

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: July 18, 2019

I. PURPOSE OF THE POLICY

The purpose of this policy is to set forth the terms, conditions, 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 academic community involved in the recruitment and hiring of foreign scholars in full-time, tenure-track faculty positions. This policy does not apply to non-tenure track faculty positions, part-time faculty positions, or temporary faculty positions. Nor does it apply to administrative, support, or technical positions in Academic Affairs.¹

III. 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.

IV. TEMPORARY VISA SPONSORSHIP

A. Process for Approval of Sponsorship

The Provost 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 determine whether or not to approve the request for sponsorship.

¹ NB – A policy issued by the Provost does not cover non-academic staff.

B. Retention of Immigration Counsel and Costs Associated with Sponsorship

The 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. In accordance with the law, the costs associated with preparation of approved H-1B visa petitions will be covered by the College, with limited exceptions. The Provost will consult the AVP/Legal Counsel and Labor Designee regarding exceptions to payment of H1-B visa processing costs.

Most fees for premium processing are the responsibility of the foreign scholar. However, if the premium processing fee is incurred to assure a foreign national has H-1B status in order to start their position at CUNY by a certain date, the fee is a business expense that the College must pay.

V. 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. The Provost's Designee will confirm with the appropriate Dean the College's ongoing sponsorship of the candidate for purposes of filing the Labor Certification.

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. Retention of Immigration Counsel and Costs Associated with Sponsorship

The College will select and retain, at the College's expense, outside counsel who will prepare the filings for permanent residency status sponsorship process. In accordance with the law, there is no obligation on the employer to pay for the processing of the application for employment-based permanent resident status beyond the Labor Certification stage. The foreign scholar will be responsible for fees and costs associated with filing an "Immigrant petition for Alien Worker" (Form I-140) and an "Application to Adjust to Permanent Resident" (Form I-485).

If during this process we must extend the foreign scholar's H-1B status in order to maintain work eligibility, the fee associated with extending H-1B status, including the premium processing fee (if deemed necessary by the immigration attorney) is a business expense that the College must pay.

VI. SIGNATORY AUTHORITY ON BEHALF OF THE COLLEGE FOR IMMIGRATION DOCUMENTS

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

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

Please contact Baruch College's Office of Human Resources for more information and assistance regarding the I-9 process.

VIII. 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 any time 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