handbook* is to provide coherent, uniform direction to departments, search committees, and other SU units regarding the sponsorship and employment of foreign national visitors and employees at Seattle University. However, this *Handbook* is not an express or implied promise of specific treatment in a specific situation nor is it part of the employment contract of any SU employee.

This *Handbook* is produced and updated by the Office of Global Engagement, headed by Dr. Russell Powell, Associate Provost for Global Engagement. Questions about its contents should be directed to Andrew Asplund, Program Coordinator for the Office of Global Engagement, at [asplunda@seattleu.edu](mailto:asplunda@seattleu.edu) or **206.220.8523**. In addition to this *Handbook*, Global Engagement maintains additional reference documents and forms on the website at [www.seattleu.edu/global/](http://www.seattleu.edu/global/). As required, Global Engagement will also issue periodic immigration advisories and updates to SU schools, departments, offices, and employees.

## **2. SU Offices and Resources**

### **(a) The Office of Global Engagement**

The Office of Global Engagement provides information and documentation services to facilitate the immigration sponsorship and lawful employment of foreign nationals at Seattle University. Global Engagement also works with other offices to communicate and implement University policy governing foreign national sponsorship and employment. For eligible faculty seeking permanent residence in the United States, Global Engagement will coordinate with the Office of University Counsel as well as external immigration attorneys in order to facilitate sponsorship.

Department administrators and chairs, hiring managers and search committee heads, and other faculty and staff of the University are strongly encouraged to contact the Office of Global Engagement in the event of any questions or concerns relating to the sponsorship of international faculty. Global Engagement is the ‘first point of contact’ for all units of the University on immigration-related matters and services, and questions concerning appropriate policies and procedures should be directed here.

### **(b) Other University Offices**

In addition to the Office of Global Engagement, other university offices may be involved in procedures affecting the sponsorship and employment of foreign nationals at Seattle University. These include the

Office of the Provost, Faculty Services, Human Resources, the Office of University Counsel, and the International Student Center. Departments and hiring units should contact these offices as necessary and appropriate.

**(c) Other Policy Guides and Resources**

This *Handbook* is intended to complement other University handbooks, policy guides, statements, and resources, including the *Faculty Handbook*, the *Human Resources Policy Manual*, and university policies concerning the recruitment and hiring of faculty. A complete list of University related policy and procedures guides may be found on the university web site at <http://www.seattleu.edu/policies/>.

Departments should also consult their respective Deans for school-specific guidelines relating to sponsorship and employment of international faculty or visitors.

## II. BASIC IMMIGRATION DEFINITIONS

### 1. Who is a “Foreign National?”

The information in this *Handbook* pertains to the sponsorship and employment of foreign nationals at Seattle University. For present purposes, ‘foreign national’ (also sometimes referred to as ‘international candidate,’ ‘international employee,’ or ‘international visitor’) refers to those individuals who require an entry visa to enter the United States lawfully to engage in activities such as employment, travel, or study. Foreign nationals also include persons such as Canadian citizens who may be waived from the visa requirement but are otherwise subject to immigration rules and regulations that restrict their duration of stay and limit the scope of authorized activity.

The term ‘foreign national’ does **not** apply to U.S. citizens, U.S. permanent residents (‘green card’ holders), or refugees or persons granted asylum who have been issued valid Employment Authorization Document (EAD) cards by the U.S. Citizenship and Immigration Services. These persons, regardless of country of birth, are not subject to the rules and considerations discussed in this *Handbook*.

### 2. U.S. Federal Agencies Involved in Immigration-Related Processes

Hiring and sponsoring foreign nationals involves a number of U.S. federal agencies, each responsible for overseeing different aspects of immigration-related sponsorship and employment procedures. These include:

- (a) *U.S. Department of State* – responsible for issuing temporary and permanent (immigrant) visas through its overseas consular operations; sets guidelines for the Exchange Visitor Program (J-1 visas) ;
- (b) *U.S. Citizenship and Immigration Services* – an agency of the Department of Homeland Security, responsible for approving employment petitions made by domestic organizations (such as Seattle University) on behalf of foreign national employee beneficiaries;
- (c) *U.S. Customs and Border Protection* – an agency of the Department of Homeland Security, responsible for supervising customs and border inspection at ports-of-entry and border crossings;
- (d) *U.S. Immigration and Customs Enforcement* – an agency of the Department of Homeland Security, responsible for monitoring and enforcing immigration and customs regulations; oversees Student and Exchange Visitor Information system (SEVIS) used to monitor J-1 student and scholar activity; and
- (e) *U.S. Department of Labor* – responsible for reviewing and certifying labor condition applications made by sponsoring organizations (such as Seattle University) on behalf of temporary and permanent foreign national employees.

The Office of Global Engagement is the primary office at Seattle University responsible for interfacing with these agencies to secure immigration sponsorship and employment authorization for foreign national faculty and visitors.

### 3. Visas and Immigration Status: Temporary (Non-Immigrant) and Permanent (Immigrant)

A foreign national may receive different kinds of U.S. entry visas. However, only *one* visa may be presented upon arrival in the U.S. to request a particular immigration status. A person’s status depends on the visa presented upon arrival in the U.S. (and by any action taken by the United States Immigration and Citizenship Services to change or adjust the person’s status following arrival in the U.S.).

The U.S. immigration system distinguishes between temporary, non-immigrant visas (NIVs) from permanent or immigrant visas (IVs). Temporary non-immigrant visas are visas issued for specific purposes (e.g., study, tourism, work), each carrying specific restrictions on how long a person may stay and what kinds of activities may be undertaken while in the United States. In most cases (although with notable exceptions, such as the H-1B temporary nonimmigrant worker visa), non-immigrant visas carry the expectation that the person’s stay in the U.S. is of temporary or limited duration and that the person intends to return home upon timely completion of his/her activity in the U.S.

Immigrant visas, informally known as ‘green cards,’ offer individuals eligibility to remain in the U.S. permanently. U.S. permanent residence carries many of the same benefits (and obligations) as U.S. citizenship.

### 4. Visa Categories

The most common visa categories used by Seattle University to sponsor and/or employ international faculty and visitors are the following, with limits on authorization periods indicated:

Visa Category	Description	Maximum Duration
J-1 Exchange Visitor (Professor Category)	Visiting Faculty on Fixed Appointment	5 years, contingent upon appointment renewal
J-1 Exchange Visitor (Research Scholar or Short-Term Scholar Category)	Visiting (unpaid) Research Scholars	Normally one year (six months for Short Term Scholar), although may be extended to a maximum of 5 years
H-1B Temporary Worker	Temporary Work Visa for Fixed-Term or Continuous Employees in Specialty Occupations	6 years, granted in increments that cannot exceed 3 years at a time
TN (Treaty NAFTA)	Canadian and Mexican citizens only, hired for employment in NAFTA eligible job category	3 year appointments (renewable)



Visa Category	Description	Maximum Duration
F-1 Student	International student granted Optional Practical Training (issued by the organization that issued the F-1 Student visa)	OPT duration is one year maximum after completion of the associated degree
B-1 Visitor (or WB visitor)	Business visitor on B-1/B-2 visa or WB visa waiver	Eligible only for honoraria and/or expense reimbursement, if specific conditions are met
Immigrant Visa ('Green Card')	U.S. Permanent Residence	Once granted, indefinite

## 5. Immigration Sponsorship versus Employment Authorization

Although often used interchangeably, the terms 'immigration sponsorship' and 'employment' of foreign nationals are distinct concepts. Seattle University acts as an *immigration sponsor* when it issues a certificate of eligibility or submits a petition to an appropriate federal agency to request a visa or immigration status on behalf of a foreign national beneficiary. The objective of sponsorship is to secure immigration authorization so that the individual may enter the United States to engage in a University-related purpose or activity (e.g., study, teach, research). SU's immigration obligations as an immigration sponsor vary according to visa type.

As employer, SU is responsible for hiring and compensating individuals in compliance with relevant federal and state labor regulations, including those concerning I-9 employment authorization as well as salary, benefits, and working conditions. Where foreign national employees are concerned, SU obligations may also be affected by the terms and conditions of immigration sponsorship.

In most cases, SU acts as immigration sponsor for three different purposes:

- (a) to secure employment authorization (whether temporary or continuous) for foreign nationals hired to meet SU's teaching and research needs;
- (b) to host unpaid visiting foreign researchers and scholars to engage in collaborative research activities at the University; or
- (c) to sponsor international students for full courses of study at SU.

In the cases of (b) and (c), SU acts as immigration sponsor but not (directly) as employer, although both research scholars and international students at SU may have limited employment privileges as a benefit of their immigration status.

For SU policies relating to sponsorship and employment of international students, please contact the International Student Center.

### III. IMMIGRATION SPONSORSHIP, FEES, AND COST-SHARE POLICY

#### 1. University Sponsorship of Employees and Unpaid Researchers

The University acts as immigration sponsor of foreign national faculty and researchers for two major purposes:

- (1) **Employment.** To secure employment authorization to allow the University to hire a foreign national for a faculty, research, or staff position; or
- (2) **Unpaid Collaborative Research.** To enable foreign researchers and scholars to participate in unpaid collaborative research, consultation, or observation with SU faculty.

For a discussion of unpaid visiting researchers, see **SPONSORING VISITING RESEARCH SCHOLARS**.

The University's sponsorship and/or employment of a foreign national will be done in compliance with applicable federal regulations and in a manner with University policies and procedures detailed in this *Handbook* and other relevant policy statements, documents, and guidelines.

#### 2. Communication of University Sponsorship Policy to Prospective Employees

In order to ensure adequate and accurate communication with prospective employees who may require immigration sponsorship, employment offer letters should communicate details about the University's willingness to sponsor employees as appropriate. Contact information for the Global Engagement Program Coordinator should be included in the offer letter as well to facilitate the sponsorship process.

Because a potential faculty member's immigration status may not be known at the time of initial offer, the offer letter may have to be revised by Faculty Services upon notification from Global Engagement, the hiring department, or the search committee chair.

- (a) Temporary faculty and employees offered limited, fixed-term appointments should be informed of Seattle University's willingness to sponsor, where permitted and available under immigration regulations, prospective employees for temporary work visas, usually under either the J-1 Exchange Visitor or the H-1B temporary nonimmigrant worker category.
- (b) Tenured and tenure track faculty should be notified in their employment offer of Seattle University's willingness to sponsor tenured and tenure-track faculty for temporary visas for initial employment as well as U.S. permanent residence for tenured employment. Tenure and tenure track faculty should also be advised of the University's policy regarding coverage of immigration filing fee and immigration attorney fee costs, **with the following information included in their offer letter:**

*Seattle University will pay for and process either an H-1B application and/or OPT application for work authorization to USCIS to ensure timely eligibility to start work, and*

*continue in employment during the permanent residence process. Additionally, SU will pay for the following components of the application for permanent residence status: PERM application (ETA 9089) attorney's fees and advertising expenses, I-140 attorney's fees, and filing fees. The employee is responsible for all other related expenses of immigration, including but not limited to filing fees and attorney's fees for the I-485 adjustment application, consular fees, credential evaluations, medical examinations, photos, passport renewals, and waiver fees. Employees are solely responsible for the immigration matters of their family members.*

Departments and hiring managers should otherwise refrain from making any written or verbal commitments to candidates regarding University immigration sponsorship with respect to timelines, visa requirements, filing fee costs, etc., without consulting the policies and procedures outlined in this *Handbook* and consulting in advance with the Office of Global Engagement.

### **3. Responsibilities for Immigration Processing and Paying Filing / Attorney Fees**

#### **(a) Temporary Visas**

For temporary visas sponsored by Seattle University, the Office of Global Engagement will oversee processing of required J-1 Form DS-2019 certificates of eligibility, U.S. DOL labor condition applications (ETA Form 9035), and USCIS petitions/applications needed for immigration sponsorship and employment authorization.

Seattle University will pay required U.S. Homeland Security filing fees (and, if necessary, immigration attorney fees) attached to I-129 H-1B temporary worker petitions. The individual employee is responsible for paying all other fees, including fees for entry visa applications, passport applications, photocopying and postage, transcripts and credential evaluations, and costs relating to the sponsorship of dependent family members,

#### **(b) Permanent Visas**

For permanent (immigrant) visas sponsored by Seattle University, the University will contract with qualified external legal counsel, with the Office of Global Engagement assuming a coordinating role.

As indicated above, the University will assume the cost of immigration attorney and U.S Homeland Security filing fees for the employer-based components of the permanent residency process, which include the PERM Labor Certification Application (ETA Form 9089) and the I-140 Petition for an Alien Worker.

Immigration attorney and filing fees for the I-485 Adjustment of Status and related applications – including the I-131 application for Advance Parole (travel document), the I-765 application for Employment Authorization, and incidental costs for medical examinations, transcripts, translations, photocopying, etc. – are the responsibility of the individual employee. The employee is also responsible for any costs and fees relating to dependent family members.

**(c) Premium (Expedited) Processing Fees**

SU may choose to pay the I-907 ‘Premium Processing’ fee to expedite U.S. government processing of temporary and permanent visa applications. Decisions to seek expedited processing will be made on a case-by-case basis as decided by the individual employee’s hiring department in consultation with the Office of Global Engagement. Cost share for premium processing fees will follow the cost share policy indicated below as long as premium processing is needed to ensure timely start to employment at Seattle University.

**4. SU Cost Share on Filing / Attorney Fees**

**(a) SU Cost Share for Non-Tenure Track Faculty**

For non-tenure track faculty and staff hired for fixed or limited-term appointments, any filing fees for which Seattle University is responsible will be borne in their entirety by the individual faculty member’s school or hiring unit. This applies regardless of the length or duration of the temporary employee’s appointment.

**(b) SU Cost share for Tenure Track Faculty**

For tenure level or tenure track faculty, the cost of government filing fees and immigration attorney fees paid by SU will be paid on the basis of a 50/50 cost share between the employee’s school or hiring unit and the Office of the Provost. This includes fees for temporary visas that may be needed to secure initial employment at SU, as well as immigrant (‘green card’) visas for long-term employment.

**5. SU Payment and Reporting of Immigration-Related Fees**

Payment of filing fees and immigration attorney fees will be managed by the Global Engagement Program Coordinator with assistance from individual departments and school budget managers. The Program Coordinator will advise departments and schools regarding timing and amounts of payments required to meet U.S. Homeland Security filing fees.

Where cost share arrangements obtain, the Program Coordinator will work with departments and schools to ensure timely payment of U.S. Homeland Security filing fee payments according to stipulated cost-share amounts.

Immigration attorney fees resulting from services specifically contracted by the University will be invoiced to the Office of University Counsel for approval and then forwarded to the Office of Global Engagement for processing. The Office of Global Engagement will contact individual schools to coordinate cost-share disbursements, if applicable.

**6. Fee Schedule Updates**

For further information about U.S. government filing and immigration attorney fees for visa-related processes, see **APPENDIX A: FEE SCHEDULE FOR IMMIGRATION PROCESS**. This appendix may be updated independently of this *Handbook* in response to changing fee schedules.

## **IV. HIRING FOREIGN NATIONAL EMPLOYEES – GENERAL CONSIDERATIONS**

### **1. Scheduling and Lead Times**

Careful, advance planning is needed when initiating recruitment and hiring processes for faculty, research, or other positions, especially if it is possible that a foreign national candidate will be selected and prospectively offered employment with the University. This is especially true for tenure-track employment (See **HIRING PERMANENT (TENURE/TENURE-TRACK) EMPLOYEES**, below), but also applies in cases involving temporary, fixed-term appointments.

Departments and hiring managers should contact the Office of Global Engagement early in the recruitment and hiring process to ensure that they are aware of visa processes and requirements. Advance consultation is needed to minimize the likelihood of complications or delays should immigration and visa processes become necessary if an international candidate is identified and selected. See **APPENDIX B: GENERAL TIMELINE FOR VISA SPONSORSHIP** for a very basic outline of the timing associated with the visa sponsorship process.

Due to the timing and potential delays associated with processing visa sponsorships, **Global Engagement should be contacted and the sponsorship process started six months prior to the prospective start date of the new employee.** This will allow sufficient time in case there are any unexpected delays in the process.

### **2. Visa Ineligibility and Visa Delays**

Immigration regulations and procedures are overlapping and complex. For this reason, foreign nationals selected for employment at Seattle University may encounter complications leading to delays or even rejection or loss of visa eligibility. The Office of Global Engagement will endeavor to work with individual departments and foreign national candidates to maximize likelihood of a timely and efficient immigration process for a selected foreign national candidate, even if complete success cannot always be guaranteed.

In certain cases, employees and their derivative family members may have difficulty obtaining appropriate U.S. immigration authorizations if they have any criminal history, made false statements on immigration applications, overstayed their previous visas, or have been deported or refused entry into the United States. Even minor infractions committed long ago may lead to future difficulties and complications. Such applicants should be encouraged to seek outside immigration counsel, as SU cannot provide immigration support to address such cases.

Departments and hiring units should also be aware that foreign national employees may be subject to visa delays due to a number of contingent factors, including backlogs in visa applications at consular posts, slowdowns in government processing of immigration petitions, or other reasons beyond the individual employee's or the University's control. When such situations arise, the Office of Global Engagement will communicate relevant facts and work with departments to revise timelines and

expectations. However, because visa delays cannot be anticipated, it is highly advisable to initiate visa processes well in advance of any employee or visitor's arrival date.

### **3. Dependent Family Members**

Spouses and dependents (or 'derivatives') are normally eligible for dependent classification (e.g., J-2 in the case of J-1 Exchange Visitors, H-4 in the case of H-1B temporary workers, and so on) upon approval of the principal beneficiary. Normally, the University will not be responsible for fees and costs for immigration sponsorship for spouses and minor dependents under the age of 21.

As with their U.S. citizen and permanent resident colleagues and counterparts, foreign national employees eligible for standard University benefits may also seek benefit coverage for dependents where permitted or provided for by the University's benefits plans.

### **4. The J-1 Exchange Visitor Program: General Restrictions**

The J-1 Exchange Visitor program is one of the methods that Seattle University utilizes to bring foreign nationals to the United States. Unlike some other visa programs, the Exchange Visitor program presumes that the foreign national will visit the United States with the intention of returning to their home country once their visit is complete. Because of that, it can impose certain restrictions on the foreign national that could prevent or delay future visits to the United States. When considering

#### **(a) Twenty-four and twelve month repeat prohibition**

A foreign national cannot begin a new J-1 Research Scholar or Professor program if they had completed a J-1 Research Scholar or Professor program in the previous 24 months. Furthermore, the new program cannot begin if any J-1 program had been completed in the previous 12 months. Although these restrictions only apply to J-1 Research Scholar and Professor visas, it is important to note these restrictions as the Research Scholar and Professor visas are the only variety of J-1 visa that Seattle University requests.

#### **(b) Two-year home-country foreign residency requirement**

If a J-1 Exchange Visitor program is funded by the United States or the visitor's government, a two-year home-country foreign residency requirement will apply. Specifically, this means that the visitor will be required to return to their home country for 24 months before the United States will allow them to return. This requirement also applies if the purpose of the visit involves knowledge or skills deemed necessary by the visitor's home country.

## **V. HIRING EMPLOYEES FOR TEMPORARY (FIXED-TERM) APPOINTMENTS**

### **1. Temporary Immigration Sponsorship for Employment – Defined**

SU sponsors foreign nationals for **temporary** work visas in two main categories: (a) visiting faculty or scholars employed or studying at overseas institutions appointed to fill a temporary teaching position or need at Seattle University; (b) foreign nationals hired for temporary employment in fixed or limited term positions that meet the criteria of ‘specialty occupation.’

#### **(a) Visiting Faculty (J-1 Exchange Visitors – Professors)**

Foreign nationals hired as visiting faculty (including lecturers, instructors, and professors) will be sponsored by Seattle University, unless otherwise restricted by immigration regulations, for the J-1 Exchange Visitor visa in the J-1 Professor category. J-1 Exchange Visitors, including professors and short-term scholars, normally hold a home country occupation and residence to which they intend to return after completion of their appointment at Seattle University. J-1 Professors may be appointed by the University to a position of up to five years. Appointments may be full or part-time. Typically, foreign nationals who work under a J-1 visa will be required to return to their home country for a fixed period of time before returning to the United States.

#### **(b) Temporary Faculty/Staff in Specialty Occupation (H-1B Temporary Nonimmigrant Workers)**

Temporary faculty and staff hired for fixed-term or limited appointments may be sponsored under the H-1B temporary non-immigrant worker visa if hired for a position that qualifies as ‘specialty occupation.’ Specialty occupations are positions which require a minimum of bachelor’s degree and involve the theoretical and practical application of specialized knowledge.

Persons hired as full- or part-time instructors, lecturers, and adjunct professors will be sponsored for the H-1B Temporary Nonimmigrant Worker visa, provided they meet the requirements for an H-1B eligible position and will receive a salary that meets or exceeds the higher of the actual wage (i.e., the wage offered to comparably-qualified SU employees for similar the same position) or the DOL-certified prevailing wage for the position. H-1B appointments may be full or part-time, and may be granted for up to six years approvable in increments of 3 years (maximum) at a time.

Faculty hired with tenure or at the tenure-track level may also be initially sponsored for the H-1B visa pending preparation and submission of a petition for U.S. permanent residence on their behalf.

### **2. SU Employee Categories Eligible for Temporary Sponsorship**

Immigration sponsorship of visiting and temporary faculty may be restricted by University policy in addition to immigration regulations. University policy supports sponsorship of foreign nationals appointed to temporary positions in the following categories:

- (a) Temporary (fixed-term) faculty (including adjuncts, temporary lecturers, visiting faculty, etc.) hired to perform teaching / research duties. These positions are eligible for J-1 Exchange Visitor and/or H-1B temporary worker visa. Temporary faculty in this category include persons hired for full- or part-time positions, including lecturers, instructors, adjuncts.
- (b) Temporary (fixed-term) staff hired for specific duties that meet the criteria of a 'specialty occupation' under federal immigration law. These positions are eligible for H-1B temporary worker visa. This type of immigration sponsorship is not typical and any department looking to do so should consult with Global Engagement prior to making any offer of employment.
- (c) Tenure or tenure-track faculty who require a temporary work authorization to commence and/or continue work, while an application for U.S. permanent residence is pending or in preparation. SU will sponsor these positions for the H-1B temporary worker visa.

SU's ability to act as immigration sponsor is contingent upon eligibility of both the position and the prospective employee under applicable federal regulations, including provisions of immigration and labor law. In particular, salary and compensation must either meet a minimum monthly living standard as determined by the Office of Global Engagement (for J-1 Exchange Visitor visas) or the higher of the actual or prevailing wage (for H-1B temporary visas), as attested to by Seattle University and certified by the U.S. Department of Labor

### **3. Visa Procedure**

The following procedure should be used for immigration sponsorship of foreign national employees hired to temporary, fixed term appointments.

1. For all temporary appointments, the decision to recruit and hire is made at the school/department level with approval as needed or required from the Office of the Provost. Departments may consult with Office of Global Engagement regarding general requirements for hiring international employees, but no immigration procedures can be initiated until at least an initial offer of employment has been made by an authorized hiring unit to a foreign national candidate.
2. Once an offer of employment is made to a foreign national candidate, the hiring department should contact the Program Coordinator of Global Engagement to conduct an initial review of immigration sponsorship requirements. To conduct an initial review, the Coordinator will need to know the terms of employment (including position, salary, and start/end dates), and whether or not the candidate is presently in the U.S. or outside of the U.S. The initial review is needed to ensure that both the position and the individual candidate are eligible for SU immigration sponsorship. If the initial review indicates that either the position or candidate is not eligible, the Program Coordinator will communicate this information to the hiring department and identify alternatives, if available.



3. If the initial review by the Program Coordinator indicates that there are no apparent bars preventing sponsorship of the selected candidate, the Program Coordinator will identify the appropriate visa for immigration sponsorship, and initiate corresponding procedures:
  - a. In cases, the Program Coordinator will provide SU Form GE-101 (*International Faculty/Visiting Scholar Visa Sponsorship Form*) to the selected candidate for them to complete and return. Any attachments and supplemental forms will also be provided for completion.
  - b. The Program Coordinator will coordinate with both the selected candidate and the associated department to collect all appropriate documentation necessary for the visa sponsorship process. See **APPENDIX C: REQUIRED INFORMATION AND DOCUMENTATION** for a summary of the documentation required.
  - c. For other possible visa categories, the Program Coordinator will advise the hiring department and candidate on a case-specific basis.
4. Once all required documentation has been submitted to the Office of Global Engagement, the Program Coordinator will prepare a Form DS-2019 Certificate of Eligibility (for J-1 Exchange Visitors) or an ETA Form 9035 Labor Condition Application and an I-129 Petition (for H-1B temporary non-immigrant workers). The Program Coordinator will also work with appropriate department contacts to secure issuance of payments for required and optional U.S. government filing fees.
  - a. For J-1 Exchange Visitors, the Form DS-2019 will be delivered to the individual candidate along with instructions for obtaining a J-1 visa and entering the U.S. as a visiting faculty member at Seattle University. The Office of Global Engagement will assume responsibility for delivering visa documents to the candidate by international air or first class mail, but departments may request express / courier service by providing a budget number.
  - b. For H-1B temporary workers, the Office of Global Engagement will prepare and submit all components needed to submit an I-129 petition to the U.S. Citizenship and Immigration Services to request H-1B temporary nonimmigrant worker classification for the candidate. The Office of Global Engagement will assume responsibility for domestic mail and delivery of all relevant documents; departments may request delivery of documents to employees by international express / courier service by providing a budget number.
5. The Office of Global Engagement will periodically update and advise departments and individual candidates as the visa application process unfolds with respect to timelines, requirements for pre- and post-entry into the United States, and requirements for maintaining immigration status following arrival in the United States.

6. If the services of an immigration attorney are required for any reason, the Office of Global Engagement will either refer the candidate to qualified external legal counsel, or contract directly with such counsel. Such services are likely to be highly exceptional for temporary faculty/staff, and the decision to refer or contract with external counsel will be made on a case-by-case basis. Any services provided by external legal counsel without the approval of either the Office of Global Engagement or the Office of University Counsel will not be covered by the University.

#### 4. Extensions of Temporary Employment Authorization

The above procedures outlined above, should be followed to request extensions of immigration sponsorship of foreign national employees hired to temporary, fixed term appointments. Extension procedures should be initiated **approximately six months before** the expiration of the employee’s current period of immigration sponsorship to ensure that there are no interruptions to the employee’s eligibility to remain employed at Seattle University.

Extension applications cannot be initiated proactively, but can begin only after the employee has been officially reappointed to his/her current position or offered employment at a new level or for a new position.

#### 5. Signature Authority for the University

Temporary visa processes require signatures from authorized University faculty and administrators following the table below.

<b>J-1 Exchange Visitor</b>	<b>Signed By</b>
DS-2019 Certificate of Eligibility for J-1 Exchange Visitors	J-1 (Alternate) Responsible Officer
<b>H-1B Temporary Nonimmigrant Worker</b>	
ETA Form 9035 (Labor Condition Application)	Associate Provost for Global Engagement
ETA Form 9035 Attestations	Program Coordinator for Global Engagement, Associate Provost for Global Engagement, Provost
I-129 Petition for Temporary Nonimmigrant Worker	Provost or Associate Provost for Global Engagement, Global Engagement Program Coordinator (as preparer)

## **VI. HIRING TENURE OR TENURE-TRACK EMPLOYEES**

### **1. Tenured Employment at Seattle University**

Seattle University is committed to hiring the best faculty and ensure that a multiplicity of international perspectives enrich the University's academic and campus life. In many cases, foreign nationals may be offered tenure or tenure track, full-time employment in the course of realizing this commitment. The University will sponsor foreign nationals offered tenure or tenure track employment for immigrant visas – i.e., U.S. permanent residence – in order to advance the University's long-term interest in investing in and enriching its academic community.

It is important to observe, however, that the pathway to permanent residence is exceedingly complex. The process requires careful planning from the recruitment through the formal offer of employment and beyond, and the entire process may take several months to years. It is because of the complexity of this procedure that SU retains qualified external legal counsel to prepare and carry out various steps of the process, with coordination and advisory support provided by the Office of Global Engagement and other university offices as necessary.

### **2. SU Employee Categories Sponsored for Immigrant Visas**

Seattle University will sponsor foreign nationals for immigrant visas (i.e., U.S. permanent residence) if hired for tenure or tenure track, full-time positions. Eligibility for SU sponsorship of an immigrant visa is determined according to the following criteria:

#### **(a) Faculty:**

The University will sponsor immigrant visa petitions for full-time foreign national faculty hired for tenure or tenure track positions. Normally, SU sponsorship is limited to faculty who meet the criteria for an EB-2 (employment-based, 2<sup>nd</sup> preference visa for advanced degree holders) immigrant visa. In addition, SU follows 'special handling' labor certification procedures where possible (see below, **PERM SPECIAL RECRUITMENT ("SPECIAL HANDLING")**).

Generally, faculty who qualify for an immigrant visa on the basis of EB-1 (employment-based, 1<sup>st</sup> preference) or EB-3 (employment-based, 3<sup>rd</sup> preference) will not be supported by the University. EB-1 petitions are for outstanding professors / researchers among the very top of their fields, and do not require University sponsorship. EB-3 petitions (for positions that do not require an advanced degree) will not be supported due to the difficulty of the immigrant visa process and low likelihood of success.

#### **(b) Administrative Positions**

Seattle University does not typically sponsor foreign nationals for ongoing (non-fixed term) administrative positions at the University. Any decision regarding sponsorship for administrators will be made by the Office of the Provost on a case-by-case basis in consultation with the Office of Global Engagement and external legal counsel.

### **3. PERM Special Recruitment (“Special Handling”)**

In addition to the considerations outlined above in **SU EMPLOYEE CATEGORIES SPONSORED FOR IMMIGRANT VISAS**, above, the University will sponsor eligible international faculty using ‘special recruitment’ (formerly: ‘special handling’) labor certification procedures. Special handling is available only to college and university teachers. It is not available to employees whose positions are strictly limited to research or non-teaching duties. Special handling allows the University to engage in a competitive national recruitment for a full-time, tenure or tenure track position that has a teaching requirement, prior to seeking U.S. Department of Labor PERM certification (ETA Form 9089) for the position, which is the required first step in obtaining U.S. permanent residence for an individual employee. Special handling furthermore allows the University to hire the “best qualified” candidate for the position following a good-faith recruitment effort that adequately tested the market for the position.

Special handling requirements specify that a PERM application must be submitted to the Department of Labor within **eighteen** (18) months following the date of the offer letter made to an international candidate. For this reason, hiring departments should contact the Office of Global Engagement within thirty (30) days after receiving a signed employment from an international candidate offered for a tenure or tenure track position with teaching requirements.

Special handling provisions dictate that the employee must also receive the prevailing wage for the position. The prevailing wage is determined by the U.S. Department of Labor based on information provided by the University regarding the specific location, duties and responsibilities of the position. The salary offered the employee must meet or exceed the prevailing wage for the position in order to qualify for PERM certification, which is needed

If special handling is unavailable in a particular situation or case, the Office of Global Engagement will consult with the employee’s department, the Office of the Provost, and external legal counsel to identify alternatives or options, if any.

### **4. Declining SU Immigration Sponsorship for U.S. Permanent Residence**

An employee who is eligible for SU sponsorship for permanent residence may elect to pursue an immigrant visa on the basis of other available options (for instance, through family ties to a U.S. citizen or U.S. permanent resident). To avoid the possibility of conflicting immigration procedures taking place simultaneously, any employee for whom this situation applies should notify the Office of Global Engagement of his/her preferred course of action by the time the University is prepared to initiate an immigrant visa application on his/her behalf. The employee is recommended to seek qualified legal advice when making this decision.

The University does not provide financial, legal, or administrative support to SU employees pursuing U.S. permanent residence independently of their employment relation with Seattle University.

If a faculty member sponsored by SU on a temporary non-immigrant work visa obtains U.S. permanent residence through independent means, the employee should notify both the Office of Global

Engagement by providing a copy of the U.S. permanent residence card or a copy of the I-485 Adjustment of Status approval notice confirming successful adjustment from non-immigrant to immigrant. The employee should also complete a new Form I-9 Employment Authorization verification form with Faculty Services.

## **5. Immigrant Visa Process – General Description**

In general, the process to secure an employment-based immigrant visa (EB-2) under special handling provisions involves three major components: (1) a PERM foreign labor certification, (2) an I-140 petition for an alien worker, and (3) an I-485 adjustment of status application. The University is responsible for the first two components while the final step, involving the I-485 adjustment of status application, is the responsibility of the individual beneficiary.

1. The PERM foreign labor certification application (ETA Form 9089) is submitted to the U.S. Department of Labor in order to document that a candidate is the “best qualified” for the position based on several factors, including: (1) the recruitment efforts of the employer; (2) the job description; (3) the educational credential requirements appropriate for the job; (4) the prevailing wage for the position as described; and (5) whether the credentials of the employee match up with the above.
2. The I-140 Petition for Alien Worker is filed by the University once the PERM application has been approved by the U.S. Department of Labor. The I-140 petition, like the PERM, is prepared by external legal counsel on behalf of the University, and is submitted to the U.S. Citizenship and Immigration Services to request an immigrant visa number for the individual employee. Issuance of an immigrant visa depends on a number of factors, including availability under existing employment preference-based and country-based numerical limitations.
3. The I-485 Adjustment of Status application is submitted by the individual employee to the U.S. Citizenship and Immigration Services. It may be filed following approval of the I-140 (or in certain situations concurrently). The I-485 requests an ‘adjustment’ of the employee’s status from non-immigrant (temporary) to immigrant status and can only be approved after an immigrant visa becomes available. Individual employees are recommended to select qualified legal counsel to assist in this process, for which the University does not provide financial or legal support.

## **6. Immigrant Visa Process – University Procedures**

If a hiring department intends to recruit for a tenure or tenure-track position, the Office of Global Engagement should be consulted before recruitment begins to ensure the search committees and hiring departments understand federal government requirements regarding the recruitment and selection of foreign national candidates.

- (a) **Securing Permission to Recruit from the Office of the Provost.** The hiring department should follow appropriate school and University level procedures to secure funding and authorization to recruit at the tenure level.
- (b) **Refer to APPENDIX D: GUIDE TO SPONSORING INTERNATIONAL EMPLOYEES FOR PERMANENT RESIDENCE (SPECIAL RECRUITMENT PROCEDURES),** which contains a guide for recruiting international candidates. The Appendix outlines considerations that must be taken into account during the recruitment process in order to sponsor foreign nationals for U.S. permanent residence on the basis of tenure or tenure track faculty positions. Please note that failure to take these steps into account may lead to the need for re-posting and re-advertisement for the position, leading to additional cost, delay, and burden to both the hiring department and the individual employee. It is vital to the immigrant visa process that the steps listed on this Guide are well understood and followed by search committees and hiring managers.
- (c) **Negotiations and Offer with Candidates.** Once the Search Committee makes an offer to an applicant, the applicant should be informed in writing about SU's immigration sponsorship policy for tenured faculty. Offer letters should indicate this policy according to language preapproved by the Office of the Provost (see **COMMUNICATION OF UNIVERSITY SPONSORSHIP POLICY TO PROSPECTIVE EMPLOYEES**, above).
- (d) **Initiation of Visa Processes with the Office of Global Engagement.** As soon as possible after an offer of employment has been accepted by an international candidate, contact the Office of Global Engagement with relevant details about hiring decisions to initiate appropriate visa processes. If necessary, the Program Coordinator for Global Engagement will initiate simultaneous processes to secure a temporary work visa for initial work authorization and a permanent visa for ongoing work authorization.
- (e) **Contracting with External Immigration Counsel.** The Office of Global Engagement will work with the Office of University Counsel to contract with external legal counsel to initiate the PERM application, which is the first step in the immigrant visa application process. The Office of Global Engagement will begin this within thirty (30) days after the receipt of a signed offer letter from the candidate in order to ensure that a PERM application for the employee is submitted within the mandatory 18 months of the date of the offer letter, as required under special handling provisions. The Office of Global Engagement will also discuss with the employee responsibility for services and expenses not covered or provided by the University.
- (f) **Posting of Notice of Filing.** The Office of Global Engagement will work with the external legal counsel to coordinate the posting of an original Notice of Filing a Permanent Labor Certification Application. The Notice of Filing must be placed at a conspicuous location in the employee's workplace for at least ten (10) business days, and a PERM must be submitted from 30 to 180 days following the last posting date.

- (g) **Collection and Preparation of Documents for PERM / I-140 process.** The Office of Global Engagement will work with the candidate’s hiring department, search committee, and the individual candidate to collect and prepare documents for external immigration attorney contracted to submit a PERM application and I-140 petition. The Office of Global Engagement will be responsible for interfacing with external counsel and coordinating collection and preparation of documents for the PERM application and subsequent processes.
- (h) **Pending Approval.** The Office of Global Engagement will continue to work with external counsel and the individual employee to monitor the progress and status of all stages of the permanent residency application through final adjustment of the employee to immigrant status.
- (i) **Audit File Completion and File Maintenance.** The Office of Global Engagement will be responsible for maintaining Department of Labor audit files for permanent residents, which must be maintained for five years following filing of the PERM labor certification.

## 7. Signature Authority for the University

Immigrant visa processes require signatures from authorized University faculty and administrators. In general, the following protocol will be followed. When necessary, the Office of the Provost may delegate signatory authority to an appropriate university officer or representative.

Immigrant Visa Components	Signed by
SU Offer of Employment	Provost
G-28 Notice of Appearance as Attorney or Accredited Representative (Attorney Authorization)	Associate Provost for Global Engagement or Provost
PERM Labor Certification (Form ETA-9089)	Associate Provost for Global Engagement or Provost
I-140 Petition for Alien Worker	Associate Provost for Global Engagement or Provost
University Support Letter (accompanying I-140 Petition)	Associate Provost for Global Engagement or other delegated representative

## 8. Procedures Following Adjustment of Status to Permanent Resident

Once an employee has been adjusted to permanent resident, the employee should provide a copy of either his/her I-485 adjustment of status approval notice to the Office of Global Engagement or the permanent resident card itself. The employee should also complete a new Form I-9 Employment Verification form with Human Resources / Faculty Services to remove time restrictions on employment authorization.

## **VII. SPONSORING VISITING RESEARCH SCHOLARS**

### **1. Visiting Research Scholars at Seattle University**

The University welcomes visits from faculty and scholars from overseas institutions who wish to spend some time on campus engaging in research, consultation, or observation. The University will sponsor such faculty and scholars as Research Scholars. Research scholars will be sponsored using the J-1 Exchange Visitor (Research Scholar or Short-Term Scholar) visa category and must meet the following criteria:

- 1) the scholar must be in a tenured faculty posting at their home institution;
- 2) the scholar must possess the U.S. equivalent of a terminal degree, such as a Ph.D. or JD;
- 3) the scholar must have a detailed research plan, relevant and connected to SU's academic offerings and research interests, that explains why they wish to engage in research at SU and what research activities will be carried out while at SU;
- 4) the research plan should be submitted to and approved by a faculty host who will assume responsibility for collaborating with and coordinating the academic and research activities of the scholar;
- 5) the faculty host must agree to assist in securing adequate work or office space for the visiting scholar, and invite the scholar to participate, where appropriate, in the academic events and conversations of the department and broader University community; and
- 6) the scholar will not be eligible for salary or compensation from the University and must have independent financial resources, including grants or sponsorships, to meet his/her living expenses while at SU.

Although J-1 visa provisions permit J-1 Research Scholars to remain in the United States for up to five years, Seattle University's sponsorship will be limited to a reasonable time period (usually not to exceed one calendar year) to be determined by the scholar's faculty host and host department in consultation with the Office of Global Engagement.

### **2. Visa Process for Research Scholars**

If a faculty member desires to serve as a host for a Visiting Research Scholar, the faculty member should contact the Office of Global Engagement to begin the process of sponsoring a J-1 visa. Sponsorship must be approved by the sponsoring department chair, associated dean, and the Associate Provost for Global Engagement.

- (a) Upon a letter inviting the research scholar to visit Seattle University signed by the sponsoring Department Chair and receiving approval from the associated Dean and the Associate Provost



for Global Engagement, the Program Coordinator will contact the individual visiting research scholar to collect additional information necessary to issue a Form DS-2019 Certificate of Eligibility for Exchange Visitor (J-1) Status. The individual scholar will need to provide the correct forms and documentation directly to the Office of Global Engagement, including evidence of sufficient financial resources to cover living expenses for the scholar and for any dependents while in the U.S.

- (b) Once the individual scholar has submitted the required documents to the Office of Global Engagement, the Program Coordinator will issue a Form DS-2019 Certificate of Eligibility and arrange to deliver it to the scholar, along with information regarding J-1 visa application procedures and requirements.
- (c) Upon arrival at Seattle University, the J-1 Research Scholar must complete an immigration check-in and orientation procedure with the Office of Global Engagement.

### **3. English Language Proficiency Requirement**

Per State Department guidelines, J-1 Exchange Visitors must have sufficient English language proficiency to function in their positions as well as perform day to day activities. A prospective Exchange Visitor's English language ability must be verified before Seattle University can sponsor a J-1 visa.

*The exchange visitor possesses sufficient proficiency in the English language, as determined by an objective measurement of English language proficiency, successfully to participate in his or her program and to function on a day-to-day basis. A sponsor must verify an applicant's English language proficiency through a recognized English language test, by signed documentation from an academic institution or English language school, or through a documented interview conducted by the sponsor either in-person or by videoconferencing, or by telephone if videoconferencing is not a viable option.*

22 CFR 62.10(a)(2). Any verification of an Exchange Visitor's English proficiency shall be conducted consistent with the requirements of federal law. The Exchange Visitor's faculty sponsor should coordinate with the Global Engagement Program Coordinator in order to ensure that the visitor meets the English language proficiency requirements prior to the commencement of their visit.

### **4. University Privileges for J-1 Research Scholars**

Because J-1 Research Scholars are not employees of the University, they are not eligible for University employee benefits. However, since they have been invited to the University to engage in research and consultation in a spirit of academic collaboration, they have a reasonable expectation to limited privileges to facilitate their activities while at the University. The sponsoring department is expected to make adequate work space available for the visiting scholar to facilitate their research plan. In addition, the department should ensure the provision of university identification and any other resources required to ensure that the scholar is able to pursue their research plan while at the University and living in Seattle.

Research Scholars are not permitted to take credit-bearing classes and are not eligible for student benefits, although they may be permitted to sit in class sessions at the discretion of the individual instructor.

## **5. Oversight, Supervision, and Termination of J-1 Research Scholar Status**

Because J-1 Research Scholars are not employees of the University but are under the immigration sponsorship of the University's J-1 Exchange Visitor Program, it is especially important for faculty hosts and host departments to work closely with the Office of Global Engagement to maintain contact with J-1 Research Scholars under the University's sponsorship. J-1 Research Scholars are expected to engage in defined research activities and have sufficient financial resources to meet living expenses for themselves and for any dependents. In addition, Research Scholars are also expected to carry health insurance that meets J-1 visa health insurance requirements. Host faculty and sponsoring departments should contact the Office of Global Engagement in the event a J-1 Research Scholar is absent for an extended period of time, has medical or other personal difficulties, or is perceived to be engaged in activities inconsistent with their defined research purposes as outlined in the original research plan.

The Office of Global Engagement is directly responsible for documenting and monitoring the immigration status of any J-1 Research Scholar under the sponsorship of the University's J-1 Exchange Visitor Program. Immigration supervision requires Global Engagement to regularly confirm, and if necessary, terminate the immigration status of a J-1 Research Scholar. Termination may take place if the Research Scholar has been found to be in violation of J-1 immigration regulations and/or engaged in activity contrary to University policies aimed at preserving the safety and welfare of its members.

## **VIII. MONITORING AND COMPLIANCE ISSUES**

### **1. General Remarks on Immigration Monitoring and Compliance**

Once Seattle University has successfully secured immigration sponsorship on behalf of an employee or visiting research scholar, the University may still be obligated or subject to immigration compliance issues. In general, immigration compliance requires both the University and the individual employee or visitor to understand and comply with pertinent federal immigration and labor regulations. Since these regulations vary from situation to situation, the Office of Global Engagement will engage in periodic reviews and audits of information to ensure that the University and its employees are complying with requirements. Common immigration compliance issues include such matters as:

- Timely completion of I-9 employment authorization verification forms with Faculty Services or Human Resources
- Timely renewal of expiring documents (including passport and immigration authorizations)
- Changes to pre-approved job duties and responsibilities requiring immigration approval
- Changes to wages and compensation requiring certification by the U.S. Department of Labor

The Office of Global Engagement will work directly with departments and individual employees and research scholars to ensure compliance with pertinent federal regulations. Successful compliance is equally rendered more likely through regular consultation between schools and departments and the Office of Global Engagement regarding any developments concerning future or current international faculty, researchers, and staff.

### **2. Immigration Audit Files**

Unless otherwise specified or required in any bulletins or announcements, the Office of Global Engagement will be responsible for coordinating any public posting and notification requirements for visa processes connected with both temporary and permanent visas.

The Office of Global Engagement will also be responsible for maintaining on behalf of the University immigration-related inspection and audit files, including the following:

- ETA 9035 LCA Public Access Files for H-1B Temporary Nonimmigrant Workers (20 CFR 655.760)
- ETA 9089 DOL PERM Audit Files

Payroll and employment records will be maintained with the Payroll Office. Faculty employment contracts will be maintained with Faculty Services.

### **3. Government Inspection and Site Visits**

Although unlikely, Seattle University may be subject to announced or unannounced site visits by representatives of the U.S. Immigration and Customs Enforcement Agency, U.S. Citizenship and Immigration Services, or the U.S. Department of Labor. These site visits may be made in connection with a routine or random immigration investigation of foreign national employees or visitors under Seattle University immigration sponsorship.

Because site visits may be unannounced, the Office of Global Engagement and the Office of University Counsel should be notified if a government representative appears and requests information regarding a foreign national faculty member or employee. If the Office of Global Engagement is notified in advance, we will work with the individual employee and the employee's department to ensure that authorized government inspections proceed as smoothly and with as minimal interruption as possible.

## IX. APPENDIX A: FEE SCHEDULE FOR IMMIGRATION PROCESS

### TEMPORARY NON-IMMIGRANT VISAS FOR INTERNATIONAL VISITORS/EMPLOYEES

Visa Category	Description	Filing Fee Estimates	Attorney Fees Estimates	Notes
J-1 Exchange Visitor	Used to sponsor visiting faculty and visiting research scholars	\$0	None	All visa application fees paid by visitor
H-1B Temporary Nonimmigrant Worker in a Specialty Occupation (New Employee)	Temporary visa used to sponsor temporary or tenure track faculty	\$825 (includes \$325 fee for I-129 petition and \$500 Fraud Detection Fee for initial H-1B)	None	Filing fees paid by SU in accordance with SU Cost-Share Policy
H-1B Temporary Nonimmigrant Worker in a Specialty Occupation (Renewal)	Temporary visa used to sponsor temporary or tenure track faculty	\$325	None	Filing fees paid by SU in accordance with SU Cost-Share Policy

### IMMIGRANT VISAS ('GREEN CARD') FOR SU-SPONSORED TENURE/TENURE TRACK EMPLOYEES

Component	Description	Filing Fee Estimates	Attorney Fees Estimates	Notes
PERM	SU Labor Condition Application for Tenure Track Employee	\$0	\$3,000	Filing fees paid by SU in accordance with SU Cost-Share Policy
I-140 Petition for Alien Worker	SU Petition for Permanent Residency for Tenure Track Employee	\$580	\$1,000	Filing fees paid by SU in accordance with SU Cost-Share Policy
I-485 Adjustment of Status Application	Employee application for Permanent Residency	\$1,070	\$2,500	Paid in entirety by employee
I-131 Advance Parole	Travel document (Optional)	\$360		Paid by employee
I-765 Employment Authorization	Temporary employment authorization (Optional)	\$380		Paid by employee

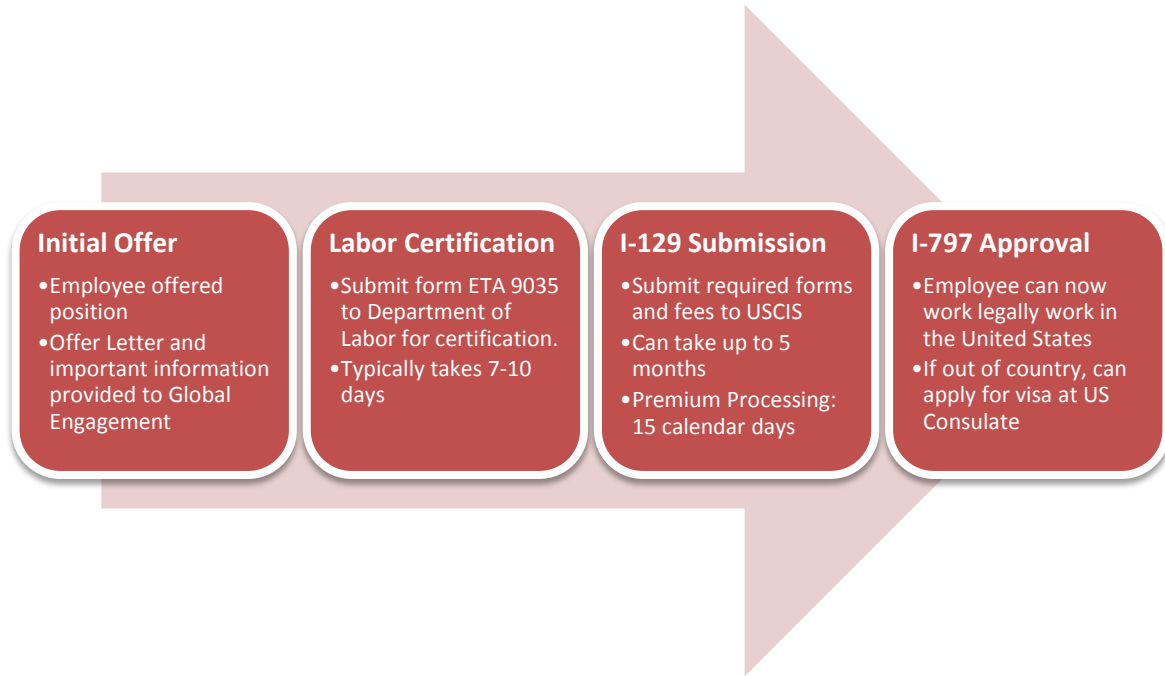
### OTHER COSTS

Messenger Fees	Courier, messenger, and transmittal fees	Variable		Fees paid by SU in accordance with SU Cost-Share Policy
I-907 Premium Processing	Expedited processing for I-129 and I-140 applications (Optional)	\$1,225		Shall be avoided whenever possible. If necessary, cost negotiated with Global

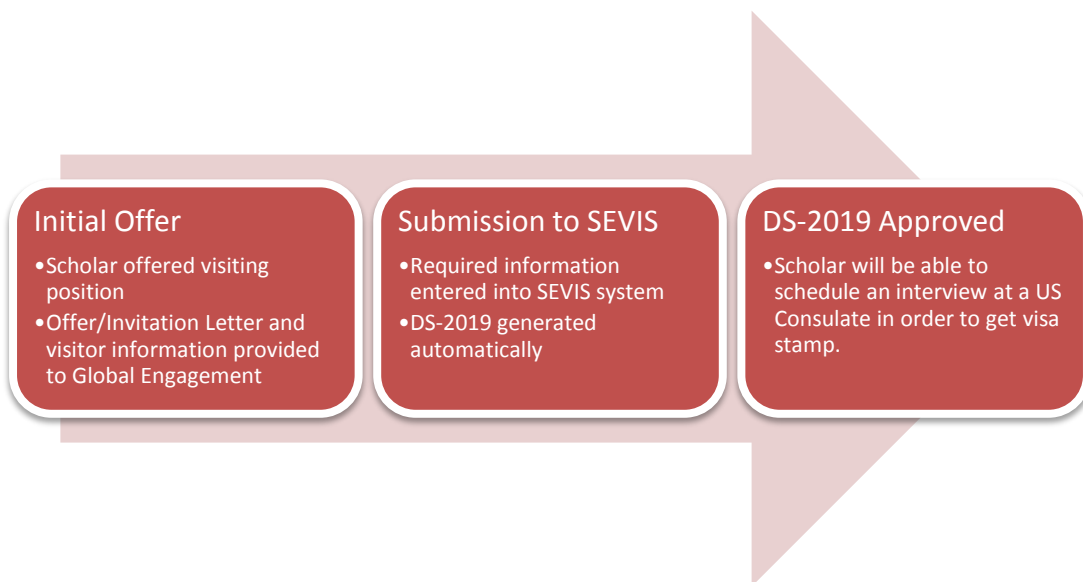


## X. APPENDIX B: GENERAL TIMELINE FOR VISA SPONSORSHIP

### 1. H-1B Temporary Faculty Visa Sponsorship Timeline (up to 6 months)



### 2. J-1 Scholar Visa Sponsorship Timeline (up to 4 months)



## **XI. APPENDIX C: REQUIRED INFORMATION AND DOCUMENTATION**

The following is a list of necessary documents and information that the prospective employee (referred to here as the beneficiary) will be required to submit a visa sponsorship:

- (1) the beneficiary's passport page showing biographical data, passport number, issue date, expiration date, country of issue, and most recent US entry stamp (if applicable);
- (2) Social Security number, if available;
- (3) the beneficiary's diploma/degree and transcripts of the advanced degree required for the employment position, with certified translation if not in English;
- (4) the beneficiary's CV and/or resume;
- (5) any professional licenses required as part of the employment position;
- (6) the offer letter signed by the associated College Dean;
- (7) the employment contract between Seattle University and the beneficiary;
- (8) the beneficiary's present US address (if applicable) and their permanent address in their home country; and
- (9) the beneficiary's current immigration information (if applicable, see below).

If the beneficiary is already in some immigrant status, they should provide a copy of their I-94, date of last arrival to the United States, any associated approval forms (e.g., I-797, I-20), and the most recent pay stubs (if visa is based on employment).

For visiting scholars and temporary employees entering under a J-1 visa, they must also submit information (name, date of birth, relation to beneficiary, city and county of birth, country of citizenship, and country of legal residence) for any dependents that will be living with the beneficiary while in the United States.

In addition, visitors under J-1 visas will need to provide financial evidence that they can afford to remain in the country for the period of their association with Seattle University. This can be in the form of a grant letter, an employment agreement, or documentation of sufficient banked personal funds.

**Note that this list is not exhaustive of every potential scenario or situation but represents the documentation that is normally required for Seattle University to sponsor a foreign national visa.**



## **XII. APPENDIX D: GUIDE TO SPONSORING INTERNATIONAL EMPLOYEES FOR PERMANENT RESIDENCE (SPECIAL RECRUITMENT PROCEDURES)**

Seattle University will sponsor foreign nationals hired for tenure/tenure track positions for U.S. permanent residence (also referred to as ‘immigrant visas’ or more informally ‘green cards’). However, because the procedures involved in securing an immigrant visa for an employee are complex, the following considerations *must* be taken into account by search committees and hiring units if it seems reasonably possible that they will select an international candidate. Failing to do so can mean that a new search will have to be conducted a year or more later in order to complete the immigration process for the new faculty member. It is strongly recommended that search committee chairs and responsible administrators and contacts consult with the Office of Global Engagement, Faculty Services, and Human Resources to ensure that recruitment procedures comply with all relevant federal recruitment laws and regulations. The Office of Global Engagement has responsibility for advising on federal laws pertaining to the recruitment and sponsorship of non-citizen-employees for U.S. permanent residence.

### **1. Special Handling – General Information**

Normally, Seattle University will attempt to secure permanent residence for University faculty and eligible administrators through ‘special handling’ labor certification procedures, which is available to college and university teachers only. Special Handling certification is the first step of the permanent residency process, and allows the University to recruit for the position nationally and select a candidate before submitting a PERM labor certification to the U.S. Department of Labor. Special handling procedures allow for the University to hire the “best qualified” applicant for a full-time, tenure or tenure track position with a teaching component, following a good-faith, competitive recruitment effort that fairly tested the market. This allows the university to avoid the need to document the unavailability of a minimally qualified U.S. worker.

Under current Department of Labor regulations and policy, college and university teachers qualify for the favorable Special Handling process only if they engage in classroom teaching as the instructor of record. Positions that are strictly research or other non-teaching duties do not qualify for Special Handling.

Special handling must meet the following criteria:

- Position must engage in classroom teaching and employee must be the instructor of record;
- Position must be full-time and ongoing (not a fixed-term, but not necessarily tenure stream);
- SU must engage in a competitive recruitment for the position;
- International candidate must be the “best qualified” for the position, as determined by SU;

- Wage offered must meet or exceed the prevailing wage for the position (prevailing wage is determined by the U.S. Department of Labor and is based on job location, requirements, and duties and responsibilities); and
- PERM labor condition application must be submitted no later than **eighteen months following date on offer letter** (otherwise job must be re-advertised, the new applications reviewed, and a new decision made).

## 2. Planning the Recruitment Process

### (a) Job Advertisement Considerations

Job must be advertised in at least one electronic or print advertisement in a national professional journal (such as the *Chronicle of Higher Education* or relevant academic specialty journal) for at least thirty days. The advertisement need not include a full job description or salary/wage information, but must indicate the (a) title of the position, (b) duties of the position, (c) that teaching is a required duty, and (4) the minimum requirements (not preferences) for the position. The advertisement(s) should be viewable to the public without subscription or membership charges.

Other recruitment methods used for the position may include ads in other publications, on-line web posting on the SU job site, etc. In general, it is wise to use the same title, duties, and minimum requirements for all notices and ads posted for the position.

### (b) Hiring and Selection Considerations

Selected candidate at the time of selection must have the **minimum qualifications (as advertised)** – e.g., if the position requires a PhD, a candidate who is only all-but-dissertation (ABDs) will not be approved for permanent resident status. If ABDs will be considered, it must state this in the advertisement with any appropriate conditions, such as having the degree in hand by the expected date of the offer letter. If ABDs will not be considered, it is advisable to say so in order to discourage ABDs from burdening the recruitment process.

Candidate must have gained any required **experience prior to the time of selection *and* at an employer other than Seattle University.**

The minimum requirements will affect what the Department of Labor determines to be the prevailing wage that SU must meet – e.g., extensive experience requirements may raise the prevailing wage.

## 3. Documents Needed to Initiate Immigrant Visa Process

These documents should be prepared and submitted by the University to external legal counsel responsible for preparing and submitting the PERM labor condition application and I-140 petition on behalf of the University. The Office of Global Engagement will assume responsibility for collecting documents from University offices and forwarding them as needed or available to external legal counsel.

**(a) Prepared or Collected by the Search Committee or Hiring Director and Submitted to Global Engagement**

1. **Original job advertisement** placed in a national professional journal for thirty days, detailing (1) job title; (2) job duties; (3) indicating teaching as a requirement; and (4) minimum job requirements. Job advertisement should indicate publication name and evidence of first and last day of ad publication (e.g., provide tear outs of first/last day of ad posting). If publishing on-line ad with journal, include printouts or screenshots of first and last day of ad posting;
2. **Copies of all other advertisements or recruitment efforts**, including SU job board postings, print ads in other journals, listserv advertisements, flyers, job fairs, academic conventions, etc.;
3. **Search Committee Report** signed by the Search Committee Chair and Department Chair. Report should describe in detail the committee members, the position, the advertisement and recruitment process, the number of applicants for the position, the applicants selected for interviews, and the criteria and qualifications used to identify the best qualified candidate;
4. **Letter from the Department Chair or Provost** attesting to the degree of the international candidate's education or professional qualifications and academic achievements;
5. Photocopies or electronic copies of resumes or CVs and other correspondence received from all applicants for the position;
6. Copy of SU offer letter issued to the faculty member's by the Office of the Provost, with all required signatures including the faculty member's signature of acceptance; and
7. Copy of SU employment contract offered to the employee (employment contract must be signed by the Provost and by the faculty member).

**(b) Prepared by the Selected Candidate and submitted to Global Engagement**

8. Current and comprehensive CV of international faculty member selected, including full educational and employment history
9. Copies of international faculty member's diplomas with academic transcripts, with certified translations if documents are not in English; must also be accompanied by credential evaluation if not conferred by U.S. degree granting institution
10. Copies of the faculty member's immigration documents, including current passport identification page, entry visa, I-94 departure record (both sides, available online at CBP I-94), and prior H-1B approval notices or other authorization for US employment by US Immigration agencies (if applicable)

**(c) Prepared by the Office of Global Engagement**

11. Responsible for posting, dating and signing, and returning to external immigration attorney Notice of Filing a Permanent Labor Certification Application

**(d) Prepared by External Legal Counsel**

12. Prevailing Wage Determination from the National Prevailing Wage Center

13. PERM Labor Certification

14. I-140 Petition for Alien Worker

15. I-485 Adjustment of Status Application (contracted independently between immigration counsel and individual employee)