

	FGCU POLICY 3.005	Responsible Unit: Human Resources
	Sponsorship of Foreign Personnel for Lawful Permanent Residence	

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. 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 lawful Permanent Residence.

C. APPLICABILITY AND/OR ACCOUNTABILITY

Hiring officials and designated personnel.

D. DEFINITION OF TERMS

1. *Permanent Employment:* Permanent is considered to be employment for a period of indefinite or unlimited duration. (By virtue of the definition of “permanent”, SP, OPS, and like positions do not qualify for sponsorship under the Outstanding Professor or Researcher category.)
2. *Faculty Full-Time Employment:* This term is defined as one (1) academic year (at least nine (9) months).
3. *Administrative Full-time Employment:* This term is defined as twelve (12) consecutive months.
4. *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 Lawful Permanent Status (“Green Card”)?

The University's sponsorship of foreign personnel for lawful Permanent Residence ("Green Card") is primarily reserved for faculty, researchers, and other scholars, but may be considered in other circumstances as well. The determination whether to sponsor a foreign employee for lawful Permanent Residence will be based upon the recommendation from the Dean of the particular college or the Vice President of the particular administrative office. These recommendations may be based in whole or part from requests or recommendations from Department Chairs/Directors/heads.

2. When Will the University Sponsor a Foreign Employee for Lawful Permanent Residence ("Green Card")?

The University's sponsorship of foreign personnel for lawful Permanent Residence ("Green Card") will not be considered until such time as the foreign employee has completed the appropriate period of service, as follows:

- a. Teaching Positions: One (1) year of full-time employment.
- b. Administrative Positions: One (1) year of full-time employment.
- c. Research Positions: The University requires at least three (3) continuous years of full-time service before sponsorship will be undertaken. In addition, if a grant funded position, grant funding must be in place or expected to continue for at least five (5) years.

Waiver of these requirements may be authorized only by the Provost or 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 lawful Permanent Residence.

3. Who Will be Responsible for the Fees and Costs Associated with the Sponsorship?

Effective, July 16, 2007, U.S. Department of Labor (USDOL) regulations require that the University be responsible for all expenses (including attorney's fees and costs) associated with the Application for Alien Employment Certification (Labor Certification) stage of the lawful Permanent Residence ("Green Card") process. Without exception, the sponsored employee will be required to use the University's contracted legal firm for this stage of the process.

Attorney's fees and costs associated with the remaining stages of the lawful Permanent Residence ("Green Card") process will remain the responsibility of the employee. No exceptions shall be made to this provision of the Policy, unless subsequently required by law.

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

 August 20, 2007
Date