

<b>Policy Number/Title:</b>	4.352 TN Visa Sponsorship
<b>Effective Since:</b>	01/25/2018
<b>Last Revision Approved:</b>	01/25/2018
<b>Responsible Office:</b>	International Center; Academic Affairs; Human Resources

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### **1. Scope:**

All colleges, divisions, departments, units, offices at Winthrop University

### **2. Definitions:**

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### **3. Policy:**

Winthrop University is committed to attracting and retaining high quality and diverse faculty, staff, and administrators. Toward that end, the University strives to support a community of faculty, administrators, and scholars who are also globally engaged and globally minded. In support of the University's commitment to diversity and global learning, the following policy and procedures related to the hiring and retention of diverse faculty, staff, and administrators who are not U.S. citizens or U.S. Permanent Residents will be followed.

Winthrop University (via the International Center) will provide support for the administrative processes of obtaining authorization to work in the United States for those faculty and staff joining the University from Canada and Mexico in the TN visa immigration status. The TN visa is a special non-immigrant status in the United States unique to citizens of Canada and citizens of Mexico. It allows Canadian and Mexican citizens the opportunity to work in each other's countries in certain professional occupations. To obtain TN status, an employee must:

- a. Be a citizen of Canada or Mexico;
- b. Apply to obtain the TN status for a profession recognized on the North American Free Trade Agreement (NAFTA) list;
- c. Apply for a position at the University which requires a NAFTA professional; and



d. Meet or exceed the qualifications, specific requirements, education and/or experience, of the profession.

TN status should be sought when it is in the best interest of the University and the foreign national, as determined by the University. At Winthrop University, TN status is typically used for tenure-track faculty and professional staff and administrators in FTE positions. It is not available for employees in secretarial, clerical, office or administrative support, or temporary positions. The University rarely, and only in limited circumstances, sponsors non-faculty or non-tenure track faculty positions (such as lecturers) in TN status. Faculty members must obtain Permanent Resident status prior to the awarding of tenure. Additionally, the University has sole discretion in determining whether to provide any type of sponsorship for potential new employees. In those instances when Winthrop sponsors an employee for TN status, there is no guarantee that the TN status may be obtained. The process is dependent upon various government agencies, employee eligibility, and factors often outside the control of the University. University sponsorship of employees in TN status does not impact the sponsored employee's at-will or other employment status at the University. Additionally, University sponsorship is valid for the employee and does not include spouses or dependents.

To obtain TN status, International Center and the Division of Human Resources, Employee Diversity and Wellness will provide the new employee with the appropriate documents requested. They will also recommend that the new employee work with legal counsel to submit the petition as needed. Most TN petitions are submitted at a Port of Entry, but petitions may be submitted in advance to USCIS as well. Permission to remain in the United States in TN status is generally granted in three-year increments and may be renewed on an indefinite, continuous basis. Petition approval is often dependent on the nature of employment.

TN status does not allow for immigrant intent. The employee must maintain non-immigrant intent and plan to return to their home country at the end of the stay. Additionally, costs associated with the TN process will be the responsibility of the employer where required by law. As previously stated, these costs do not extend to a spouse or dependent(s) of the employee. When not required by law, associated fees and costs will be borne by the employee.

Hiring departments must notify the International Center (IC), Academic Affairs, and the Division of Human Resources, Employee Diversity and Wellness **prior to extending an offer** to a foreign national candidate for purposes of discussing appropriate language to be included in the offer letter and to discuss/begin any necessary work-based visa processes on behalf of the foreign national candidate.

Hiring departments must also notify the IC and the Division of Human Resources,



Employee Diversity and Wellness if a material change in employment occurs (e.g., a significant change in the daily responsibilities of the employee, rank, compensation or department or termination of employment) involving a foreign national employee.

Official and public immigration files for non-immigrant faculty and staff will be maintained by the International Center and by the Division of Human Resources, Employee Diversity and Wellness.

THIS DOCUMENT IS NOT A CONTRACT BETWEEN EMPLOYEES AND WINTHROP UNIVERSITY, EITHER EXPRESSED OR IMPLIED. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. WINTHROP UNIVERSITY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT

#### **4. Procedures:**

The request for TN sponsorship will adhere to deadlines and policies established by the International Center & the Division of Human Resources, Employee Diversity and Wellness. Hiring departments must submit an official request indicating intent to sponsor a new employee in the TN visa category. This request must include approvals from the hiring department chair, academic dean(s), Academic Affairs/Office of the President, and the Division of Human Resources, Employee Diversity and Wellness. As part of the TN visa process, hiring departments must also:

- Pay any related fees and costs associated with the TN visa process that are required by law and/or that are the responsibility of the employer. *These payments do not extend to costs associated with immigration processes related to the new employee's spouse and/or dependent(s).*
- Complete all necessary and required paperwork in a timely fashion.
- Follow the relevant TN visa procedures and instructions as established by the U.S. government, Winthrop's International Center, and the Division of Human Resources, Employee Diversity and Wellness noted on the policy links web pages below.

Any exceptions to this policy must be approved by the Provost and Executive Vice President for Academic Affairs well in advance of extending the job offer.

Contact Winthrop's International Center or the Division of Human Resources, Employee Diversity and Wellness for more detailed information.

#### **5. Resources:**



Winthrop International Center:

<https://www.winthrop.edu/international/>

**6. History of Revisions:**

01/25/2018      Policy first established

**7. Approvals:**

Responsible Officer Signature/Date:

Vice President/Senior Administrator Signature/Date:

President Signature/Date: