## University Policy 200.30: EMPLOYMENT OF INTERNATIONAL SCHOLARS (IMMIGRATION)

Responsible Administrators: Vice President of Administration Responsible Office: Office of the Provost/ Office of Human Resources

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and I-485 filed on the H-1B employee's behalf as

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The University's Immigration Attorney is the only representative authorized to represent Claflin University with respect to filing employment-based petitions necessary to hire all foreign nationals (employees) sponsored by Claflin University.

Only positions that have approved funding will be considered for University-sponsored petitions for legal permanent residency.

All employees sponsored by the University for LPR are required to commit contractually to a minimum of three (3) years full-time employment at the University upon the granting of Legal Permanent Residence.

## **ELIGIBILITY REQUIREMENTS**

The employment of foreign workers in the U. S. normally requires approval from several government agencies. The foreign labor certification process is the responsibility of the employer. Certification may be granted where it can be demonstrated that there are not qualified, willing, and able US workers for the position. In some cases pertaining to faculty, the University may be able to use the results of previously conducted recruitment in filing the labor certification. Foreign labor certification programs (as opposed to H-1B temporary employment) permit US employers to hire foreign workers on a permanent or indefinite basis for necessary positions.

The University will sign the Immigrant Petition for Alien Worker (I-140) on behalf of the

An original, signed version of the Labor Condition Application (LCA) - filed with the Department Of Labor, together with all accompanying documentation in the public access file as follows:

A copy of the documentation used to establish the prevailing wage, such as the wage determination made by the Department of Labor or other basis to establish the prevailing wage.

Documentation of the basis used in the wage determination process by the University to establish the actual wage rate.

Documentation of the actual wage being paid to the H-1B Worker.

Fully completed Notice of Filing of Labor Condition Application posted for ten days or the posted Labor Condition Application.

Proof of posting notice of the position.

Evidence of notification to the H-1B worker.

Documentation regarding offers to H-1B workers, including salary and summary of benefits offered to U. S. workers in the same occupation, and explaining how employees are differentiated for benefit purposes when not all employees actually receive such benefits.

## **Fees**

The fees associated with the H-1B are paid by the employer. The University's policy with regard to fees associated with the sponsorship for permanent residence is updated when appropriate and maintained in the University's Office of Human Resources.

## Non-Compliance

Failure to comply with this policy may result in disciplinary action.

