

Handbook on Green Card Immigration Support for Tenure Track Faculty

Office of the Provost, Stephen F. Austin State University
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Purpose

The presence of international faculty on the campus of Stephen F. Austin State University (SFA) makes our campus a more vibrant and intellectually stimulating place in which to work, learn, and socialize. The purpose of this document is to provide guidance not only to search committees, administrators, and staff, but also to foreign nationals who recently accepted a tenure-track faculty position at SFA.

Definitions and Terminology

Foreign National

A foreign national is a person who is required to have a visa to enter the United States to engage in work, leisure activities and/or study. Within the context of this handbook, foreign nationals who hold a faculty position at SFA are referred to as “international faculty”.

Visa

A United States visa is a document that affirms a foreign national’s eligibility to seek entry into the United States for a specific purpose.

Sponsorship

University sponsorship is the act of petitioning a United States agency for the purpose of securing immigration authorization for a foreign national. SFA typically engages in sponsorship related to faculty employment, visiting scholar activities, and visiting student course work.

Types of Visas

There are approximately one-hundred different visas issued by the United States. Details may be found at <https://travel.state.gov/content/travel.html>. Among the most common visa categories associated with SFA sponsorship are:

Visa Type	Brief Description of Purpose
J-1	Paid or unpaid research/creative activity employment. Up to five years.
F-1	Unpaid, fulltime study in pursuit of a degree.
H-1B	Paid, fulltime faculty employment. Maximum six years. Three-year increments.
EB-2 (type of Green Card)	Permanent U.S. residence. Indefinite time period. Via PERM Special Handling.

Those seeking guidance for either J-1 or F-1 visas should contact SFA’s Office of International Programs at www.sfasu.edu/international. The focus of this document is on H-1B and Green Card visas.

PERM Special Handling

PERM is an acronym for Program Electronic Review Management. Within the context of Green Card applications, it is associated with an expedited type of labor certification application called “Special Handling.” PERM Special Handling allows SFA to sponsor foreign nationals as permanent employees in teaching positions, provided they are considered best qualified for the advertised position. SFA is required by law to pay all costs and fees associated with the PERM special handling.

Labor Certification and Ability to Pay. Employment-based, second-preference petitions must usually be accompanied by a certified Application for Permanent Employment Certification from the Department of Labor (DOL) on ETA Form 9089, however, DOL provides for a blanket (Schedule A) certification in certain situations. As part of the application process, your employer must be able to demonstrate an ability to pay the offered wage as of the priority date and continuing until you obtain lawful permanent residence status.

Point of Contact

The Office of the Provost is the first point of contact for green card immigration support. Based upon their need, chairs of search committees, staff, and international faculty will be directed to other offices. The Office of the Provost is located in Room 316 of the Austin Building. Contact information for the executive assistant to the provost, Ms. Sharon Brewer, is (phone) 936-468-2707 and (email) brewersj@sfasu.edu. In general, the five steps shown below should be followed.

Step 1: Create the Appropriate Job Posting

This step is for the hiring manager or designee. This step follows or runs parallel to all of the necessary steps for approval from the unit head, dean, provost, and HR office. To help assure the search process accommodates the requirements for SFA's sponsorship of green card visa applications, the appropriate job announcement posting must be created. To accomplish this, hiring managers and search chairs should make use of this checklist which applies to *all job postings* for tenure track faculty positions. Satisfying the below checklist is a requirement.

- Post the original job announcement in the Chronicle of Higher Education for at least thirty days. The posting includes 1) job title, 2) job duties, 3) indication of a teaching requirement, and 4) description of minimum job requirements.
- Notify the Office of the Provost in writing (email) when the job announcement has been posted.

Step 2: Create the Appropriate Documentation

This step is for the search committee. This step is added to the necessary hiring process set in place by the HR office. To help assure the search process accommodates the requirements for SFA's sponsorship of green card visa applications, the appropriate hiring process must be followed. To accomplish this, search committees should make use of this checklist which applies to *all searches*. Satisfying the below checklist is a requirement.

- Submit to the Office of the Provost an electronic file verifying the job posting. Be sure to include an indication of the date, venue, job title, job duties, indication of a teaching requirement, and description of minimum job requirements. Several screen dumps may be necessary.
- Submit to the Office of the Provost an electronic file verifying the (unfilled) rubrics table used for evaluating the candidates.
- Submit to the Office of the Provost an electronic file showing the results of all finalist candidate evaluations using the rubrics table that was approved by HR.

Step 3: Create the Appropriate Offer Letter

This step is for the hiring manager or designee. In their offer letter, incoming international faculty should be notified of SFA's willingness to sponsor their application for both H1-B and Green Card visas; because the citizenship status of incoming faculty may not be known at the time they receive their offer letter, *all offer letters* for tenure track faculty positions should include such notification. To accomplish this, hiring managers and search chairs should make use of this checklist. Satisfying the below checklist is a requirement.

- Obtain from the Office of the Provost a WORD file template for an offer letter. The letter will contain the following: *"Upon your request, Stephen F. Austin State University will pay and provide administrative assistance for your H1-B and your PERM Special Handling green card application process. SFA will not necessarily pay for all of your expenses associated with visa applications. You are encouraged to contact the Office of the Provost to confirm the expenses for which you are personally responsible."*; do not remove this part of the letter. Edit the letter as deemed appropriate by the college, making sure clarity is provided on the international faculty's past accomplishments for which they will receive credit during their future tenure/promotion application.
- Return the letter in WORD format to the Office of the Provost for final approval.

Step 4: Request Visa Application Support from SFA

This step is for international faculty. It is the responsibility of international faculty to initiate the planning for their H1-B and Green Card visa application process. To help facilitate the planning process, they should make use of this checklist. Satisfying the below checklist is a requirement.

- Within the first thirty days of employment, communicate in writing (email) to the Office of the Provost whether or not there is a desire to receive SFA support for the H1-B and Green Card visa application process through the PERM Special Handling.
- Within the first sixty days of employment, receive from the Office of the Provost confirmation of receipt of your desired plans for H1-B and Green Card visa application support. This confirmation will include information about future processes associated with the green card application through PERM special handling.

Step 5: Establish PERM Special Handling Process

This step is for international faculty. For those who wish to proceed with an application for a green card through PERM special handling, additional steps should be taken. The approximate timeline for completion of the PERM special handling application process is approximately nine to twelve months. Satisfying the below checklist is a requirement.

- Submit to the Office of the Provost, in the month of May, an electronic file verifying satisfactory performance over the first two terms of employment. This may take the form of a brief memo from the college dean or academic unit head. SFA's support for advancing the PERM special handling process is contingent upon international faculty's performance, which should be deemed at least satisfactory.
- Receive from the Office of the Provost, in the months of June, confirmation of SFA's initial engagement with the consulting lawyer responsible for assisting the university in advancing the PERM special handling process.