

<b>Policy Number/Title:</b>	4.36 Employment-Based Permanent Residency
<b>Effective Since:</b>	01/12/2018
<b>Last Revision Approved:</b>	01/12/2018
<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. Toward that end, the University strives to support a community of faculty members who are globally engaged and globally minded. While the decision to live and work in the United States permanently belongs with the individual and not the employer, Winthrop supports and values the contributions of faculty members from around the world.

Winthrop University will consider sponsorship requests for employment-based permanent residency (PR) for faculty members whose positions are **full-time, permanent in nature, and tenure-track**. Special circumstances may be considered with the prior approval of the Provost and Executive Vice President for Academic Affairs/Office of the President. The University has sole discretion in determining whether to pursue employment-based permanent residency. Additionally, University sponsorship is valid for the faculty member being employed and does not include spouses or dependents. The hiring department may request that Winthrop University initiate the employment-based permanent residency process for new hires who have been selected through a competitive process no earlier than six months after the new hire's start date.

Where possible, PR cases for **teaching faculty** *may* be processed under the “special handling” labor certification regulations (20 CFR 656.18). Hiring departments should note that this “special handling” of the PR sponsorship process **must be started within 18 months of the date of the offer letter** in order to take advantage of the special handling provisions. All other Department of Labor and Department of State requirements must be



met as well. The hiring department is responsible for adhering to this date and should consult with the International Center and the Division of Human Resources, Employee Diversity and Wellness to determine an appropriate timeline for “special handling” processing for teaching faculty.

The sponsored tenure-track faculty member must meet the required qualifications of the position and must be deemed by the hiring department to be the most qualified candidate as part of a competitive recruitment and selection process. In those instances when the University sponsors a tenure-track faculty member for PR, there is no guarantee that the request will be approved by the U.S. federal government. The PR process is dependent upon a variety of government agencies, employee eligibility, and factors often outside the control of the University. University sponsorship of PR for tenure-track faculty members does not impact the sponsored faculty member’s at-will or other employment status at the University.

Winthrop University will utilize outside legal counsel to advise the University with the process of sponsoring our foreign national tenure-track faculty members for Permanent Resident Status in the U.S. To be in compliance with federal regulations, the **hiring department** is required to pay any necessary legal and filing fees associated with the PR process. Please see the Fee Schedule on the International Center’s website for more detailed information.

Should USCIS make any changes or updates related to employment-based permanent residency, the Winthrop University Employment-Based Permanent Residency policy will follow those regulations as required by federal law.

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

Winthrop University (via the International Center) will work closely with legal counsel on employment-based permanent residency sponsorship. Additionally, ***the hiring department will have specific responsibilities as part of a successful process.*** As part of these responsibilities, the hiring department will:

- Adhere to deadlines established by the International Center & the Division of Human Resources, Employee Diversity and Wellness. Additionally, requests for permanent



resident petitions will be processed by the International Center based on receiving an official request in writing from the hiring department including 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.

- Pay any related fees and costs associated with the permanent residency 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).*

- o As required by U.S. labor law, hiring departments are responsible for paying for all costs associated with national advertising and recruitment for the vacant position.

- o Per federal law, costs related to the filing of permanent resident petitions must be paid by the hiring department and may not be paid or reimbursed by the employee.

- o The responsibility for payment for any other expenditures and filing fees associated with the PR process will be negotiated between the employee and hiring department.

- o Departments must refer to the **Fee Schedule** information on the International Center's website for specific details related to required fees/costs associated with the PR process.

- Complete all necessary and required paperwork including **but not limited to** all forms required in the *Permanent Residency Sponsorship Packet* in a timely fashion.

- Follow the relevant PR sponsorship 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.

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:

01/12/2018      Policy first established



**7. Approvals:**

Responsible Officer Signature/Date:

Vice President/Senior Administrator Signature/Date:

President Signature/Date: