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Policy Name

13.1100 Foreign National Policy

Purpose and Scope

This policy governs the sponsorship of individuals who are not United States citizens for employment by Alvernia University ("AU").

Title or Role	Definition and What They are Responsible For
Vice President of Business Affairs	Maintains and enforces this policy. Receives exceptions to the policy.
Senior Leadership Team	Serves as final approval for policy and assists with reviewing exceptions to the policy.

Policy

DEFINITIONS

- A. Foreign National: an individual who is a citizen of any country other than the United States.
- B. Nonimmigrant Visa Status: a temporary immigration status of limited scope and duration that allows a Foreign National to work in the United States on behalf of the University in a specific position; includes H-1B status, TN status, and O-1 status, among others.
- C. Lawful Permanent Residence: an immigration status which confers the right to work and live in the United States on a permanent basis, also known as a "green card." III.

PROCEDURE

A. CONFIRMATION OF EMPLOYMENT AUTHORIZATION

As required by federal law, all individuals hired by the University, whether U.S. or foreign-born and without limitation or discrimination, must complete and sign the United States Citizenship and Immigration Service Form I-9, the Employment Eligibility Verification, and present acceptable original documents as required by the Form I-9 to establish identity and eligibility to work in the United States.

B. UNIVERSITY SUPPORT FOR NONIMMIGRANT VISA FILINGS The determination of whether a Foreign National is authorized to begin employment (or will need immigration sponsorship) will be made prior to an offer of employment at the University. When filling out an application for employment, the Foreign National has the option to select whether they will Page 2 of 6 need sponsorship

E. UNIVERSITY-SPONSORED APPLICATIONS FOR LAWFUL PERMANENT RESIDENCE (“GREEN CARD”) The University will consider the sponsorship of Lawful Permanent Residence (“LPR”) for full-time faculty in non-tenure-track teaching professional positions, tenure-track teaching positions, and tenured positions, and fulltime permanent staff and inform the applicant of decision regarding sponsorship.

G. ATTORNEYS’ FEES AND COSTS RELATING TO IMMIGRATION RELATED FILINGS

i. Nonimmigrant Visa Categories The University will pay reasonable attorneys’ fees as well as filing fees in support of an H-1B visa petition.

ii. Lawful Permanent Residence The University will pay the attorneys’ fees and costs directly associated with the filing of PERM as part of the LPR process shall be paid by the University, and the Foreign National shall not be required to pay any part of such fees or costs, either directly or through reimbursement. If a Foreign National pursues LPR through a method other than PERM (e.g., EB-1 Outstanding Professor or Researcher), the University will pay attorneys’ fees in an amount not to exceed the current attorneys’ fees required for a PERM application. The University will determine on a case-by-case basis whether to pay any fees or costs in excess of that amount. Any legal fees or costs that the University determines not to pay shall be the responsibility of the Foreign National. The University will determine on a case-by-case basis whether to pay the filing and legal fees associated with the I-140 immigrant petitions and the I-485 adjustment of status applications. Any legal fees or costs that the University determines not to pay shall be the responsibility of the Foreign National. For Foreign Nationals who pursue LPR through the EB-2/PERM process and later become eligible for the EB-1/Outstanding Research or Extraordinary Ability Immigrant Petition, the University will consider paying the attorneys’ and costs associated with that application, on a case-by-case basis. Page 5 of 6 As of September 1, 2021, the University will pay for the fees and costs associated with new requests for LPR as follows: The University will pay the attorneys’ fees and costs directly associated with the filing of LPR. For EB-2, the filing includes PERM, the I-140 immigrant petition, and the I-485 adjustment of status application. For EB-1, the filing includes the I-140 and the I-485. The Division employing a Foreign National shall be responsible for the costs incurred by the University associated with the filing for the LPR. For Foreign Nationals who pursue LPR through the EB-2/PERM process and later become eligible for the EB-1/Outstanding Research or Extraordinary Ability Immigrant Petition, the University will consider paying the attorneys’ and costs associated with that application, on a case-by-case basis.

iii. Premium Processing In some instances, the use of the USCIS’s premium processing service can be beneficial for processing both LPR and H-1B visas. If the premium processing is for the benefit of the University, then the University may cover this fee. However, if the use of the premium processing service is for the benefit of the Foreign National, then the Foreign National must pay this fee. When premium processing is for the benefit of the University, the Division that employs, or plans to employ, the Foreign National shall be responsible for all costs and expenses associated with the use of any such USCIS premium processing service. The Divisional Executive shall provide notice of approval of premium processing to the Office of General Counsel and the Office of Human Resources prior to initiation of the process.

iv. Visa Stamp Application The University will only cover expenses associated with the visa stamp application process at a United States Embassy or Consulate General for University-sponsored travel outside the United States.

v. **Derivative Family Members** The University will not cover the legal fees or expenses associated with the preparation and submission of any applications for derivative family members to obtain Nonimmigrant or Immigrant Visa status. However, the Foreign National is permitted to engage the services of the University's designated and approved immigration counsel.

H. **AUTHORIZED SIGNATURES** Only authorized representatives of the University are authorized to sign immigrant or nonimmigrant petitions on behalf of the University to ensure compliance with federal law. 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 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 Nonimmigrant Visa or LPR upon any request by the University or the University's designated and approved outside legal counsel.

J. **IMMIGRATION SPONSORSHIP DOES NOT SUPERSEDE UNIVERSITY'S EMPLOYMENT POLICY OR PRACTICES**

The University's decision to sponsor any Foreign National for a Nonimmigrant Visa classification or for LPR is not a contract of employment, and does not supersede any of the University's agreements, policies, or procedures relating to employment. In addition, any statements made by the University or any of its faculty or staff in support of any immigration-related application or petition shall not supersede or be included in or be a part of any employment-related evaluation, including evaluations for tenure, promotions, pay increases, or new appointments.

K. **LIQUIDATED DAMAGES** The University expends considerable financial and personnel resources to obtain authorization to employ Foreign Nationals. Therefore, if a Foreign National separates from the University voluntarily within the first year of acquiring Nonimmigrant Visa Status or Lawful Permanent Residence, the University may seek to recover liquidated damages in an amount equal to the legal fees and other expenses incurred by the University, in accordance with federal law.

Exceptions to Policy

No Exceptions to this policy

Policy Review

Human Resources will review this policy on a 7-year cycle and updated when institutional needs or goals change.

Approved versions of this policy will be posted on the Alvernia University Portal.

References and Related Policies

This section contains any 3rd party standards, guidelines, or other policies referenced by this policy.

References

N/A

Related Policies

N/A

Exhibits

N/A

Document Review Log

Date Reviewed		Description of Changes
4/25/2024		SLT Approved