



**New Jersey Institute of Technology
University Policies and Procedures**

DATE: August 31, 2017

Subject: POLICY ON SPONSORSHIP OF FOREIGN PERSONNEL FOR PERMANENT RESIDENCY

I. PURPOSE

1. The New Jersey Institute of Technology ("NJIT") values the global diversity of its faculty, staff and student body. NJIT considers immigration sponsorship to be an important part of accomplishing its priority for a diverse and global community, and for its ability to recruit, hire and retain a superior work force.
2. NJIT does not discriminate on the basis of national origin or citizenship or any other protected characteristic in hiring, recruiting, promoting, training, discipline, compensation, benefits or termination of employees. NJIT's sponsorship program is conducted in compliance with the Immigration Reform and Control Act of 1986 ("IRCA") and all other applicable federal, state or local laws.

II. APPLICABILITY

1. The following prospective or current foreign national NJIT employees who meet the criteria below are eligible for NJIT sponsorship of their permanent residency applications:
 - a. Tenure-track faculty members who have been employed with NJIT for at least one academic semester; or
 - b. Employees who have held a highly specialized or technical position as defined by the Bureau of Labor Statistics at the university for at least one (1) year and with the authorization of the Vice President of Human Resources.
 - i. Administrative and support staff are not eligible for sponsorship.

III. POLICY

1. Decisions regarding sponsorship will be made by the host department in conjunction with the Area Vice-President and the Department of Human Resources at NJIT, in accordance with United States immigration law and policy and in the best interests of the university.
2. Sponsorship decisions will be made on a case-by-case basis. NJIT retains the right to make decisions regarding sponsorship to assure that such decisions support and align with NJIT's business needs and strategic goals. NJIT also retains the right to end the sponsorship process at any point before or during

the process. Sponsorship does not alter the employment relationship with sponsored workers. NJIT will make reasonable efforts to facilitate the sponsorship process, but does not guarantee any specific result.

3. **Permanent Residency / Green Card Applications** – a permanent resident is a person who has been granted authorization to live and work in the United States on a permanent basis. As proof of such status, a person is granted a permanent resident card, commonly called a "Green Card."
 - a. **Costs** – the filing and attorneys' fees are typically paid for by the host department, however, certain fees may be excluded pursuant to a negotiated arrangement with the beneficiary.
 - b. **Employment-based Immigrant Visa Categories** – NJIT may sponsor a prospective or current foreign national employee currently residing in the United States or in a foreign country, and who qualify under one or more of the employment-based (EB) immigrant visa categories. The NJIT-sponsored visa categories are listed below:
 - i. **EB-1 Priority Workers** – This category is reserved for:
 - A. Aliens with extraordinary ability in the sciences, arts, education, business, or athletics;
 - B. Outstanding professors and researchers; and
 - C. Multi-national executives and managers.
 - ii. **EB-2 Professionals with Advanced Degrees or Persons with Exceptional Ability** – This category is reserved for:
 - A. Individuals who, because of their exceptional ability in the sciences, arts, or business, will substantially benefit the national economy, cultural, or educational interests or welfare of the United States; and
 - B. Individuals who are members of professions holding advanced degrees or the equivalent.
 - iii. **EB-3 Professional or Skilled Workers** – This category is reserved for:
 - A. Professionals with a baccalaureate degree; and
 - B. Individuals capable of performing skilled labor (requiring at least 2 years of training or experience) for which qualified workers are not available in the United States.

For more information about eligibility requirements and the internal procedures for permanent residency applications, please contact the Department of Human Resources.

- c. **Outside counsel** – All permanent residency applications will be processed by counsel selected by the Vice President of Human Resources with the authorization of the General Counsel and the Vice President for Legal Affairs. Only immigration counsel selected by NJIT has the authority to represent NJIT in permanent residency applications and to sign a Form G-28 (Notice of Entry of Appearance as Attorney or Accredited Representative). NJIT will not recognize the validity of a permanent residency application filed by an outside attorney purporting to represent NJIT.