

## Procedures for Hiring Foreign National Tenure-Track Faculty

### Introduction:

PLU welcomes applicants for full-time tenure-track positions who are foreign nationals. As non-citizens of the US, foreign nationals are required to have certain immigration status approved by the United States Citizenship and Immigration Service ("USCIS") before they can begin work for PLU. When interviewing the final pool of applicants, the question should be asked of each candidate: Will you have the necessary documents to prove on the first date of hire that you have authorization to work for PLU? If the person says no you can ask the person how PLU can assist him/her to have such authorization. The procedures below are designed to aid faculty involved in the search and hiring process and to convey a sense of the university's support.

### Procedures:

1. When a decision is reached to offer a position, and the offer is to be made to a foreign national, a memo informing the Provost of the Dean's decision (normally written by the Dean of the hiring unit) should indicate the employment status of the potential colleague, (If the applicant is currently in the US, what immigration status does he/she have?) and the Director of Human Resources should be contacted to discuss the wage to be offered.
2. If the candidate who is a foreign national accepts PLU's offer, contingent upon their employability, the precise kind of immigration status needed should be determined immediately. This information will normally be obtained by the PLU faculty making the verbal offer, and who will presumably be the first to hear if the offer has been accepted. At this point, PLU's designated immigration resource person (currently Charry Benston, Assistant Director of the Wang Center for International Programs) should be consulted. If it is the case that the candidate is unsure of his/her immigration requirements, he/she should be referred to Charry for advice in this regard. If necessary, the university's immigration legal counsel also may be consulted. Once it has been determined what immigration status the individual in question requires, Charry will notify the Provost's office and Human Resources.
3. Before issuing a contract to the individual in question, the Director of Human Resources Dean will consult with the following parties in order to determine appropriate contractual language: the Provost, the Search Committee Chair, the Chair of the department/division/school in question, and Charry Benston. Finally, prior to beginning employment at PLU, the Office of Human Resources will require documentation of the candidate's employability status as of the first day of hire.

Tenure-track foreign national faculty will typically be allowed to work at PLU under the following categories: F-1 on Optional Practical Training (OPT), H-1B1, or Permanent Resident.

4. If the future employee is currently in an F-1 or J-1 status and in "Optional Practical Training" (OPT) status, PLU's primary obligation is to issue an appropriately worded contract. OPT is only valid for up to 12 months or the expiration date on the Employment Authorization Card, ("EAD"), whichever comes earlier.

F-1 and J-1 are classifications designated for students and visiting scholars. At the completion of one's (graduate) studies, a student can apply for OPT. If approved, USCIS grants the student an Employment Authorization Document (EAD). The Ph.D. granting institute sponsors the EAD application. PLU's responsibility is to 1) know that the student has been granted OPT and 2) take note of the expiration date of the EAD. OPT is only allowed for a total of 12 months. After that, the student is required to return to his/her non-US home, unless a petition or application has been approved for another type of status. Typically this is H-1B1 status.

5. The H-1B1 classification is for non-immigrant workers in specialty occupations. If it is determined that the individual will require H-1B1 status, PLU becomes the sponsoring institution and the process is more complex than getting an F-1 or J-1 visa. Note: "H" visas must be applied for and take time to obtain. There are two parts to the process. The first step is the Labor Condition Application, and the second is the actual H-1B1 nonimmigrant petition. "H" status may be granted for three years at a time and allow for application of extensions not to exceed the six-year limit in "H" status. Total work time allowed in "H" status is six years so if the person has been working on H-1B status for another employer, that time is subtracted from the six years. "H" status may be extended beyond the six years if the non-immigrant worker had a Labor Certification Application or an Immigrant Petition filed more than 365 days prior to the end of the six-year period in "H" status.

6. Once a contract has been signed using the process outlined, Charry Benston will act as coordinator of the immigration process and will handle the administrative end of the nonimmigrant petition. She will meet collectively with the Chair of the search and hiring department and the Director of the Wang Center for International Programs. If the faculty member requiring status is available, it is advisable that he/she be present at the meeting as well. The purpose of this meeting is to coordinate the working permit/nonimmigrant petition process and develop a timetable for timely submission of the required materials. At this meeting a faculty member or academic administrator will be designated as a departmental contact person for Charry (this is usually the chair of the hiring department).

7. If PLU wishes to retain the foreign national in the tenure-track position indefinitely (usually decided after the first semester evaluations were reviewed), and the foreign national desires to

remain at PLU and attain US permanent residency (a "green card"), the Dean (in collaboration with the Provost) will notify Charry Benston. Charry will be responsible for contacting the immigration legal counsel retained by PLU for immigration advice and initiating the immigration process for applications for permanent residency. She will provide the attorney the information needed and keep the Provost, foreign national, Dean and Chair of the Department, and the Director of the Wang Center for International Programs apprised of the pertinent legal issues and the progress of the petition.

8. A permanent residency application has three parts; the Labor Certification Application, the Immigrant Petition for Alien Worker, and the Adjustment of Status Application. The process may take about four years for all the approvals, but it depends on the availability of immigrant visas determined by the U.S. Department of State. The Labor Certification Application (Part One) needs to be filed within 18 months of the initial job offer.

9. Applications for permanent residency require meticulous documentation of the search process. A report of the search and selection process is required along with *all* advertising, original search materials, applicant files, and documentation of why this applicant was chosen over a U.S. worker applicant (U.S. citizens and permanent residents). This information must be kept for five years after the Labor Certification Application is approved or until Permanent Residency is granted, whichever is longer.

10. After a contract has been issued and accepted by the candidate, all normally accrued costs associated with the petitions (nonimmigrant status and permanent residency) will be paid for by PLU. If permanent residency is petitioned and paid for by PLU, the faculty member will be expected to continue to serve the university for a minimum of three years after the permanent residency has been approved even though there can be no legal commitment to do so.