



# FERRIS STATE UNIVERSITY

## HUMAN RESOURCES

### HR Related Policies & Procedures

Effective Date: March 31, 2008

## Immigration/Visa Employment Policy

FSU-HRPP 2008:01

### COVERED EMPLOYEES

- Full-time Continuing Employees
- Full-time Temporary Employees

### BOARD OF TRUSTEE POLICY

**Sec. 6-201. Statement of Principles.** It is the responsibility of the President, or his/her designee, to establish and administer recruitment methods and procedures that will serve to attract large, diverse applicant pools that will allow the University to select and hire qualified, talented employees while complying with applicable laws, regulations and policies.

### HR PROCEDURES/DESCRIPTION/DEFINITIONS

The University recognizes the importance of a diverse workforce. The University will provide assistance, per the provisions of this policy, to individuals who need to obtain an appropriate work-related visa (H-1B, Optional Practical Training ("OPT"), etc.) to accept or maintain employment at the University.

1. The Human Resource Department is the designated University department to process employment related immigration issues.
2. Process for new hires:
  - Before a hiring department makes an offer of employment to a final applicant who needs to obtain a valid employment visa (H-1B, OPT, etc.), the department must contact Human Resources (HR) who will describe the visa process and requirements.
  - The offer of employment is conditional upon the individual's ability to obtain a valid employment visa.

- Because of the length of time required to obtain the correct working documents, the department must contact Human Resources as soon as an offer of employment is accepted. HR will then work directly with the applicant to process the visa application.
3. For current employees: The employee or employing department should contact HR six months before the expiration of an employee's current work authorization. HR will work with the employee and university department to process the necessary visa paperwork.
  4. Without proper work authorization, a person cannot be employed at the University.
  5. Human Resources will notify the divisional vice president's office and the General Counsel's office that a hiring department would like to sponsor a person for an appropriate work-related visa (H-1B, OPT, etc.).
  6. Human Resources will explain the University process to the applicant/employee. The applicant/employee will have the option to:
    - Utilize the services of legal counsel selected and provided by the University, at no cost to him/her, or
    - Utilize legal counsel of his/her choosing. If the applicant/employee chooses to work with his/her own legal counsel, the employee will be reimbursed up to an established University limit for incurred legal costs.
      - a.) The employee/applicant must contact Human Resources about this arrangement prior to beginning any immigration related process/paper work and obtain Human Resources approval for all immigration documents prepared.
      - b.) Any additional costs above the University provided amount will be the responsibility of the employee.
      - c.) The employee must provide verification of incurred costs before reimbursement is made.
  7. If the applicant/employee wishes to utilize the services of legal counsel selected and provided by the University, HR will coordinate the processing of the appropriate work-related visa application with legal counsel and the applicant/employee. The hiring department is responsible for the standard flat-rate attorney fee and standard filing costs associated with the work-related visa applications. In those instances when there is limited time to obtain a work-related visa, HR will discuss with the hiring department the option of Premium Processing. Additional fees required by the United States Citizenship and Immigration Services for Premium Processing will be paid by the hiring department.
  8. The University will provide assistance, as described in # 6 and #7, for the initial filing of an appropriate work-related visa (H-1B, OPT, etc.) and for one subsequent appropriate work-related visa (H-1B, OPT, etc.) filing.

9. The University will not assume any costs for visa issues relating to family members, or for the employee to obtain a “green card” (permanent residency).
10. The Office of Governmental Relations and General Counsel will request reimbursement of the legal fees from the hiring department.

## **RESPONSIBILITY**

Employee: Notify his/her supervisor and HR when he/she needs to apply for/extend an appropriate work-related visa (H-1B, OPT, etc.). Provide requested information in a timely manner to complete required forms.

Supervisor: Notify Human Resources of any employment immigration related issue.

Human Resources: Work with the employee, university department(s), and designated legal counsel to complete the required paperwork. Serve as authorized signer for employment based immigration documents. Communicate with General Counsel’s Office regarding immigration issues.

General Counsel: Process invoices for legal services related to work-related visa applications and charge the hiring departments for same.

Refer Questions To: Human Resources