



UNIVERSITY POLICY

SUBJECT: ACADEMIC AFFAIRS

TITLE: EMPLOYMENT OF FOREIGN NATIONALS
AND EXCHANGE VISITORS

CODING: 00-01-20-93:00

ADOPTED: 07/01/87

AMENDED: 07/17/07

LAST REVIEWED: 07/17/07

I. PURPOSE

To set policy regarding University sponsorship of foreign nationals for short-term employment, exchange-visitor programs, and permanent residence filings; to ensure compliance by the University with current laws and regulations regarding sponsorship of foreign nationals promulgated by the U.S. Citizenship and Immigration Services (USCIS), U.S. Department of Labor, U.S. Department of State and other pertinent federal agencies.

II. ACCOUNTABILITY

Under the direction of the President, the Executive Vice President for Academic and Clinical Affairs and the Senior Vice President for Administration shall ensure compliance with this policy; the Deans, the Presidents/CEOs of the patient-care units, the Vice Presidents, and the Manager of International Services shall implement the policy.

III. APPLICABILITY

This policy shall apply to the following full-time employees: faculty, non-faculty researchers, housestaff, and non-faculty healthcare providers. Part-time employees are not eligible for University sponsorship of employment visas.

IV. POLICY

- A. The University sponsors individuals for short-term employment visas and U.S. permanent residence to benefit the University and its missions.
- B. The University, its Schools, patient-care units, and independent centers and institutes shall comply with all pertinent federal laws and regulations related to the sponsorship of foreign nationals.
- C. No employee who is a foreign national may commence employment at UMDNJ without the appropriate USCIS authorization.
- D. Hiring of foreign nationals is contingent upon the individual obtaining the proper immigration status; the term of employment may not exceed the duration of the employee's work authorization and immigration status.
- E. All hiring departments and units shall ensure that foreign nationals have met all federal requirements and have followed all University procedures for completion of the federal Employment Eligibility Verification Form I-9.
- F. Foreign national employees may only be assigned those duties and responsibilities which are consistent with their official University job description and the USCIS employment authorization.

- G. All substantive changes to the employee's job description, changes in the employee's work location, or transfers of the employee to another department, office or unit must be reported to the Manager of International Services prior to effecting the change.
- H. The University will sponsor for permanent residence only individuals holding full-time faculty positions which are not coterminous with sources of funding other than State appropriations, and who have been employed by the University for at least 6 months. UMDNJ does not sponsor grant-funded or temporary employees for permanent residence. The University will not sponsor for permanent residence foreign national employees in non-faculty positions, such as Research Teaching Specialist, Program Analyst or laboratory technician. The University will consider exceptions, if the sponsoring department can demonstrate through a *bona fide* search that there are no qualified U.S. workers available for a given non-faculty position. Applications for exceptions should be submitted to the Manager of International Services, and require approval by the pertinent Dean or President/CEO of the patient-care unit, and the Vice President for Academic Affairs.
- I. The University only supports employment-based petitions which it authorizes and prepares. No individual may undertake University sponsorship of foreign nationals, sign or file immigration forms with the federal government, or contact any federal agency (including the U.S. Department of State, the U.S. Citizenship & Immigration Services, the U.S. Department of Labor, and the U.S. Department of Health & Human Services) except through the Manager of International Services. Applications for temporary employment visas submitted without the approval of the Manager of International Services will not be considered binding on the University and will not be honored. Petitions for labor certifications or permanent residence sponsorship submitted without the approval of the Vice President for Academic Affairs will not be considered binding on the University and will not be honored.
- J. All applications for permanent residence must be filed by the foreign national's attorney with the assistance of the Manager of International Services. Attorneys retained by foreign nationals represent these individuals only and do *not* represent the University. No University attorney shall represent an applicant for this purpose.
- K. Housestaff, including clinical fellows, who are foreign nationals fall under the jurisdiction and sponsorship of the Educational Commission for Foreign Medical Graduates (ECFMG) regarding immigration matters during their postgraduate training. In rare instances where special circumstances exist, the University may sponsor an international medical graduate for the H-1B Temporary Worker status. Such sponsorship must be approved by the School's Associate Dean for GME, the Dean and the Vice President for Academic Affairs following justification from the Dean. Following the completion of their training, foreign national housestaff may, if eligible, request University sponsorship in order to remain at the University by means of the appropriate procedure described in this policy (see item O).
- L. Foreign national employees must have adequate health insurance coverage for themselves and any dependents residing with them in the U.S.
- M. All hiring departments and units shall ensure that all foreign employees complete the "check in" process and program orientation of the Office of the University Registrar and International Services.
- N. All hiring departments shall notify the Manager of International Services of all events pertaining to the employee's stay at UMDNJ, including date of arrival and termination of the program, within ten days of the event taking place.
- O. All applications for the temporary employment of foreign nationals in faculty and non-faculty research positions require the approval of the employee's supervisor, Department Chair, and the School's Dean. All applications for the temporary employment of foreign nationals in non-faculty health-care provider positions require the approval of the employee's supervisor, and the President/CEO of the patient-care unit. University sponsorship of foreign nationals for permanent

residence requires the approval of the employee's supervisor, Department Chair, Dean, and Vice President for Academic Affairs.

P. Costs Associated with Immigration Matters:

1. Hiring departments are responsible for paying all fees and costs associated with the filing of temporary employment applications.
2. Hiring departments are responsible for paying all costs associated with the filing of permanent residence applications filed under the EB-2 Standard Labor Certification category. Under federal rules, hiring departments may not receive payment of any kind associated with a labor certification application, nor may they receive reimbursement for any costs associated with a labor certification application, including payment of the employee's attorneys' fees.
3. The applicants (not the hiring departments) are responsible for paying all fees for the following: permanent residence applications filed under all categories other than EB-2 for the employee and his or her dependents; temporary employment applications for dependents; change of status applications for dependents; and visa applications at U.S. consulates or embassies.

Q. All University policies and procedures are applicable to foreign nationals. The requirements set forth in this policy do not replace any other University policy or procedure, but are in addition to them. In all cases, regardless of the individual's immigration status, the hiring department must adhere to the University's established hiring procedures.

By Direction of the President:

Vice President for Academic Affairs