



need sponsorship. Academic Affairs is notified of an affirmative response and will advise the Divisional Executive whether a sponsorship has been requested. The Divisional Executive who is hiring the Foreign National shall provide written notice to the Office of Human Resources and the Office of General Counsel to approve and fund University sponsorship for the necessary Nonimmigrant Visa. The University may not need to sponsor a Foreign National in certain circumstances, such as when a Foreign National has a valid Employment Authorization Document that does not require employer sponsorship.

The University will either directly or through designated and approved legal counsel engaged by the University, prepare and file a Nonimmigrant Visa Petition to obtain appropriate work authorization. It is the responsibility of the Foreign National to fully cooperate with this process by providing to the University or legal counsel all requested documents within the requested time or a reasonable time.

The University reserves the right to withdraw an offer of employment if the Foreign National intentionally or unreasonably delays providing required documentation to process a Nonimmigrant Visa Petition. If the Foreign National is not in valid immigration status at the time of filing, has concealed or misrepresented any aspect of the individual's immigration or work history, or is inadmissible or removable under federal immigration law, then the University reserves the right to withhold sponsorship or support for the Foreign National and/or to request the withdrawal of any pending Nonimmigrant Visa Petition or the revocation of any approved Petition and withdraw the offer of employment.

#### C. INFORMATION ABOUT H-1B VISA

H-1B visas are one of the most common Nonimmigrant Visa classifications used in the hiring of Foreign Nationals. Foreign Nationals who are classified as professionals, i.e. persons working in positions that require at least a bachelor's degree or higher in a specialized field, can be eligible for H-1B status. H-1B status is a temporary, non-immigrant classification that is employer specific, so a person in H-1B status is authorized to work only for the petitioning employer.

The H-1B process must be initiated prior to the date the Foreign National is expected to begin work in H-1B status. Approval of H-1B immigration status (in the form of a hard copy I-797 Approval Notice from United States Citizenship and Immigration Services ("USCIS")) must be obtained by the University before the individual can be placed on the University's payroll and begin work unless the individual possesses an immigration status that allows employment while the H-1B petition is pending.

In general, Foreign Nationals can be granted up to six years (two cycles of three years) of H-1B status, although this period may be extended under certain circumstances.

#### D. EXTENSIONS AND RENEWALS OF NONIMMIGRANT VISA STATUS

Some Foreign Nationals in Nonimmigrant Visa Status may require extensions of their nonimmigrant status during employment with the University. In order to ensure the timely filing of an extension, the University will maintain a record reflecting the nonimmigrant status of University employees who are Foreign Nationals. The Office of General Counsel will provide written notice of the expiration of any University-sponsored immigration status to the Divisional Executive not less than seven months prior to such expiration date. The Divisional Executive shall determine whether to extend the nonimmigrant status of the Foreign National employee and, not less than six months prior to the expiration date, shall provide written

- EB-1 Outstanding Professor or Researcher: The EB-1 category is reserved for established and outstanding faculty and researchers. This category requires filing only with USCIS.

F. REFERRAL TO OUTSIDE IMMIGRATION COUNSEL

If the University decides to sponsor a Foreign National for Nonimmigrant Visa Status or LPR or to extend an existing Nonimmigrant Visa Status, then the matter will be referred to the University's designated and approved outside legal counsel specializing in United States immigration law. The Office of General Counsel will coordinate with outside legal counsel on the preparation of applications and documentation for University sponsorship.

G. ATTORNEYS' FEES AND COSTS RELATING TO IMMIGRATION-RELATED FILINGS

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## I. EMPLOYEE RESPONSIBILITIES

Employees shall be responsible for maintaining appropriate visa status to be authorized to work at the University and shall pay all fees and expenses not paid by the University. Employees shall inform the Office of General Counsel and the Office of Human Resources within 180 days of any potential lapse of their immigrant or nonimmigrant status. The employee shall provide all necessary information required for submission of the application for