

ANDERSON UNIVERSITY  
Office of Human Resources Policies and Procedures

SUBJECT OF POLICY/PROCEDURE:  Alien Employment, Legal and Filing Fees	EFFECTIVE DATE:  October 1, 2005
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Introduction/Overview

Anderson University recognizes and values the contribution of a diverse faculty and staff and is committed to an equal employment opportunity process that identifies the best qualified candidates. Further, the University acknowledges that the best qualified candidates may be required to seek employment based non-immigrant or immigrant status.

Due to the increasing complexity of the Bureau of Citizenship and Immigration Services (BCIS) regulations, Anderson University utilizes the services of an immigration attorney for the employment of foreign nationals. The following guidelines clarify who is responsible for payment of required filing fees and legal services.

Non-Immigrant Employment Statuses (Non-Resident Alien)

Non-immigrant employment is for a limited, specified duration and the Visa status determines whether employment authorization is granted for specific employment. Additional BCIS documents may be required for re-entry to the United States if a non-resident alien travels abroad.

Code	Description	Length of Employment
F1 OPT	Optional Practical Training	Maximum of 1 year

Guidelines: OPT is granted by the educational institution authorizing the F-1 student status and offers the opportunity to gain work experience in the field of study. Authorization is for type of employment and not a specific employer.

The prospective employee must present a valid Employment Authorization Card (EAC) on or before the first day of employment; work may not extend beyond the expiration date on the EAC.

Filing Fees: No filing fees are covered by Anderson University.

Legal Fees: No legal fees are covered by Anderson University.

Code	Description	Length of Employment
EAC	Employment Authorization Card	Maximum 1 year

Guidelines: EACs are issued for periods of 1 year by the Bureau of Citizenship and Immigration services. A non-resident alien with a valid EAC is authorization to work for any employer.

The prospective employee must present a valid Employment Authorization Card (EAC) on or before the first day of employment; work may not extend beyond the expiration date on the EAC.

Filing Fees: No filing fees are covered by Anderson University.

Legal Fees: No legal fees are covered by Anderson University.

<b>Code</b>	<b>Description</b>	<b>Length of Employment</b>
H1B1	Specialty Occupation	Up to 6 years; authorized in two 3-year periods

Guidelines: H1B1 is an employment based status for positions requiring a minimum of a Bachelor's degree. Employment is authorized only for the petitioning employer *and* specified position. The employer must demonstrate that the individual for whom H1B1 status is sought meets the minimum qualifications for the position and the wages to be paid are at or above the wages paid to similarly situated workers.

Candidates currently in the United States with a J-1 Exchange Visitor Visa status may be a special circumstance. The ability to change Visa status while remaining in the United States must be clarified before making an employment offer.

At least six months is required for the H1B1 approval process. Expedited processing is available for an additional fee.

Employment is prohibited prior to receipt of the H1B1 approval notice or beyond the expiration date of the approval.

Filing Fees: Filing fees are covered by Anderson University.

Legal Fees: Legal fees are covered by Anderson University for typical H1B1 processing. In the event there are special circumstances requiring additional legal services, other arrangements may be discussed with the candidate.

#### Immigrant Employment Status (Resident Alien)

The Residency Status ("green card") permits foreign nationals to live, work and reside permanently in the United States. The residency process involves three steps: 1) Labor Department Certification (LCA) approval documenting the non-resident alien was the *best qualified* candidate for the position; 2) An BCIS approved ***Immigrant Petition for Alien Worker*** (I-140) for employment based residency in the United States; and 3) ***Application to Register Permanent Resident or Adjust Status*** (I-485) to obtain a "green card" or evidence of permanent residency.

Employment based residency approval takes approximately three years.

Guidelines: Non-resident aliens employed by Anderson University and wishing to pursue permanent residency in the United States may request assistance from Anderson University after completing one year/one contract year of employment. The University's agreement to assist with the employment based residency process is based solely on work performance to date and is not a promise or indicator of future employment or tenure. Anderson University reserves the right to suspend the residency filing process if continued employment with the University is in jeopardy.

There are no restrictions or processing requirements should the University wish to employ a foreign national who has permanent residency in the United States. Resident Aliens have the same employment rights and obligations as United States citizens.

Filing Fees: Anderson University will be responsible for the full cost of the Labor Department Certification; the University will cover one-half of the I-140 filing fees. An estimate of those fees will be provided at the time the process is initiated. Non-resident alien employees are required to reimburse the University one-half of the fees immediately after filing fees are sent to the BCIS. Payroll deduction payment arrangement may be made with Human Resources. The University will not be responsible for I-485 filing fees and associated costs (i.e. medical exams) or filing fees for family members.

Legal Fees: Anderson University will be responsible for the cost of legal counsel associated with the Labor Department Certification and one-half of the remainder of the residency application process (Labor Department Certification, I-140 and I-485). A cost estimate will be provided at the time the process is initiated. Non-resident alien employees are required to reimburse the University one-half of the legal fees upon receipt of the Invoice. Payroll deduction payment arrangements may be made with Human Resources. The University will not responsible for legal fees incurred for family members residency processing.