



THE UNIVERSITY of
NEW ORLEANS

**ADMINISTERED BY: Office of Vice
President for Business Affairs**

Policy No: AP-BA-21.2
TITLE: Sponsorship of Faculty and Staff
for Lawful Permanent Residency
EFFECTIVE DATE: March 28, 2014
CANCELLATION:
REVIEW DATE: Spring 2016

PURPOSE

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

AUTHORITY

Immigration and Nationality Act as amended; Department of Labor Regulations: 20 CFR Parts 655 and 656; Department of Homeland Security Regulations: 8 CFR Parts 214 and 274a; Part Two, Chapter III, Section IV of the Bylaws and Rules of the University of Louisiana System.

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 (USCIS) - 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 Vice President for Academic Affairs has designated the Director of the Office of International Students and Scholars (OISS) to sign USCIS 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 with the assistance of outside immigration counsel.

The Director of OISS has been designated to 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.oiss.uno.edu.

PROCEDURE

A. International Faculty and Staff Eligible for Sponsorship

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 UNO 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 UNO 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 President.

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 Request for Initiation of Permanent Residency Process for a UNO Employee Form 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 scholar will then be referred to outside immigration counsel who will prepare the Labor Certification.

C. Non-immigrant Petition Fees

With the exception of fees required to be employer paid, payment of fees for non-immigrant petitions are generally the responsibility of the foreign national. University funds from state, federal, or private sources may be utilized to pay these and any future federally mandated fees. Federal or non-federal funds utilized for this purpose must be in accordance with the rules and regulations of the granting agency.

D. 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**.



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