



**ST BONAVENTURE**  
UNIVERSITY

<b>Permanent Residence Sponsorship Process &amp; Guidelines</b>			
Administered By: Office of Human Resources			
Approved By: <i>Joseph E. Quinn</i>			
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The Permanent Residence Sponsorship Process & Guidelines of St. Bonaventure University (“SBU” or “the University”) is as follows:

**1.0 Scope**

This policy applies to all SBU employees and prospective faculty and staff seeking sponsorship for permanent residence (a.k.a. “green card”) by the University.

**2.0 Purpose**

2.1 This policy outlines the parameters of SBU’s permanent residence sponsorship policy, including who is responsible for making decisions about immigration sponsorship, who may be sponsored, how filings for dependent family members will be handled, and how the costs of immigration will be apportioned.

- 2.2 This policy aims to provide guidance on how SBU will handle immigration sponsorship for its employees already employed on work visas. The University, however, reserves the right to amend, suspend or cancel this policy at any time, with or without notice.

### **3.0 Sponsorship Decisions**

- 3.1 SBU considers immigration sponsorship to be an important part of its ability to recruit, hire, and retain talented faculty and staff on a case-by-case basis. The University's immigration policy is structured to foster that goal.
- 3.2 Decisions to sponsor an employee for U.S. permanent resident status will be based on such factors as business needs, critical skill gaps, a candidate's eligibility for sponsorship, and an employee's performance record and work product. SBU will also consider whether the employee has exhibited a commitment and a desire to work for the University on a long-term basis.
- 3.3 Sponsorship does not alter the at-will employment relationship with a sponsored employee and does not guarantee employment or engagement in a specific position. SBU will make reasonable efforts in the green card sponsorship process but cannot guarantee any result. SBU retains the right to end the green card process at any point before or during the process.

### **4.0 Eligibility**

- 4.1 SBU, together with its Immigration Counsel, will determine the feasibility of pursuing permanent residence, based on business necessity and feasibility of the green card application.
- 4.2 An offer of employment **DOES NOT** imply or guarantee a commitment by SBU to pursue green card sponsorship.
- 4.3 To be eligible for green card sponsorship, an employee must have successful performance reviews, meet the length of service requirements, and be committed to SBU on a long-term basis. If at any time during the green card process the employee's job performance fails to meet the expectations of management or if business needs and conditions change, SBU reserves the right to withdraw/delay the Labor Certification Application (a.k.a. "PERM") or Immigrant Visa Petition at any stage of the process.

### **5.0 Timing**

Below are the general timeframes for initiating a green card process for employees working for SBU on nonimmigrant visas.

- 5.1 In general, employees in H-1B status will be considered no earlier than the end of the third year of their six-year work authorization window. If the employee ported his/her H-1B status to SBU from another employer, the employee must also have at least 24 months of employment with SBU.
- 5.2 Employees on work visas that do not allow for immigrant intent (such as TN, F-1, J-1, E, H-1B1) are not eligible for green card sponsorship. These employees must have their non-immigrant status changed to either H-1B or O status before the green card process can be commenced on their behalf. After the change of status application has been approved, SBU will consider an employee for green card sponsorship, provided that the employee has at least three (3) years of employment with SBU and meets all criteria outlined in Section 4.0 of this Policy. For example, if an employee has been employed with SBU for two years pursuant to an F-1/OPT and then changed his/her status to an H-1B, SBU will consider sponsoring such an employee for a green card once he/she has worked for SBU for an additional year.
- 5.3 SBU reserves the right to initiate the green card process earlier than the timeframes specified above based on business necessity and/or other circumstances (e.g., employee not having enough time left in his/her nonimmigrant status to complete green card processing). For example, where an employee ports his/her H-1B status to SBU with less than 24 months of H-1B time left, SBU may consider initiating a green card process prior to the employee completing 24 months of employment with SBU as required by Section 5.1.

## 6.0 Initiation Process

- 6.1 Employees interested in pursuing a green card must inform the head of their department and Human Resources of their desire to move forward within the timeframes identified in Section 5.0. The following information must be provided by the employee in connection with the request to initiate green card sponsorship:
- A completed Employee Questionnaire (attached as Exhibit A)<sup>1</sup>;
  - A copy of the employee's resume;
  - A copy of current position profile;
  - Copies of past performance evaluations;
  - Employee's current annual salary; and
  - Whether the employee is being considered for any promotion.

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<sup>1</sup> Will provide to you.

The green card process will not commence without discussion and approval from Vice President of Finance, Provost, Chief Human Resources Officer and Dean.

## **7.0 Costs and Expenses**

7.1 SBU will cover the costs and expenses associated with the following filings on behalf of the employee:

- Filing of the Application for Permanent Employment Certification (“PERM”).
- Filing of the I-140 Petition for Immigrant Worker (SBU will only cover the premium processing fee if premium processing is necessary to ensure that the employee remains employment authorized).

7.2 The employee will be responsible for the costs and expenses associated with the following filings on behalf of the employee and his/her dependents:

- Filing of the I-485 Application to Adjust Status.
- Filing of the I-765 Application for Employment Authorization Document.
- Filing of the I-131 Application for Advance Parole Document.

In connection with these filings, the employee is required to pay SBU a retainer in the amount of [insert amount]. In the event the costs and expenses for these filings is less than [retainer amount], the overpayment will be refunded to employee. In the event the costs and expenses for these filings exceeds [retainer amount], employee will be billed accordingly by SBU.

Employee will also be responsible for any and all additional costs including costs of obtaining a required medical examination and any travel that may be required to obtain any immigrant visa where not associated with travel for the benefit of SBU.

7.3 Any additional legal fees rendered due to issues of inadmissibility for permanent residence will be the responsibility of the employee. These issues of inadmissibility include, but are not limited to the following: criminal convictions, crimes of moral turpitude, DUI’s, drug-related offenses, failure to comply or obtain a waiver of the two-year foreign residence requirement, and violation of nonimmigrant status such as unauthorized employment of overstaying your authorized period of stay.

7.4 Although SBU will pay all fees for the I-140 Petition for Nonimmigrant Worker, SBU requires the employee to repay SBU for all costs and fees if the employee leaves SBU within 60 months of filing the request for a prevailing wage determination where a PERM

is required or within 60 months of filing the I-140 Petition for Nonimmigrant Worker where a PERM is not required.

- 7.5 If employment with SBU is terminated (whether voluntary or involuntary), the University reserves the right to withdraw any pending and/or approved applications and/or petitions filed on the employee's behalf.

## **8. Immigration Counsel**

- 8.1 SBU utilizes services of its immigration counsel to assist with immigration matters. SBU's immigration counsel will assist employee with the immigration filings detailed in Section 7.2 of this Policy.
- 8.2 When assisting an employee with the green card processing, SBU will seek input, guidance, and advice from its immigration counsel to ensure compliance with all legal requirements.
- 8.3 It is expected that a sponsored employee will respond in a timely manner to requests from SBU for relevant information and documentation. It is also expected that a sponsored employee will be completely forthcoming and truthful in all dealings throughout the application process.
- 8.4 SBU's immigration counsel represents SBU only. All immigration related inquiries must be directed to Kyle Leslie in Human Resources or other authorized SBU representative. Employees may not contact SBU's immigration counsel directly, unless expressly authorized by one of the individuals listed above.

