

NONIMMIGRANT AND IMMIGRANT VISA PETITIONS

Table of Contents

CCNY Employment Visa and Immigrant Petition Policy	2
H-1B – An Overview	2
CCNY H-1B Policy	2
Green Card (Permanent Resident) – An Overview	3
CCNY Green Card (Permanent Resident) Policy	3
The Application Process- New CCNY Employee (New CCNY H-1B).....	4
The Application Process- Existing CCNY Employee (H-1B Renewal).....	4
The Application Process- Green Card (Permanent Resident).....	5

NONIMMIGRANT AND IMMIGRANT VISA PETITIONS

CCNY Employment Visa and Immigrant Petition Policy

The City College of New York supports non-immigrant and immigrant visa sponsorship to employ highly qualified teaching professionals in full-time faculty positions. The Office of Human Resources is responsible for the visa and green card application process and works collaboratively with departments and faculty when a visa or green card is required to hire or retain full-time, tenured-track faculty member. Applications for visas and green cards are not valid unless they are processed by the Office of Human Resources. Individual departments are encouraged to contact Human Resources for additional information. The following policies apply when a visa or green card is required for employment:

H-1B – An Overview

The H-1B is a nonimmigrant classification used by an alien who will be employed temporarily in a specialty occupation of distinguished merit and ability. A specialty occupation requires theoretical and practical application of a body of specialized knowledge along with at least a bachelor's degree or its equivalent. For example, architecture, engineering, mathematics, physical sciences, social sciences, medicine and health, education, business specialties, accounting, law, theology, and the arts are specialty occupations. Higher Education Institutions such as The City College of New York (CCNY) will petition for an alien to come to the United States temporarily to perform services in the specialty occupations. All H-1B visas are valid for a maximum initial period of three years with a possible renewal for another three years, for a total of six years. A person can hold an H-1B visa for a total of six years in his/her lifetime, not per employer. The H-1B is employer, position, and site specific. Therefore, if a person receives an H-1B from one employer, even another City University of New York (CUNY) college, the person cannot work for another employer or in another position for the same employer.

CCNY H-1B Policy

An H-1B visa application may be requested from departments for full-time tenured, tenured-track faculty positions or full-time lecturer positions. In rare cases, requests will be considered from the Provost for full-time research positions.

A prospective faculty member cannot start working without CCNY's HR Office petitioning and receiving approval from the Federal government. Therefore, after a job offer is made, if the Department/Division determines that an H-1B is needed for a prospective faculty member, the Department/Division must contact HR immediately to prevent delays in hiring.

All H-1B petitions are completed and filed by the Office of Human Resources and fees associated with H-1B visa processing will be paid by the College. Attorneys hired by individuals and Departments/Divisions are **not** authorized to file H-1B petitions on

NONIMMIGRANT AND IMMIGRANT VISA PETITIONS

behalf of CCNY without prior HR approval. Departments/Divisions interested in H-1B information should contact HR except if the position filled or being filled is a Research Foundation (RF) position. Department/Divisions should contact Regina Doki (regina_doki@rfcuny.org) if they are interested in possibly petitioning for an RF employee.

Green Card (Permanent Resident) – An Overview

A permanent resident is an immigrant status that allows foreign nationals to reside in the United States permanently. Many people become permanent residents through U.S. employment. Some categories require highly skilled workers, those with extraordinary ability in certain professions to immigrate through several immigrant categories. Other categories require a certification from the U.S. Department of Labor to show that there are not enough U.S. workers who are able, willing, qualified, and available in the geographic area where the immigrant is to be employed and that no American workers are displaced by foreign workers. In most cases, City College will petition for an alien of extraordinary ability to come to the United States permanently to perform services in various fields.

CCNY Green Card (Permanent Resident) Policy

CCNY sponsors foreign nationals who are full-time faculty members in tenured and tenure-tracked positions. In rare cases, requests will be considered from the Provost for research level positions. Green cards are processed through the Office of Human Resources provided the faculty member has obtained approval from the Provost. Applications for employment sponsored green cards are not valid unless they are processed by the Office of Human Resources. Upon receipt of a request for a green card, the Office of Human Resources consults with the unit and the faculty member to facilitate the process including the completion of the application and in obtaining the documents that are required by the Department of Homeland Security.

NONIMMIGRANT AND IMMIGRANT VISA PETITIONS

The Application Process – New CCNY Employee (New CCNY H-1B)

Step 1 – Requests begin with the hiring Department/Division contacting HR via email (imatthew@ccny.cuny.edu). The Department/Division submits to HR a copy of the Prospective faculty member's offer letter (signed by appointing authority and candidate) and a detailed and signed H-1B justification. The H-1B justification is a written statement supporting the H-1B petition. The H-1B justification should describe the position, the recruitment process, the qualifications of the candidate, and why the candidate is ideal for the position. The Department/Division should contact HR if there are issues, concerns or questions regarding the H-1B justification.

Step 2 – HR will contact the prospective faculty member and provide instructions for completing the H-1B Intake Questionnaire and Checklist. The H-1B Intake Questionnaire and Checklist is available on the Office of Human Resources website under "Policies". Additionally, the prospective faculty member will gather applicable documents listed on the Checklist. HR schedules a meeting with the prospective faculty member to review original documents and discuss the Questionnaire and H-1B petition process.

Step 3 – After HR receives the processing checks, meets with the prospective faculty member, and reviews the necessary original documents, HR completes the visa process.

The Application Process – Existing CCNY Employee (H-1B Renewal)

Step 1 – Requests for H-1B renewal will be initiated by HR or the faculty member. The Department/Division submits to HR an H-1B justification. The H-1B renewal justification should describe the position, the qualifications of the faculty member, contributions made to CCNY, and accomplishments while employed at the college.

Step 2 – HR will contact the current faculty member and provide instructions for completing the H-1B Intake Questionnaire and Checklist. The H-1B Intake Questionnaire and Checklist is available on the Office of Human Resources website under "Policies". Additionally, the current faculty member will gather applicable documents listed on the Checklist. HR schedules a meeting with the current faculty member to review original documents and discuss the Questionnaire and H-1B petition process.

Step 3 – After HR receives the processing checks, meets with the current faculty member, reviews the necessary original documents, HR completes the visa process.

NONIMMIGRANT AND IMMIGRANT VISA PETITIONS

The Application Process – Green Card (Permanent Resident)

Step 1 – Requests begin with the Dean contacting the Provost in order to determine that it is in the best interest of the college to pursue permanent residency. The Dean or Provost then contacts HR via email (imathew@ccny.cuny.edu). The Dean submits to HR a detailed and signed justification. The justification is a written statement supporting the green card petition. The green card justification should describe the position, the qualifications of the faculty member including contributions made to CCNY and accomplishments while employed at the college. The Department/Division should contact HR if there are issues, concerns or questions regarding the green card justification.

Step 2 – HR will coordinate the processing of the sponsorship petition with an outside attorney and the faculty member.