

	<b>FGCU POLICY 3.004</b>	<b>Responsible Unit:</b> Human Resources
	<b>Sponsorship Of Foreign Personnel For Non-Immigrant Visas</b>	

**A. POLICY STATEMENT**

It is the University’s policy that its 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. To that end, the University shall not employ any individual without first verifying that the individual can establish employment eligibility. 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. In order to obtain or maintain such lawful status, the University may be requested or desire to sponsor an individual for immigrant (permanent) status.

**B. REASON FOR POLICY**

It is the intent of this Policy to provide clarification and guidance with the legal or regulatory requirements associated with immigration and sponsorship of University faculty and staff for Non-Immigrant Work Visas.

**C. APPLICABILITY AND/OR ACCOUNTABILITY**

Hiring officials and designated personnel.

**D. DEFINITION OF TERMS**

1. *Non-Immigrant Work Visa*: Verification that the individual’s employment is lawful.
2. *Permanent Residence*: Lawful Permanent Residence or “Green Card.”

**E. PROCEDURES**

To maintain full compliance with the provisions of the Immigration Reform and Control Act of 1986 it is necessary to determine the following:

1. Who the University Will Sponsor for Non-Immigrant Work Visa?

The University’s sponsorship of foreign personnel for Non-Immigrant Work Visas is primarily reserved for faculty, researchers, and other scholars, but may be considered in other circumstances as well. Given the complex nature of immigration regulations, determinations whether to sponsor a foreign employee will be made on a case-by-case

basis, after consultation with the University's immigration counsel. The major factors to be taken into consideration in each case include the University's need for the particular position and the foreign employee's eligibility for a Non-Immigrant Work Visa. In light of the foregoing, every offer of employment made by the University will be contingent upon the prospective employee's ability to establish legal eligibility to accept employment in the United States.

2. When Will the University Sponsor a Foreign Employee for Non-Immigrant Work Visa?

The University's sponsorship of foreign personnel for a Non-Immigrant Work visa will be undertaken as soon as a determination of eligibility has been made by the University's immigration counsel and as soon as is practicably possible.

*Authority*

*BOG Regulation 1.001, University Board of Trustees Powers and Duties*

*History of Policy*

*New 07/2000; Amended 08/20/07; Reviewed and Format Changed 09/10/19*

**APPROVED**

\*s/Richard Pegnetter  
Richard Pegnetter, President

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Date