

Baruch College Policy on Sponsorship of Foreign Scholars

Issuing Authority: Office of the Provost

Responsible Officers: The Provost and the Associate Provost for
Academic Administration

Date Issued: April 25, 2014

I. PURPOSE OF THE POLICY: The purpose of this policy is to set forth the terms, condition, and process of sponsoring: (1) work visas; and/or (2) petitions for permanent residency status for foreign scholars who have been offered full-time employment in a tenure-track faculty position at Baruch College.

II. TO WHOM THIS POLICY APPLIES: This policy applies to all members of the Baruch community involved in the recruitment and hiring of foreign scholars in full-time, tenure-track faculty positions. This policy does not apply to full-time, non-tenure track faculty positions; part-time faculty positions; and full-time or part-time executive, administrative, support, or technical positions because Baruch College does not sponsor work visa or permanent residency petitions for foreign nationals offered employment in these positions.

III. POLICY DEFINITIONS:

Foreign Scholar: A foreign scholar is an academic who is not a United States citizen, United States permanent resident, or a United States temporary resident.

Foreign National: A foreign national is a person who is not a United States citizen, United States permanent resident, or a United States temporary resident.

Employment Sponsorship: Also known as immigration sponsorship. This is a method of obtaining temporary or permanent residency in the United States through an offer of employment by a U.S. employer.

H-1B Visa: An H1-B classification is for foreign nationals coming to the United States temporarily to perform services in a specialty occupation such as academia.

Permanent Residency Status: A permanent resident is a foreign national who has been granted authorization to live and work in the United States on a permanent basis. Permanent residency status can be sponsored by a family member or an employer. Permanent residency status can also be obtained through refugee or asylee status under humanitarian

programs. An individual may also be eligible to file a petition for such status without sponsorship or refugee or asylee status.

I-9 Form: A form issued by the U.S. Citizenship and Immigration Services to verify an employee's identity and eligibility to legally accept employment in the United States.

IV. STATEMENT OF POLICY: Baruch College will consider sponsorship of H-1B visas only for foreign scholars who have been offered full-time employment in tenure-track positions. Such sponsorship does not guarantee tenure or any other form of continuing employment, nor does it supersede or interfere with any contractual, policy, or legal obligations governing such employment. Baruch College does not sponsor any other type of temporary work visas for foreign scholars offered full-time employment in tenure-track positions. Nor does Baruch College sponsor work visas for foreign scholars offered full-time employment in a non-tenure-track or part-time employment, or for foreign nationals offered employment in non-faculty positions such as executive, administrative, support, or technical positions.

Baruch College will consider sponsorship of permanent residency petitions only for foreign scholars in full-time tenure-track positions.

If a foreign scholar is unable to obtain proper authorization to work in the United States, Baruch College will rescind its offer of employment.

V. TEMPORARY VISA SPONSORSHIP PROCESS

A. Approval for Sponsorship

The Provost or the Provost's designee shall have the authority to approve requests for H-1B sponsorship initiated by the hiring Dean. As soon as an offer is accepted, the Dean should initiate a written request to the Office of the Associate Provost for Academic Administration. The scholar's curriculum vitae and job description should be attached to the written request. The Provost or the Provost's Designee will assess whether the foreign scholar is eligible under the College's Policy for the requested sponsorship.

B. Signatory Authority for Immigration Documents on Behalf of the College

The President and the Provost are the only persons authorized to sign all documents, at the College level, on behalf of CUNY relating to sponsorship.

C. Retention of Immigration Counsel and Costs Associated with Sponsorship

Baruch College will select and retain, at the College's expense, outside counsel to prepare the H-1B visa petitions. The foreign scholar has the option, however, of selecting and retaining counsel at the scholar's expense.

VI. PERMANENT RESIDENCY STATUS SPONSORSHIP PROCESS

A. Approval for Sponsorship

The Provost or the Provost's designee shall have the authority to approve requests for permanent residency sponsorship initiated by the hiring Dean. As soon as an offer is accepted, the Dean should initiate a written request to the Office of the Associate Provost for Academic Administration. The scholar's curriculum vitae and job description should be attached to the written request. The Provost or the Provost's Designee will assess whether the foreign scholar is eligible under the College's Policy for the requested sponsorship.

Note: To take advantage of the expedited process for permanent residency status known as "special handling," a labor certification must be filed within eighteen (18) months of the time an offer is made (usually the date of the offer letter).

B. Coverage of Expenses Associated with Sponsorship

The College will select and retain, at the College's expense, outside counsel who will prepare the filings for permanent residency sponsorship. Fees for expedited processing are the responsibility of the foreign scholar.

VII. I-9

Foreign scholars cannot begin working until they obtain authorization to legally work in the United States and properly complete an I-9 form.

VIII. RECORD RETENTION

All immigration documents are to be maintained separately from the foreign scholar's personnel files and retained for six (6) years (plus the current year) after the employee separates from Baruch College.

IX. DISCLAIMER

This Policy does not form an agreement of any kind nor does it intend to serve as legal advice. It is for internal purposes only and may be altered, modified, or rescinded at the discretion of Baruch College and/or the City University of New York.

For more information regarding the immigration process in the United States, please consult the U.S. Citizenship and Immigration Services at www.uscis.gov.

