

3359-11-23 Petitions for employment-based non-immigrant or immigrant (permanent residency) status.

(A) The teaching, research and service mission of the university of Akron is enhanced by the knowledge and expertise shared by foreign nationals joining our community as teachers, scholars and specialists. In order to employ international faculty and staff, whether on a temporary or permanent basis, federal law requires that an employer file a petition seeking approval of the employment. In order for the university to complete the petitions, certain technical requirements must be met, including attestations as to labor conditions. The university will consider preparation of the petition only after the following threshold facts have been documented:

- (1) Petitions for employment-based non-immigrant or immigrant status are based on documented institutional needs. Assisting individuals with successful attainment of non-immigrant or immigrant status for personal or other non-university related reasons is not a valid basis for university sponsorship or offers of university employment.
- (2) Job descriptions provided for the preparation of petitions for non-immigrant or immigrant workers accurately describe the actual job duties to be performed by the worker.
- (3) Proposed rates of pay are equal to actual wage levels paid to all other individuals employed in similar positions or the applicable prevailing wage for the position being filled, whichever is higher.
- (4) Petitions for immigrant workers are based on reasonable expectations of continued employment.

(B) Notice of hiring of a foreign national shall be provided to the office of general counsel as

limited to employment for only the length of time determined by his/her initial non-immigrant status and any valid extensions and adjustment to immigrant status, assuming the international employee's performance is otherwise satisfactory and that adequate and expected continued funding exists.

~~(D)~~ (E) For those foreign nationals seeking appointment to a tenured track position, university policy requires the faculty member to have an approved application for a lawful U.S. citizen or have obtained lawful permanent residency prior to submitting an application for tenure. The faculty member need not have actually received permanent residency status (i.e. green card) prior to applying for and receiving tenure status prior to submitting an application for tenure. Since the normal probationary period for tenure at the university is seven years, a tenure-track faculty member must be a U.S. citizen or have obtained permanent residency status by the end of his/her sixth year of employment in order to be considered for tenure.

(F) The university may sponsor non-immigrant and immigrant petitions only for university employees and not those of the spouse dependent(s) of an employee.

(G) The non-immigrant or immigrant worker must have valid work authorization and be physically present in the United States in order to begin and maintain university employment.

Replaces: ~~3359-11-23~~

Effective: ~~01/31/2016~~ 09/23/2023

Certification:

 Ted A. Mallo
 M. Celeste Cook
 Secretary
 Board of Trustees