

**MONMOUTH UNIVERSITY
POLICIES AND PROCEDURES**

Policy Name: Immigrant Visa and Permanent Residency Program

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Approved by: President's Cabinet

Issued by: Grey J. Dimenna

Vice President and General Counsel

I. POLICY

Monmouth University is committed to providing students with a diverse and vibrant education. One way that this is achieved is through the incorporation of international students and faculty in the Monmouth community. This policy is intended to make the steps towards compliance with all applicable immigration laws a streamlined and definitive process for administration and staff who deal with our international students and faculty. This policy is not to be construed as providing legal advice on immigration or other legal matters.

II. INTERNATIONAL STUDENTS

- A. All international students who wish to obtain an education at Monmouth University must first apply and be accepted through the standard admission process at the University.
- B. Once a student has confirmed the decision to attend the University, the student shall work with the Office of International Students and Faculty Services at the University to obtain the proper visa status for entrance into the United States. Students are not allowed to enter the United States until the proper visa status has been obtained.
- C. Student must be able to show proof of all necessary vaccinations as applicable, as well as proof of acceptable health/medical coverage.
- D. Most Monmouth University international undergraduate and graduate students, whether initial or transfer students, will be applying for an F-1 Visa. An F-1 Visa is designed for persons coming to the United States to engage in full-time academic study at an approved institution. Students who do not fall into this category should contact the Office of International Students and Faculty Services to determine which visa status is appropriate.

- E. Required Documentation for an F-1 Visa
1. Form I-20;
 2. Form DS-160, Online Nonimmigrant Visa Electronic Application;
 3. A valid passport;
 4. One (1) 2x2 recent photograph;
 5. A MRV fee receipt; and
 6. A SEVIS I-901 fee receipt.
- F. In addition, all students should be prepared to offer the following documentation:
1. Transcript and diplomas from previous institutions attended;
 2. Scores from standardized tests required by the University; and
 3. Evidence of financial support.
- G. The proper form to be issued by the University for the student to obtain an F-1 Visa is Form I-20. This form certifies that the student:
1. Is going to be enrolled full-time pursuing a Bachelor's, Master's or Doctorate degree;
 2. Has satisfied all admission requirements and been accepted to the University; and
 3. Has proven that the student has sufficient financial support to study and live in the United States for the duration of the course of study.
- H. All student applications for an F-1 Visa must have a SEVIS (Student and Exchange Visitor Program) Form I-20 that shall be generated by the University after obtaining information from the international student. The consular office shall verify this information electronically through the SEVIS system and process the application.
- I. Form I-20
1. All students must complete the application Form I-20, which can be found on the University Website at: www.monmouth.edu/international-students/documents/form-i-20-application-instructions.pdf.
 2. In addition, the student must provide the following information to be submitted in support of the application:
 - a. Financial information proving there is enough financial support for the student to attend the University;
 - b. An Affidavit of Financial Support (this is not mandatory and only to be filled out if the student will have a sponsor);
 - c. Evidence of sufficient financial support for any/all dependents traveling with the student;
 - d. The Free Room and Board Affidavit (only if a local sponsor will be providing free room and board; this form is available on the University Website); and

- e. A one-time fee payment, currently \$200 dollars for F-1 students (which can be paid online at <https://www.fmjfee.com/i901fee/desktop/students/formSelection.htm>).
 - i. Certain students who are not required to pay the fee include:
 - a. Continuing students who received an initial Form I-20 or DS-2019 (a DS 2019 is not for F-1 students, it is used for J-1 students) dated prior to September 1, 2004, who have not completed their program and who have maintained status;
 - b. Continuing students with a change of level, change of major or transfer on the same SEVIS ID and considered to be in continuation of their current program; or
 - c. Dependents or students and exchange visitors in F-2 or J-2 status.

J. Spouses and Children

- 1. Any student who will be accompanied by a spouse and/or child(ren) shall be required to notify the Office of International Student and Faculty Services, which shall assist in obtaining the proper visa status for the spouse and/or child(ren).

- K. After obtaining proper visa status, the student may arrive at the University no sooner than thirty (30) days before the start of the upcoming academic semester.

L. Student Employment

- 1. If an international student wishes to seek employment during the academic program, he/she must fall into one of the following categories:
 - a. CPT (Curricular Practical Training)
 - i. This is work authorization for F-1 international students who wish to participate in paid off-campus academic internships during their degree program. CPT is limited to 2 semesters only.
 - ii. Before applying for CPT, an F-1 visa student must have been in full time status (not necessarily not just F-1 status) for at least one academic year and maintained proper status throughout that year.
 - iii. Hours of employment
 - a. The student is limited to twenty (20) work hours per week while school is in session and forty (40) work hours per week during the summer and holiday and semester breaks.
 - b. The combined hours of both on-campus and off-campus employment cannot exceed twenty (20) hours while school is in session and forty (40) hours during the summer and holiday and semester breaks.
 - b. Optional Practical Training OPT: Initial 12-month
 - i. The purpose of OPT is to provide an opportunity to gain employment experience in a student's field of study.

- ii. If a student wishes to apply for 12-month OPT, the student must set up an appointment with the Office of International Students and Faculty Services.
- c. STEM (Science, Technology, Engineering, Mathematics) Extension
 - i. Some students who complete a Bachelor's, Master's, or Doctoral degree in certain STEM fields may be eligible for a one-time, seventeen (17) month extension of post-completion OPT.
 - ii. This is approved by the USCIS (United States Citizenship and Immigration Services).
 - iii. If filed and approved, the student is issued an Employment Authorization Document (EAD card) that shows the dates the student is able to work legally in the United States. A new I-20 is issued by the Office of International Students and Faculty Services.
 - iv. If a student wishes to apply for a STEM extension, the student must set up an appointment with the Office of International Students and Faculty Services.
- d. On-campus Student Employment
 - i. In accordance with federal hiring regulations, hiring preference for on-campus jobs is given to United States citizens and permanent resident undergraduate students who have been awarded Federal Work Study.
 - ii. In the event that the positions are not able to be filled by the students referenced in (II)(i)(k)(4)(b), above, jobs may become available to International students.
- e. Graduate Assistantships
 - i. International students must meet all of the requirements for a Graduate Assistantship as outlined on The Graduate Assistantship Program Website (<http://www.monmouth.edu/academics/schools/graduate/GRAD.Asst.pgm.asp>).
 - ii. In addition, international students shall be required to provide the following documentation establishing identity if they are chosen for an assistantship:
 - a. Passport;
 - b. Visa; and
 - c. Form I-20.

M. Leaving and re-entering the United States

1. Any F-1 visa student who wishes to leave the United States for a temporary absence not longer than 5 months and then return must carry the following documents:

- a. Valid passport;
 - b. Valid F-1 student visa in passport; and
 - c. I-20 with a valid travel endorsement.
2. Any F-1 Student on OPT who wishes to leave the United States for a temporary absence and then return must carry the following documents:
- a. Valid passport;
 - b. Valid F-1 student visa in passport;
 - c. Valid Employment Authorization Document (EAD) card; and
 - d. Proof of current employment or offer letter.

N. Visa expiration

- 1. Some students' F-1 visas may expire during their course of study. If they would like to renew their visa they need to see the Office of International Students and Faculty Services for advice.
- 2. It is the student's responsibility to keep their I-20 current and not to have it expire. An expired I-20 is a violation of your F-1 status and a reinstatement is at the discretion of the International Student and Faculty Services Office.
- 3. F-1 students do have a sixty (60) day grace period to prepare for departure or to transfer to another institution.

O. Changing of status

- 1. It may be possible to change visa status while in the United States. If a student wishes to change status, an appointment must be set up with the Office of International Students and Faculty Services.

P. Transfer students

- 1. Transfer students currently on F-1 status at another institution can complete the F-1 Transfer Information form available on the Monmouth University website after they have been accepted to the University.

- Q. Any additional matters warranting questions/concerns from International Students shall be addressed by the Office of International Students and Faculty Services.

III. INTERNATIONAL FACULTY

A. Hiring

1. Posting/Advertising Requirements

- a. All faculty position openings shall be advertised in the following locations:
 - i. In a printed or electronic edition of a national professional journal, such as the Chronicle of Higher Education, that is viewable to the

public without payment of membership fees, for at least thirty (30) days;

- ii. The University Website;
- iii. Other advertising mediums the University deems appropriate.

b. The advertisement must contain:

- i. Name of employer;
- ii. Where applicants can send resumes;
- iii. A detailed description of the vacancy, title, and job requirements; and
- iv. The geographic area of employment with enough specificity to apprise applicants of any travel requirements and where applicant will likely have to reside to perform the job opportunity.
- v. Any other information required by University policy.

2. Hiring Decisions

a. The University shall be required to show that the international faculty applicant was chosen through a “competitive recruitment and selection process.” This includes showing:

- i. A statement, from the employer, signed by an official who has actual hiring authority, outlining in detail the complete recruitment procedures undertaken; and which must set forth:
 - a. The total number of applicants for the job opportunity;
 - b. The specific lawful job-related reasons why the international applicant is more qualified than each U.S. worker who applied for the job; and
- ii. A final report of the faculty and/or administrative body making the recommendation or selection of the international applicant, at the completion of the competitive recruitment and selection process;
- iii. A copy of at least one advertisement for the job opportunity placed in a national professional journal, giving the name and the date(s) of publication; and which states the job title, duties, and requirements;
- iv. Evidence of all other recruitment sources utilized; and
- v. A written statement attesting to the degree of the international applicant’s educational or professional qualifications and academic achievements.

B. Post-Acceptance

- 1. After an international faculty member has been offered and accepted a position, the international faculty member must communicate within forty-eight (48) hours, his or her current visa status to the Office for Global Initiatives.

2. After receiving such notice, the Office for Global Initiatives shall notify the Office of the General Counsel if a visa must be obtained for the newly hired international faculty member.

C. Obtaining a Visa

1. If a faculty member does not currently have a visa status, the University will file a Labor Condition Application (Form ETA-9035) on behalf of the faculty member. This shall be done through the Office of the General Counsel. This application shall be submitted electronically and takes seven to ten (7-10) business days to be approved.
2. After the Labor Condition Application has been approved, the University shall file an application for a H1-B Visa Application through the Office of The General Counsel. This cost shall be borne by the University. Faculty members are expected to provide full cooperation with the Office of The General Counsel providing paperwork and information for this application to be filed.
3. In the event that a faculty member would like premium processing of their H1-B visa application, (fifteen (15) calendar days), they may pay the additional fee. At no time will Monmouth University be responsible for this fee.
4. No faculty member is allowed to begin employment until he/she has received a valid visa status.

IV. INTERNATIONAL FACULTY WISHING TO APPLY FOR PERMANENT RESIDENCY

- A. It shall be the decision of the School Dean and Chair of the Department where the faculty member is employed, along with the input of the Provost, on whether to extend the option of Permanent Residency to faculty members holding H1-B visas.
- B. Step 1 – Obtaining a Labor Certification Application (LCA)
 1. First, a prevailing wage determination must be made with the New Jersey State Department of Labor. This shall be prepared by outside counsel.
 2. The University shall be responsible for preparing a recruitment report that shall detail compliance with all of the requirements followed during the hiring decision and provide this documentation to the Office of The General Counsel.
 3. The Provost's Office shall post a notice of intention to file an application for Labor Certification. If the faculty member is in a union position, the notice shall be sent to the union. Otherwise, the notice shall be posted within the Department.
 4. After these steps are completed, the Office of The General Counsel shall notify outside counsel that the LCA form is ready to be completed. Upon completion, the University shall review and approve the application before it is sent, by outside counsel, to the United States Department of Labor.
 5. The United States Department of Labor shall review the application and either: certify, audit, or deny it. Cases are audited by the DOL on a random basis and would require the University to provide additional documentation.

6. An LCA takes between four (4) months and two (2) years to be processed.
- C. If the LCA is approved by the DOL, the University shall then file an Immigrant Petition for an Alien Worker with the United States Citizenship & Immigration Services (USCIS).
- D. The final step is filing an Adjustment of Status Application, filed by the faculty member, which will adjust the current visa status of the faculty member to that of a permanent resident, also known as a green card holder. This application may also be filed with an application for the faculty members spouse and/or child(ren) (as long as the child is under 21). This step may be done at the same time as the Immigrant Petition for an Alien Worker, but will not be approved until the Immigrant Petition is approved.
- E. Throughout this process, the University shall have outside counsel. The faculty member is also encouraged to have outside counsel. The Office of the General Counsel of Monmouth University, while able to help faculty members with general questions, do not represent faculty and only represent the University. While it is the faculty member's right to choose his/her own counsel, an outside attorney who offers joint representation is available.

v. CONTACT INFORMATION

- A. All students questions shall be directed to:

Barbara Caparn Nitzberg, M.A.
Assistant Director, International Student and Faculty Services
735-571-3640
bnitzber@monmouth.edu
Office Location: Rebecca Stafford Center, Room 32

- B. All faculty questions shall be directed to:

Office of the General Counsel
732-571-3598
Office Location: Wilson Hall, Room 304