



## **20i.002: Norfolk State-Sponsored Applications for Permanent Residency**

**Responsible Executive:** Vice President for Student Affairs  
**Responsible Office:** Office of International Student and Scholar Services  
**Related Policy:**  
**Approved-On Date:** March 6, 2008  
**Effective Date:** March 13, 2008  
**Revision Date:** March 13, 2008

### **Policy Statement**

Norfolk State University hires a number of international scholars for both instructional and research faculty positions each year.

Employer-sponsored petitions for permanent residency help retain the international scholar in the position for which h/she was hired so that an interruption in the provision of mission-related activities and services can be avoided. This policy outlines the conditions under which Norfolk State may sponsor an application for permanent residency.

### **Purpose**

The purpose of this policy is to establish consistent guidelines and procedures for handling applications for permanent residency (green card) that support a scholar's longer term employment in the United States. Such policies and procedures must be consistent with evolving federal immigration law and institutional needs. This policy outlines the conditions under which Norfolk State University may support an employer-sponsored application for permanent residency.

This policy must remain consistent with good faith interpretation of federal immigration law and regulations and state directives, which evolve over time. Nothing in this policy overrides such guidelines.

## Procedures

### **I. Conditions that must be met in order to receive Norfolk State sponsorship for permanent residency:**

1. The position must have the potential to be on-going with successive renewals over a period of several years. For positions funded from sponsored grants or contracts (or similar uncertain sources), the supporting unit must demonstrate a record of sustained external funding.
2. The individual's appointment must be full-time and salaried, and in compliance with federal regulations, such as prevailing wage rate. (The appointment may be restricted or regular, either academic or calendar year, as long as it is salaried, full-time, and there is an expectation of successive renewals over a period of several years. Wage employment does not meet this test.)
3. The position must be significant and meet institutional needs as documented by the department and validated by the approval of the relevant senior manager.

Significance may be signaled in part by rank and title, as well as documented in the job description and supported by the credentials of the individual:

- a. Faculty: Ranks of instructor and assistant professor or above, including clinical faculty, but excluding adjunct, wage, or visiting faculty members. Also includes research faculty.
  - b. Administrative/professional faculty members with significant expertise critical to the university (rank not relevant).
  - c. Classified employees with significant expertise critical to the university (e.g. technology-specific occupations).
4. The department verifies that it wishes to retain the employee in the position indefinitely subject to availability of funding, need for services, and satisfactory performance.
  5. A Request for Immigration Petition is completed by the department and requires the approval of the department head, dean or senior manager, and relevant vice president. The signed document is returned to The Office of International Student & Scholar Services, which forwards a copy to Human Resources and University Counsel for their files.

The Office of International Student & Scholar Services then contacts the beneficiary (employee) and initiates the petitioning process.

6. Only immigration counsel appointed by the Office of the State Attorney General may be engaged to prepare and file university-sponsored cases. Such counsel serves as counsel to the university, regardless of the employee's personal responsibility for the fees and costs associated with the resident process.

The Office of International Student and Scholar Services stands as an intermediary to facilitate communication between the law firm, the beneficiary, the department, and the Office of Human Resources.

## **II. Filing Fees**

1. Effective July 16, 2007, the employer (NSU) will be responsible for all costs associated with recruitment as well as with preparing, filing, and obtaining labor certifications (including attorney's fees). The employer may not transfer the costs to the beneficiary (employee) by salary or payroll deduction nor may the beneficiary/employee reimburse the employer for any such costs.
2. The remainder of the costs associated with filing a petition for permanent residency may be covered by the beneficiary or the employer, at the employer's discretion.

## **III. Payment for Attorney's Fees from Appropriated Funds**

The Appropriations Act requires that any payment for attorneys' fees from appropriated funds (General Fund and otherwise) must be approved by the Attorney General.

The Attorney General will approve of payment for representation in permanent residency cases, provided:

1. The Attorney General's appointed immigration counsel performs the work;
2. This Office grants authorization through the standard counsel appointment procedures before work is commenced;
3. The University, through the appropriate officer, certifies that the representation is in the university's and Commonwealth's best interest; and
4. The total cost to the Commonwealth does not exceed \$5,000.00.