



Policy Title	Policy on Immigration Sponsorship
Policy Subject	University sponsorship for purposes of immigration
Responsible Executive(s) (RE)	Office of General Counsel
Responsible Office(s) (RO)	Academic Affairs, Tulane Global, OGC
Primary Point of Contact from RO	Frank Calabrese, OISS
Contact Information (email and phone)	oiss@tulane.edu, 504-314-2233
Date Proposed	4/2/24
Reviewed	4/2/24
Last Updated	4/2/24
Effective Date	4/2/24

☒ **Permanent**

☐ **Temporary**

1.0 POLICY STATEMENT

As a global university and in recognition of our commitment to equity and diversity, Tulane encourages its international faculty and staff to obtain Permanent Residence whenever practicable and is committed to providing holistic support during the entirety of the immigration process.

2.0 PURPOSE AND SCOPE

This policy aims to support international employees through a complex process that is governed by several federal agencies. It is our hope to provide uninterrupted authorization that leads to Permanent Residence through the submission of all appropriate labor certification and other timely government applications.

3.0 APPLICABILITY OF THIS POLICY

All international employees under the immigration sponsorship of Tulane; all deans, directors and department heads who hire international employees; Office of International Students and Scholars (OISS); Office of General Counsel (OGC)

4.0 WEBSITE ADDRESS FOR THIS POLICY

www.policy.tulane.edu

5.0 CONTACTS

Subject	Contact	Telephone	E-mail
University sponsored immigration	OISS, Director	504-865-5208	oiss@tulane.edu
J-1 and H-1B Immigration	OISS, Employee and Scholar Advisor	504-865-5208	oiss@tulane.edu
External Counsel Compliance/J1 Waivers	OGC, Asst. Director of University Compliance	504-865-5783/247-1286	gmathieu@tulane.edu

6.0 CONTENT

1.0 POLICY STATEMENT	1
2.0 PURPOSE AND SCOPE	1
3.0 APPLICABILITY OF THIS POLICY	2
4.0 WEBSITE ADDRESS FOR THIS POLICY	2
5.0 CONTACTS	2
6.0 CONTENT	2
7.0 DEFINITIONS	3
8.0 POLICY AND PROCEDURES	3
8.1 Permanent Residency Through Employer Sponsorship	4
8.1.1 Fees	4
8.1.2 External Counsel Responsibilities	4
8.1.3 Timeline and Eligibility	4
8.2 J-1 Waiver	5
8.2 O-1 Visa	5
8.3 H-1B Employees	6
8.4 J-1 Exchange Visitors	6

8.5 F-1 Students.....	6
9.0 CONSEQUENCE OF VIOLATING THE POLICY	7

7.0 DEFINITIONS

Permanent Residency

Permanent residents, or “lawful permanent residents” (LPRs), also known as “green card” holders, are non-U.S. citizens who are lawfully authorized to live and work permanently in the United States. LPRs may work (or not work) without restriction, own property, and receive financial assistance from the government. They no longer require any sort of immigration sponsorship from the employer.

Temporary Worker

An international employee coming to the United States to work for a temporary period, which in some cases may be extended. For purposes of this policy, temporary workers include those in H-1B, O-1, TN, and J-1 statuses.

Exchange Visitor

An international student or scholar who is coming to the US to participate in a J-1 exchange visitor program for the purpose of teaching, instructing or lecturing, studying, observing, conducting research, consulting, demonstrating special skills, receiving training, or to receive graduate medical education or training. Exchange Visitors are expected to return to their home country at the end of their program unless they receive a waiver.

Short-Term Scholar

A J-1 Exchange Visitor who is coming to the US to study, conduct research or teach for a program of 6 month or less.

8.0 POLICY AND PROCEDURES

Tulane University’s policy on hiring international employees require all departments and/or employees to contact the Office of International Students and Scholars (OISS) when:

- contemplating employing international employees;
- obtaining visas, visa extensions, Permanent Residency;
- providing information to outside attorneys for visa applications;
- signing documents on behalf of international employees.

The Office of International Students and Scholars (OISS) will handle the following immigration matters:

- F-1 - nonimmigrant student visas
- H-1B - temporary worker visas
- TN - temporary worker visas for Canadian and Mexican Citizens under the North American Free Trade Agreement (NAFTA)
- J-1 Students and J-1 Scholars - exchange visitor programs

OISS will serve as a point of contact and information, collect necessary documents, help shepherd the process, and facilitate communications with our external counsel who will prepare the applications for:

- Permanent Residency
- Nonimmigrant O-1 Visas

OISS also provides various other services in facilitating the process of obtaining other visa types that have not been specifically named above.

The Office of the General Counsel (OGC) will handle the following immigration category:

- J1 Waivers

While the University is unable to provide specific legal advice or representation for matters handled by outside counsel, we will provide general information, including an overview of the process, a short list of pre-selected attorneys, and a transparent list of negotiated legal fees.

Please contact the Office of International Students and Scholars at (504) 862-5208 with questions or for additional information regarding the University's Immigration Policy.

8.1 Permanent Residency Through Employer Sponsorship

In order to apply for Permanent Residence, international employees must be a full-time regular employee, hired pursuant to a valid search, and have written approval from their department head or chair and dean. The university will make its best efforts toward assisting employees in obtaining Permanent Residence but is unable to guarantee the outcome of the application. Outside counsel will be responsible for recommending the most beneficial pathway with the highest likelihood of success, and for preparing and submitting all of the relevant application materials.

8.1.1 Fees

To apply for Permanent Residence, applicants must obtain the assistance of an outside immigration attorney, selected from an approved list of attorneys provided by the university. By law, the university is required to pay all costs associated with the Labor Certification Application (PERM) and all I-140s that are filed pursuant to PERM. All other fees (attorney, filing, medical, etc.) are the responsibility of the employee, but may be covered by the hosting department at their discretion.

8.1.2 External Counsel Responsibilities

The external immigration attorney is responsible for drafting, filing, supplementing, and tracking the Permanent Residency application. OISS will verify the information contained in the application and execute the application on behalf of Tulane. The immigration attorney must submit all documents which require signature on behalf of the university to the OISS. The OISS or General Counsel are the only persons designated to submit Permanent Residency applications on behalf of the university. The university will also supply any additional forms (G-28, I-140, etc.) and documentation necessary in the Permanent Residency process.

8.1.3 Timeline and Eligibility

Since this process may take a year or more to complete, applicants must make certain to apply in a timely manner. Teaching faculty should begin the Permanent Residence process within the first 6 months of their employment to take advantage of certain time-sensitive pathways to Permanent Residence. Because of the variability of costs and results and the increased amount of work on all parties, Researchers and other non-teaching employees who are unable to take advantage of Special Handling may request support from their department, but it will not be pursued out of simple routine.

Please contact OISS with questions or for any additional information regarding the Permanent Residency process.

8.2 J-1 Waiver

A J-1 Visa requires foreign medical graduates to return to their native country for two years before returning to the United States to live or work. A J-1 Visa Waiver eliminates this two-year return home requirement and allows a foreign medical graduate to attend an advanced training program in the United States. It also allows for a change of immigration status to H-1B, which authorizes up to an additional three years of immigration status. The Department of Homeland Security must approve the waiver before an international employee can change status in the United States or receive an H-B visa in certain categories.

J1 Waivers can be obtained through the Louisiana Conrad 30/J1 Visa Waiver Program or through the Delta Regional Authority (DRA).

- The Louisiana Conrad 30/J-1 Visa Waiver Program sponsors 30 eligible international medical graduates each year to work in health professional shortage areas (HPSA) in Louisiana.
- The Delta Regional Authority Delta Doctor's Program increases access to quality healthcare in DRA communities by using a J-1 Visa Waiver to allow foreign physicians trained in the United States to work in areas with a shortage of health professionals.

All requests for J1 Waivers must be submitted to the Office of the General Counsel. International employees must have a fully executed offer letter from Tulane for the university to support a J-1 Waiver request. The university makes no guarantee of obtaining approval of a J-1 Waiver nor does the university provide legal advice to international employees. The university requires employees who seek a J-1 Waiver to obtain the assistance of an outside immigration attorney from an approved list of attorneys provided by the university. External counsel is responsible for the preparation and submission of all documents required for the J-1 Waiver to the Office of the General Counsel. The OGC will guide the department in gathering the requested documentation/information necessary for a J-1 Waiver. Legally, there is no obligation for the university to pay any portion of a J1 Waiver attorney fees or any other fees associated with a J1 Waiver.

8.2 O-1 Visa

The O1 visa is a non-immigrant visa sponsored by a United States employer or agent. It benefits individuals of extraordinary ability in science, arts, education, business, or athletics. An O-1 visa is typically issued for a period of three years, although it may be issued for a shorter period. Following the initial validity period, an O-1 visa can be renewed in one-year increments so long as the university intends to continue to employ the international employee.

An O-1 application is work intensive and unpredictable and will only be pursued in cases where an H-1B or other work visa is not practicable, as determined by OISS. To qualify to apply for an O-1, an employee must have a fully executed offer letter from Tulane for the university to support the O-1 visa. Applicants must obtain the assistance of an outside immigration attorney, selected from an approved list of attorneys provided by the university. The employee's attorney is responsible for the preparation of all documents required for the O-1 visa which must be submitted to the OISS by the immigration attorney. Legally, there is no obligation for the university to pay any portion of the O-1 visa attorney fees or any other fees associated with the O1 visa, but the hiring department may do so at their discretion.

8.3 H-1B Employees

To qualify for H-1B status, international employees must be working in a specialty occupation. Specialty occupations are those that "require theoretical and practical application of highly specialized knowledge obtained through a course of study that culminates with a bachelor's degree or its equivalent". Ostensibly this means that the job offered must require an articulated specific degree in a specific field of study. H-1Bs may be authorized for up to 3 years at a time, for a total of 6 years. Both the job and the employee must qualify, and the authorization is employer, salary, and location specific. Requests to sponsor individuals in H-1B status should be submitted to OISS using the required [application materials and accompanying documentation](#).

8.4 J-1 Exchange Visitors

The J-1 Exchange Visitor Program provides individuals with opportunities to participate in educational and cultural programs in the United States and return home to share their experiences. It carries a very strong presumption of non-immigrant intent.

Individuals who participate in Tulane University's J-1 Exchange Visitor Program come in one of several categories. These include Students, Professor/Researcher, and Short-Term Scholars, each with their own set of requirements and restrictions. Applicants must demonstrate English proficiency and adequate funding, and individuals coming as a J-1 Professor or Researcher must have earned at least a bachelor's degree.

Departments wishing to sponsor J-1 Students should enter the student information into the appropriate screens in Banner before forwarding the documents to their OISS contacts.

Departments wishing to sponsor Professors, Researchers, or Short-Term Scholars should submit their requests to OISS using the required [application materials and accompanying documentation](#).

8.5 F-1 Students

F-1 is a type of non-immigrant status that allows international students to pursue education in the US. Subject to certain exceptions, F-1 students must maintain a full course of study and may only work under limited circumstances. Once a student has been admitted to Tulane, the admitting department should enter the student information into the appropriate screens in Banner before forwarding the documents to their OISS contacts. OISS will then issue an I-20 which the student may use to apply for a visa at the nearest US consulate.

Please contact the OISS with any questions or for additional information.

9.0 CONSEQUENCE OF VIOLATING THE POLICY

Violation of this policy may result in disciplinary action, up to and including termination and/or criminal prosecution.