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**POLICY ON SPONSORSHIP FOR
EMPLOYMENT-BASED IMMIGRANT VISA
(Lawful Permanent Residence or “Green card”)**

GENERAL POLICY:

It is Florida Atlantic University’s (the “University”) policy that the employment of foreign personnel shall be in full compliance with the provisions of the Immigration Reform and Control Act of 1986, as amended from time to time.

APPLICABILITY/ACCOUNTABILITY:

The appropriate Vice Presidents are responsible for ensuring that the federal, state, and university policies are followed regarding the employment of foreign personnel within their respective areas.

Throughout all periods of employment by and with the University, it is the individual’s responsibility to maintain a lawful status that provides for employment eligibility.

OVERVIEW:

There are several ways to obtain permanent residence in the United States. This policy focuses solely on employment-based procedures for obtaining permanent residence that are relevant to the University. Specifically, this policy covers the first (extraordinary ability and outstanding professors or researchers), second (exceptional ability/national interest waiver), and third (PERM) employment-based preferences.

Congress has designated those groups to which it gives preference in immigrating to the United States. The first three employment-based preferences include:

1. The first employment-based preference (EB-1) includes:
 - outstanding professors and researchers
 - individuals of extraordinary ability in the sciences, arts, education, business and athletics

No labor certification is required for either category. The outstanding professor or researcher category requires the offer of a tenured or tenure-track teaching position or the offer of a comparable permanent position. For research positions, applicable regulations define “permanent” as being either tenured, tenure-track, or for a period of indefinite or unlimited duration. The extraordinary ability category does not require a job offer. (Note: By virtue of this particular definition of “permanent”, OPS and like positions do not qualify for sponsorship under this category.)

2. The second employment-based (EB-2) preference includes:

- individuals of exceptional ability
- advanced-degree professionals

A labor certification and a job offer are required, unless they are waived in the national interest.

3. The third employment-based preference (EB-3) includes skilled workers, professionals, or other workers:

- PERM (Special Handling)
- PERM (Regular)

A labor certification and a job offer are required for the third employment-based preference.

REASON FOR POLICY:

The University shall ensure compliance with and consistency in the application of pertinent Department of Labor and Department of Homeland Security regulations.

DEFINITIONS:

Employment-based immigrant visas or status - U.S. immigration law provides foreign nationals with a variety of ways to become lawful permanent residents through employment in the United States.

Permanent resident status or the “green card” - grants foreign nationals the right to live and work in the United States indefinitely.

PERM - the process through which the University establishes that there are no U.S. workers ready, willing and able to accept the position offered.

POLICY STATEMENT:

To be eligible for an employment-based permanent residency sponsorship, the employee must (1) be in good standing, (2) hold a permanent position with the University and (3) have accomplished the required length of service as outlined below. If an employee is in a grant funded position, grant funding must be in place for at least five (5) years.

Position	Length of Service Requirement:
Teaching Academic Positions	Within 1 st year of employment
Administrative Positions	Upon completing 1 year of employment
Non-Academic/Non-teaching Positions	Upon completing 1 year of employment

Waiver of these requirements shall be authorized only by the Vice President of the particular administrative office and only in those cases demonstrating that compliance with the requirement would cause extreme hardship. Once the individual ceases employment with the University, the University must discontinue its sponsorship of the individual for the immigrant visa.

EXPENSES:

Effective July 16, 2007 and pursuant to applicable Department of Labor regulations, Florida Atlantic University will pay all costs, including legal fees, for preparing, filing, and obtaining labor certification for the sponsorship of a foreign employee. However, the University will not be responsible for the payment of any attorney’s fees or costs associated with the remaining steps of the sponsorship process, namely the Form I-140 (Step 2) and Form I-485 (Step 3). Furthermore, in those cases not requiring a labor certification, the University will not be responsible for the payment of any attorney’s fees or costs associated with the sponsorship of a foreign employee for Lawful Permanent Residence (“Green Card”). No exceptions will be made to this policy, unless required by law.

PROCEDURES:

Completion of Forms:

The University will not sign or complete any forms that have not been reviewed or managed by the University’s immigration attorneys. For green card cases not managed by the University’s immigration attorneys, the employee will be responsible for paying a review fee to the University’s immigration attorneys before the University can sign or complete said forms. Departments are not authorized to sign or complete any forms on behalf of the employee without proper approval from the University’s immigration attorneys or the Office of the General Counsel.

PERM (Special Handling):

The University’s teaching staff qualify for processing pursuant to special-handling regulations issued by the U.S. Department of Labor. Special Handling refers to a streamlined process based on recruitment that has already taken place before the application is filed as opposed to recruitment. The application must be filed within 18 months of the date the offer for the position was made.

PERM (Regular):

In general, full-time University employees who do not qualify for permanent residence under special handling must process a PERM labor certification. This process entails advertising the position as stipulated by pertinent U.S. Department of Labor regulations.