

## Internal Governing Policies

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### #14.1 - Employment of International Faculty

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**Approved:** March 23, 2005

**Monitor:** President

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In order ensure access to a broad base of potential faculty talent and to foster the diversity of the University community, Eastern may assist with the employment of individuals with non-immigrant visas as follows:

#### **Support for an H-1B (Specialty Occupations) Visa**

Non-immigrant candidates for faculty positions who are eligible to apply for an H-1B visa may be assisted with their visa petitions as required by the U.S. Citizenship and Immigration Services Department (or its successor agency). When hiring faculty members in the H-1B category, the University must first satisfactorily submit a Labor Condition Application (LCA) to the Department of Labor. As required by federal law, the H-1B application must include evidence that the proposed employment qualifies as a specialty occupation, evidence that the non-immigrant has the required degree for the position, and a copy of the employment contract. Required documents may be executed and provided to the applicant at the discretion of the Provost/VPAA but only upon the written recommendation of the employing department chairperson and college dean and only for candidates for full-time employment who hold the appropriate terminal degree. The Office of Civil Rights (or other such office designated by the President) shall process the institutional paperwork associated with such application. Renewal of an H-1 shall be handled in the same fashion.

Employment under an H-1B visa is not a guarantee of obtaining permanent residency status nor is the University obligated to assist in obtaining permanent residency status (see below).

#### **Sponsorship for a Permanent Residency Application**

Eastern Illinois University may consider formal sponsorship of a currently employed, full-time, tenure-track faculty member for permanent residency subject to the following stipulations:

The faculty member shall have completed at least one semester of full-time employment as a faculty member at Eastern Illinois University.

The faculty member is recommended for institutional sponsorship by the department chairperson and the dean. If the chairperson and the dean both recommend such support, the chairperson shall provide a letter to the Provost detailing the processes used in the recruitment and selection of the faculty member as required by the U.S. Citizenship and Immigration Services Department (or its successor agency).

The faculty member shall be responsible for the application fees and attorneys' fees. The Department Chairperson shall recommend that the faculty member retain a private immigration attorney to represent her/him.

The Eastern Illinois University Office of Civil Rights (or such other office designated by the President) shall serve as the formal point of contact for the faculty member and external counsel on all administrative matters pertaining to the processing of a permanent residency application.

In no case shall University sponsorship of a permanent residency application imply or obligate the University to favorable action on future retention, promotion or tenure applications.

Subject to these stipulations, the Provost has the discretion to accept the recommendation of the chairperson and dean and may execute the documents necessary for an applicant's permanent residency application.

Should it be deemed appropriate to consider the employment of a non-immigrant in another visa category or for a non-faculty position at the University, the President may approve the necessary procedures for the relevant employing unit.