

OFFICE OF THE CHANCELLOR
University of New Orleans

Administrative Policy & Procedure (AP) 2.13
Effective Date: **1/10/07**

This document supersedes AP 2.13 dated 1/1/1999

Subject: Sponsorship of Faculty and Staff for Lawful Permanent Residency

PURPOSE

To set forth policies and procedures on the University's sponsorship of international faculty and staff for lawful permanent residency.

DEFINITIONS

Department of Homeland Security (DHS). The agency responsible for administering the Immigration and Nationality Act (INA) as amended. The DHS monitors all matters related to international visitors who are in the United States.

Department of Labor (DOL). The agency responsible for approving labor certifications, a process designed to ensure that U.S. citizens and lawful permanent residents will not be adversely affected by the employment of someone who wishes to become a lawful permanent resident.

Labor Certification. A determination by the U.S. Department of Labor that no U.S. citizen, permanent resident, or someone who has been granted asylum is qualified or available to perform the job offered to someone who intends to become a lawful permanent resident.

Non-immigrant. Someone who has been admitted into the U.S. temporarily to engage in a specific activity (i.e. tourism, study, cultural exchange, or temporary employment).

Scholar. A non-immigrant faculty or staff member.

U.S. Citizenship and Immigration Services (CIS). The department within DHS responsible for adjudicating immigration petitions.

GENERAL POLICY

Federal law strictly regulates the employment of non-immigrants and the sponsorship of non-immigrants for lawful permanent residence. The Provost and/or his or her designee(s) are the only staff permitted to sign CIS and DOL documents. These documents include, but are not limited to the following:

1. ETA-9089 (Application for Permanent Employment Certification)

2. I-140 (Immigrant Petition for an Alien Worker)

The Office of International Students and Scholars (OISS) is responsible for facilitating the preparation of labor certification applications, if necessary, and petitions for an immigrant visa. For complex petitions and applications, the University may seek advice from University Counsel.

Pursuant to PM-26, no University employee may sign form G-28 (Notice of Entry of Appearance as Attorney or Representative) to designate an attorney to assist, advise, or represent the University in the preparation and submission of employer-based petitions or documents.

Departments that anticipate international applicants for expected job openings should consult with the OISS prior to beginning the recruitment process. Forms needed to obtain approval and process immigration petitions are available at www.uno.edu/oiss.

AUTHORITY

PM-26: LSU System Policy on International Employees and Visitors

Immigration and Nationality Act as amended

Department of Homeland Security Regulations: 8 CFR Parts 214 and 274a

Department of Labor Regulations: 20 CFR Parts 655 and 656

PROCEDURES

A. International Faculty and Staff Eligible for Sponsorship

Pursuant to PM-26, the University may sponsor individuals in the following categories:

1. Full-time, tenured, or tenure-track faculty members.
2. Full-time, non-tenured, or non-tenure-track teaching or non-teaching research positions of a permanent nature. It is not System policy to support permanent residence petitions for lecturers, visiting professors, or other temporary or term faculty appointments. The positions of instructor, post-doctoral researcher/fellow, research associate, research scholar, and research fellow are considered temporary and are not generally eligible for sponsorship.
3. Other full-time professional, administrative, and technical positions. Positions considered by the LSU System to be status positions and permanent in nature which otherwise meet criteria may be sponsored for permanent residence as approved on a case by case basis.

In general, the position must be (1) permanent, (2) full-time, and (3) of high level, requiring a Master's degree or above. Additionally, the employee must intend to remain in the position indefinitely, and the department must be willing to devote considerable time and resources throughout the permanent residence process. With the exception of tenured or tenure-track faculty, there must be a one-year waiting period and satisfactory performance evaluation before the permanent residence process can begin.

Deviations from the general policy require justification and written approval of the Chancellor. In addition, a copy of each exception approved by the Chancellor must be forwarded to the President of the LSU System.

B. Application

The application procedure is complex and can take from one to three years or more depending upon circumstances of each case.

1. To begin the process for sponsorship, the department must obtain approval through proper channels from the Office of Academic Affairs. This is done by completing the (1) Request for Initiation of Permanent Residency Process for a UNO Employee and (2) Permanent Resident Application Information Form both available from the Office of International Students and Scholars.
2. Upon receipt of approval to initiate the permanent residency process, the Office of International Students and Scholars will arrange a meeting with the department chair/head and scholar to review his/her immigration history, qualifications, departmental needs and objectives and to discuss an appropriate strategy. At this time, the department chair/head and scholar will be informed whether or not UNO can proceed with sponsorship.
3. The department chair and scholar will be provided with detailed instructions needed to prepare the labor certification, if necessary, and the immigration petition.

C. Tax Obligations

In order to ensure that UNO is in compliance with federal and state tax withholding requirements, departments wishing to employ international scholars should consult with the International Tax Coordinator.

Timothy P. Ryan
Chancellor