

**ST. JOHN FISHER UNIVERSITY**  
**Immigration Status Assistance Policy**

St. John Fisher University desires to maintain the flexibility to recruit and retain the most talented faculty available. The University also values diversity, and believes that a diverse faculty provides a more enriching academic experience for its students. However, it must also be recognized that the decision to hire and support qualified foreign national employees requires a commitment of financial and other resources which must be balanced with the University's desire to support foreign nationals in the immigration process.

For these reasons, the University has adopted the following policy concerning immigration status. The University will support and provide assistance, consistent with this policy, for appropriately recommended and qualified tenure track faculty members or potential faculty members who desire to: (i) work at the University in TN or H-1B visa status; (ii) extend their TN or H-1B visa status; or (iii) obtain lawful permanent residence (a "Green Card").

**1. Recruitment of Foreign Nationals for Tenure Track Positions.**

If the University desires to hire a foreign national for a tenure track position, the University shall, to the extent it is required to do so by law, pay the legal fees and USCIS filing fees involved in obtaining TN or H-1B status for the individual. Whether the University decides to proceed requires unanimous approval of the Department Chair, the Dean of the affected School, the Provost, and the President.

Factors that shall be considered include the experience, performance and qualifications of the individual, whether such expertise can be found domestically, expenses to the University, the added value represented by the faculty member's diversity, and any other factors reasonably deemed relevant including whether the individual presents a "unique value to the institution" (collectively, the "Review Criteria")

**2. Special Handling Labor Certifications.**

The U.S. Department of Labor permits a "Special Handling" labor certification for university faculty. This exception allows an abbreviated process for obtaining lawful permanent residence. The Department of Labor requires that the Special Handling labor certification be filed within 18 months after the date of the foreign national's job offer letter.

After the foreign national faculty member's first performance review (if practical), he/she may request that the University make arrangements to submit the Special Handling labor certification. Such request must be made at least six (6) months prior to the expiration of the 18-month deadline referenced above. The University shall apply the Review Criteria in making its decision. If the Department Chair, the Dean of the affected School, the Provost, and the President unanimously approve the request, the University shall, to the extent it is required to do so by law, pay the legal

fees and USCIS filing fees incurred in connection with the Special Handling labor certification process.

**3. H-1B Status Extensions; Standard Sponsorship for Permanent Residence**

**Status.** The University prefers that the employee timely makes request for labor certification through the Special Handling exception. However, if the foreign national faculty member has not obtained a Green Card through the Special Handling labor certification process, such employee may request an H-1-B status extension, and/or sponsorship for permanent residence status under the traditional standards.

- (a) H-1B Status Extension. A foreign national faculty member may request that the University make arrangements to extend his/her H-1B status. Such a request must be made at least six (6) months in advance of the expiration of the employee's current H-1B status. The University shall apply the Review Criteria in making its decision.

If the Department Chair, the Dean of the affected School, the Provost, and the President unanimously approve the request, the University shall, to the extent it is required to do so by law, pay the legal fees and USCIS filing fees incurred in the extension of the H-1B status.

- (b) Sponsorship for Permanent Resident Status. A foreign national faculty member may request assistance from the University in obtaining lawful permanent residence through traditional processes instead of the Special Handling process. (This may be requested before an H-1B status extension.) The faculty member is advised to make the request at least 18 months prior to the expiration of any H-1-B extension. The University shall apply the Review Criteria in making its decision.

If the Department Chair, the Dean of the affected School, the Provost, and the President unanimously approve the request, the University shall, to the extent it is required to do so by law, pay the legal fees and USCIS filing fees incurred in the permanent residence application.

**4. General.**

- (a) Employee Responsibilities. The employee shall continue to be responsible for monitoring his/her non-immigrant visa status and keeping it up to date in order to be authorized to work at the University. The employee shall inform in writing his/her Department Chair and the Assistant Vice President for Human Resources six (6) months prior to the expiration of the Special Handling deadline, six (6) months prior to the expiration of the original H-1B status, within 18 months before expiration of an extended H-1B visa, or if there are any emerging issues with regard to the non-immigrant status.

The University shall pay all costs that an employer is required by law to pay in connection with any of the above. However, the employee shall be responsible for any and all other costs, including without limit: (i) any premium processing fees, unless the Provost and President agree in writing in advance to pay all or part of such fees because the premium processing is necessary or desirable for the University's timing needs; (ii) if a labor certification is obtained, all subsequent costs, including all filing fees and legal fees required in filing the

permanent residence petition and applying for adjustment of status; and (iii) all legal fees and filing fees associated with permanent resident status for his/her dependents.

- (b) Discretion of University. While the University supports transition by its tenure track foreign national faculty members to lawful permanent residence status where appropriate and consistent with the policy set forth above, the University's decision to proceed with any type of immigration support for any employee rests in the discretion of the University. Prior to proceeding, the University shall also determine, in consultation with its attorneys, that there is a reasonable likelihood of obtaining the applicable extension or certification. If the University agrees to assist the employee, the University reserves the right to subsequently withdraw its assistance, sponsorship, financial assistance or support at any time.
- (c) Choice of Legal Counsel. All legal work in connection with immigration support by the University shall be performed by the University's attorneys. The employee shall cooperate with legal counsel and the University in all respects, and in a timely manner.
- (d) Alternate Application Criteria for Green Card.
  - i. Outstanding Researcher: If the employee desires to apply for a Green Card based on "Outstanding Researcher" status, the employee shall so notify the University. Should the employee meet the Review Criteria as determined by the unanimous consent of the Department Chair, the Dean of the affected School, the Provost, and the President, the University may provide letters of recommendation and related documentary support, but the University shall have no obligation to be responsible for payment of any legal fees, filing fees, or other costs or related expenses associated with such application.
  - ii. National Interest Waiver, or Alien of Extraordinary Ability: Should the employee desire to apply for a Green Card under either the "National Interest Waiver" or "Alien of Extraordinary Ability" criteria, such application does not require any university sponsorship or involvement, and as such the employee may independently pursue such application(s). However, upon approval of the Department Chair, the Dean of the affected School, the Provost and the President, the University may provide letters of recommendation and related documentary support if so requested by the employee, but the University shall be under no obligation to pay for any legal fees, filing fees or other costs or related expenses associated with such application.