

**IMMIGRATION SPONSORSHIP FOR FULL-
TIME INTERNATIONAL
THE PEOPLE CENTER**

SECTION I PURPOSE OF THE POLICY

Champlain College seeks to attract and retain the most qualified faculty and staff. Candidates who are not U.S. citizens or permanent residents may need institutional sponsorship for employment in the United States. This policy outlines Champlain College's policies and procedures under U.S. immigration law. Each situation must be analyzed on a case by case basis to determine applicable requirements under U.S. immigration law and the potential role of Champlain College in sponsoring a particular individual.

SECTION III ELIGIBILITY PROVISION

This policy applies to all regular full-time staff and faculty as well as candidates for regular full-time positions at Champlain College. Section e (i.) (TN status) may apply to part-time and adjunct faculty positions.

SECTION IV POLICY

a. Recruitment, Hiring and Sponsorship

An individual who is not a U.S. citizen or permanent resident may become eligible for employment in the United States through sponsorship by a U.S. employer, if the offered position of employment qualifies for sponsorship.

The President of Champlain College must approve any commitment of sponsorship for a prospective or current employee. To secure authorization for Champlain College sponsorship of a foreign national for employment purposes, the hiring department must submit a completed Request for Sponsorship form to the Office of The People Center, and The People Center Office must forward the request to the President for review. The Request for Sponsorship form is available from the Office of The People Center.

To sponsor an employee for lawful permanent residency ("green card") the hiring department must be prepared to establish that the case meets applicable requirements of U.S. immigration law regarding availability of U.S. workers for the position, and must be prepared to engage in a test of the labor market if needed for this purpose.

b. Temporary (Non-Immigrant) Status

Champlain College will consider sponsoring a candidate or employee for temporary



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nonimmigrant status (H-1B, TN, O and other types of nonimmigrant status) upon request of the hiring department by submission of a completed Request for Sponsorship form. Temporary nonimmigrant status is available for a temporary period of time and is limited to the sponsoring employer.

If temporary nonimmigrant sponsorship is approved, the People Center will coordinate the processing of an application for temporary nonimmigrant status in the most appropriate and cost effective category available, as determined by the People Center upon advice of counsel.

c. Permanent Resident Status ("Green Card")

Champlain College will consider sponsoring an employee for lawful permanent residency ("green card") only after the employee has been employed with Champlain College for at least one year and has received "excellent" performance reviews or otherwise merits sponsorship for continued employment and only upon request of the hiring department by submission of a completed Request for Sponsorship form.

Lawful permanent resident status is available for an indefinite period of time and is not limited to the sponsoring employer. It is important to note that lawful permanent residents are free to change employers at will; applicants for permanent residency may change employers after a designated benchmark of progress is reached in the permanent residency application process.

If permanent residency sponsorship is approved, the Office of The People Center will be responsible for the employer components of the application for permanent residency. After Champlain College files the employer's I-140 immigrant petition, it is the responsibility of the *employee* to file an I-485 Adjustment of Status for themselves and their spouse and children, or to file an I-765 Application for Employment Authorization to obtain a new employment authorization document (EAD) before their current EAD expires.

d. Responsibility for Immigration Expenses

Champlain College will be responsible for the costs of temporary (Non-Immigrant) immigration applications for its employees up to a maximum of \$5,000 aggregate immigration costs per employee.

An employee's dependents are the legal and financial responsibility of the employee. Costs for immigration status for dependents accompanying an employee are the responsibility of the employee.

If an employee elects to retain the services of an attorney to advise or represent him/herself and his/her spouse and children in the application process, the employee shall be solely responsible for any fees incurred with the private attorney. Privately retained immigration counsel must coordinate efforts with designated representatives of Champlain College and its designated counsel.

Unless otherwise agreed in writing by the President, Champlain College will not cover the following expenses, whether by direct payment or reimbursement: immigration fees or costs for any member of the candidate/employee's family; travel or communication expenses including without limitation expenses incurred to secure a visa at a U.S. consular post abroad; or fees or expenses for medical examinations.



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e. Categories of Temporary (Non-immigrant) Status

The categories of immigration status that are most likely to be utilized at Champlain College include TN, H-1B and O status. Each case must be reviewed on a case by case basis to determine eligibility and the most appropriate and cost effective application process available.

i. **TN Status:**

TN status is available under NAFTA for Canadian and Mexican professionals in specific occupations listed in the NAFTA treaty. The listed professions generally require at least a bachelor's degree and perhaps licensure. The listed professions include accountant, college and university teacher, computer systems analyst, librarian, mathematician, research assistant, scientist, social worker and other specific occupations. TN status is only approved for one year at a time. TN status can be renewed indefinitely but long term TN employment is not ideal for a variety of reasons so it is best to consider moving from TN to H-1B (if available) and permanent residency to retain employees long term. TN employment may be part time or full time.

ii. **H-1B Status:**

H-1B status is available for professionals in specialty occupations, which means occupations requiring at least a bachelor's degree or equivalent specific vocational preparation across industry. A specific employer's preferred minimum qualifications do not dictate H-1B eligibility. To qualify, the applicant must have the appropriate degree for the specialty occupation or an equivalent combination of education and experience. H-1B status is not available if there has been a lay-off, strike, lock-out or other labor disruption affecting employees in the same occupation with the same employer within the prior six months. For a successful H-1B petition the employer must document that they are offering the prevailing wage as determined by the U.S. Department of Labor. H-1B employment can be full-time or part-time and H-1B workers can have concurrent H-1B approvals to work with more than one employer in H-1B status at the same time.

H-1B status is approved for up to three years at a time, renewable for up to six years. To retain an H-1B employee longer than six years, the employer must file an immigrant petition to sponsor the employee for permanent residency before the end of the employee's 5th year of H-1B employment.

iii. **O Status:**

O status is available for employees of extraordinary ability, which means they are among a small percentage who have risen to the very top of their field of endeavor nationally and internationally. A petition for O status involves letters of reference from leaders in the employee's field and documentation of the employee's professional accomplishments. O status is available initially for up to three years and then can be renewed annually indefinitely. Each renewal involves a substantial project to document the employee's extraordinary ability, so O status is not a good option for long term employment. It is best to consider moving from O to permanent residency to retain employee's long term. Employment in O status may be part time or full time.

There are other nonimmigrant categories available for specific employment situations. If you have questions about whether TN, H-1B, O or some other status may be available in a particular case, please contact the Office of The People Center.



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f. Categories of Eligibility for Permanent Residency

There are several pathways to obtain permanent residency, each of which may or may not be available in a particular case. Each case must be reviewed on a case by case basis to determine eligibility and the most appropriate and cost effective application process available.

Common categories for permanent residency are:

- Teaching Faculty – special handling labor certification for college and university teachers who engage in classroom teaching.
- Outstanding Researcher/Professor – professors and researchers with at least three years' experience in teaching/research and several other indications of achievement such as scholarly publications and service as a peer reviewer for the work of others (exempt from labor certification).
- Outstanding Ability – for professionals who can document that they have a degree of expertise significantly above that normally encountered in their field of endeavor.
- Extraordinary ability –for those who have risen to the very top of their field of endeavor nationally and internationally (exempt from labor certification)

In addition there are other categories of sponsorship for permanent residency that may be available in particular cases. Each case must be reviewed on a case by case basis to determine eligibility and the most appropriate and cost effective application process available.

For permanent residency sponsorship, the position of employment must be full-time and permanent. For immigration purposes, "permanent" means that the position is expected to continue for the foreseeable future, funding is expected to remain available for the foreseeable future, and the person is expected to continue in the position for the foreseeable future. At-will employment can qualify as "permanent" if it meets these criteria.

If you have questions about whether permanent residency sponsorship may be available in a particular case, please contact the Office of The People Center.

SECTION V POLICY ADHERENCE

The Vice President, People and Technology is the responsible official for this policy. Any exceptions to this policy must be approved by the Vice President, People and Technology.

SECTION VI CONTACT

The People Center is the only office authorized to represent Champlain College to U.S.



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immigration authorities, authorize the sponsorship of any Champlain College employee for temporary nonimmigrant status or permanent resident status, and engage counsel to represent Champlain College in immigration matters. The contact person for employment immigration matters is the Employment Manager.

The above is a summary only. Always refer to the applicable plan documents, policies or guides before making final decisions. The People Center's policies and procedures are updated on an as-needed basis. As such, the College reserves the right to alter, amend or suspend the terms of this policy at its sole discretion; please refer to the policies posted on The People Center website for the most current version. This policy does not constitute an employment contract.

