

Arkansas State University
Immigration Policy

SCOPE

This policy applies to all Arkansas State University (hereinafter A-State) employees and faculty.

PURPOSE

The purpose of this policy is to affirm the University's intent to comply with the Immigration Reform and Control Act of 1986 ("IRCA") and any other applicable federal, state or local laws.

This policy also affirms A-State commitment to:

- Employ only those who are authorized to work in the US.
- Not discriminate on the basis of national origin or citizenship in hiring, recruiting or terminating employees.

POLICY STATEMENT

A-STATE considers immigration sponsorship to be an important part of its ability to access critical skills and knowledge on a case-by-case basis. This immigration policy is structured to foster that goal. A-STATE retains the right to make reasonable decisions about immigration sponsorship that support A-STATE needs. Sponsorship does not alter the at-will employment relationship with sponsored employees and does not guarantee employment or engagement in a specific position. A-STATE will make reasonable efforts in the immigration sponsorship process, but cannot guarantee any result. A-STATE retains the right to end an immigration process at any point before or during the process.

REQUIREMENTS AND APPROVALS

TEMPORARY NONIMMIGRANT WORK VISAS

1. A-STATE will, where necessary for work authorization purposes, pursue temporary (nonimmigrant) visas on behalf of foreign national employees who are offered employment with A-STATE in specialized, technical, or otherwise unique job categories.
2. Offers of employment to these individuals will always be subject to and contingent upon receiving the appropriate visa status authorizing eligibility to work in the United States.
3. A-STATE will select the attorney whose services will be utilized in seeking the visa on the employee's/applicant's behalf.
4. A-STATE will incur all of the costs associated with seeking a temporary visa on behalf of the employee/applicant.

5. Employees with temporary visas must inform A-STATE of any significant changes in their immigration status and, promptly after returning to the United States after international travel (excluding trips of 30 days or less to Canada or Mexico), provide A-STATE with photocopies of new Forms I-94 and visa stamps (if applicable). A-STATE will not pay for any costs or fees associated with visa application procedures at a U.S. Consulate, either for the employee or family members.
6. Generally, the need for a non-immigrant work visa will be determined during the recruitment or hiring process. Hiring Managers wishing to hire or retain candidates requiring visa sponsorship should contact the Immigration Specialist in Human Resources to discuss the candidate, the sponsorship need, and the position at issue.
7. Approval will be required from the Hiring Manager's Dean/Director, the Vice Chancellor and the Immigration Specialist in HR before the sponsorship process can be initiated.

PERMANENT RESIDENCE (PERM)

1. As a general rule, A-STATE will consider seeking permanent residence status (a/k/a the "green card") on behalf of employees who have worked for the company pursuant to a temporary visa for twelve (12) months.
2. This determination will be based on several factors including (but not limited to) the employee's job performance, his or her particular skillset and the availability of that same skillset in the domestic labor market.
3. If A-STATE does pursue permanent residence status on an employee's behalf, the University will select the attorney whose services will be utilized.
4. Subject to Paragraph 5 below, A-STATE will pay all of the costs associated the PERM Labor Certification and I-140 Petition. A-STATE will not cover fees or expenses associated with the I-485, Application for Adjustment of Status for the employee or any costs related to family members.
5. If an employee for whom A-STATE seeks permanent residence status is either terminated for cause by A-STATE or voluntarily terminates his or her employment either while the process is being completed; or within three (3) years after the I-140, Petition for Alien worker is filed on behalf of the employee; the employee shall reimburse A-STATE for all of the costs (legal fees, filing fees and disbursements) associated with the process for the employee (excluding the costs associated with labor certification, if applicable) in the following percentages:

<u>Date of Termination</u>	<u>% Reimbursement</u>
After initiation of the PERM Labor Certification process through date on	Actual costs incurred to date

which the PERM Labor Certification is approved.

Less than one year after the filing of the I-140 Petition	100%
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One to two years after the filing of the I-140	75%
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More than two and less than three years after the filing of the I-140	50%
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All such costs shall be reimbursed to A-STATE through a check and/or deduction from the employee's final paycheck pursuant to the terms of a Promissory Note to be executed by the employee on behalf of A-STATE. Upon request, A-STATE will provide the employee with documentation of the costs associated with the permanent residence process.

6. An employee seeking PERM sponsorship should discuss the need with his/her direct supervisor. Supervising employees are responsible for advocating the business need for PERM sponsorship and for obtaining all necessary approvals.
7. Approval will be required from the Dean/Director, the Vice Chancellor, the Immigration Specialist in Human Resources and the Legal Department before the PERM sponsorship process can be initiated.

Employee Signature

Date

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