

Title/Subject: **CMU'S RESPONSIBILITY FOR IMMIGRATION EXPENSES**

Applies to:  faculty  staff  students  student employees  visitors  contractors

Effective Date of This Revision: June 28, 2004

Contact for More Information: Faculty Personnel Services (774-3368)  
Human Resources (774-3271)  
Office of International Education (774-4308)

Board Policy  Administrative Policy  Procedure  Guideline

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**PURPOSE:**

To ensure uniformity of approach to the process whereby CMU will assist non-immigrants with applications for temporary employment visas and/or with the application for permanent residency. This document is intended to serve as a statement of the University's position on assisting employees with immigration expenses. It is not a full outline of the actual immigration process or the responsibilities of the various offices at the University during that process. Decisions not covered by this document will be made on a case-by-case basis.

**PROCEDURE:**

Services rendered to, and on behalf of, employees under any aspect of this Procedure are at the discretion of Central Michigan University. No right or entitlement accrues to an employee by virtue of this Procedure, or by virtue of having received services under this Procedure. (Revision, May 2004)

**1. Temporary Worker Visas.**

A. The Office of International Education (OIE) will coordinate and handle the processing of H-1B and/or other temporary employment related visas for foreign nationals seeking permission to work in the United States at CMU. The Office of International Education will start the petition process upon receiving a copy of the accepted appointment letter, specifying the terms and conditions of employment, from Faculty Personnel Services for faculty positions and Human Resources for staff positions.

B. CMU will pay the filing fees for H-1B or other temporary employment related visa applications. It may also pay certain other fees, if necessary, from the list in Section 3 below. CMU will pay only certain costs and filing fees for the *employee's* petition.

C. In some cases, CMU may decide to ask an outside attorney to handle or assist with the filing of an H-1B or other temporary employment related visa application. In such cases, CMU will pay the attorney's fee (a flat fee has been negotiated) and the attorney's actual expenses

D. An employee may at any time decide to retain her/his own immigration attorney in connection with the H-1B or other temporary employment related visa application. In such cases, CMU will reimburse the employee for none of

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these costs; it will, however, pay the basic filing fee. Any representations made by a privately retained attorney concerning CMU must be approved beforehand by the Immigration Specialist in the Office of International Education at CMU. A CMU official must sign the application.

E. The filing fee is paid one-half by the appropriate Vice President and one-half by the employing unit (for staff) or dean (for faculty). If the University itself incurs legal fees in connection with an H-1B application, the General Counsel's office will pay those fees and expenses.

## **2. Permanent Residency.**

A. The Office of International Education will coordinate and handle the processing of employer aspects of permanent residency applications for foreign nationals working at CMU. The Office of International Education will start the immigrant petition process upon receiving a copy of the accepted appointment letter, specifying the terms and conditions of employment, from Faculty Personnel Services for faculty positions and Human Resources for staff positions.

B. Before the University will prepare, or assist in, the petitioning to obtain permanent residency, the appropriate senior officer and the vice president (for staff) or the dean and Provost (for faculty) must agree to the processing of the appropriate petition(s). The filing fee and approved attorney fees (if any) are paid one-half by the appropriate vice president and one-half by the employing unit (for staff) or dean (for faculty).

C. CMU will pay the filing fees for the I-140, Immigrant Petition for Alien Worker. It may also pay certain other fees, if necessary, from the list in Section 3 below. CMU will pay only costs and filing fees for the *employee's* petition. After the form I-140 has been filed, it is the responsibility of the employee to file the application for an Adjustment of Status (form I-485), including the application for an employment authorization card, before the H-1B status lapses, or to apply for an extension of current employment authorization. (Revision, May 2004)

D. Working with the appropriate personnel office, the Office of International Education at CMU will oversee the labor certification process for employee applicants for permanent residency. The OIE will obtain the documentation of the recruitment process, and submit it to the Michigan Department of Career Development, which if approved there, will forward it to the Chicago Regional Office of the U.S. Department of Labor. The Office of International Education will then submit the Petition for Immigrant Worker (I-140) to U.S. Citizenship and Immigration Services.

E. The Office of International Education will not provide legal advice to the employee applicant. It will not advise the employee applicant regarding the completion of the Adjustment of Status (I-485) form and its submission to INS. It will also not advise the employee regarding immigration issues concerning family members of the employee.

F. An employee may at any time decide to retain his/her own immigration attorney in connection with the permanent residency application. Any representations made by a privately retained attorney concerning CMU must be approved beforehand by the Immigration Specialist in the Office of International Education at CMU. A CMU official must sign the form ETA 750A or specifically authorize someone to sign on the University's behalf. CMU will reimburse none of the attorney fees and expenses incurred, except that it will pay the I-140 application fee.

G. The Office of International Education will work with the employee, to the extent of its ability, to assist in the determination of whether an employee qualifies and meets requirements to apply for permanent residency as an Outstanding Professor or Researcher.

H. In certain cases, CMU may decide to ask an outside attorney to handle or assist with the filing of an application for permanent residency. In such cases, CMU will pay the filing fee with the Petition for Immigrant Worker (I-140) and the attorney's reasonable fees, according to an agreement among CMU, the attorney and the employee. Section 3 below will control what costs are payable.

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**3. Expenses considered for payment or reimbursement.**

A. CMU will pay the INS filing fees and postal/courier fees for filing documents with INS for the temporary visa or permanent residency application for the employee.

B. CMU will not pay filing fees or any other costs related to the immigration status of spouse, children, parents, or anyone else.

C. The following are non-reimbursable expenses:

1. costs related to immigration of spouse, children, parents, or other family members
2. travel needed to qualify for objectives (e.g., travel to home country, if needed, to obtain visa)
3. travel of applicant to meet with immigration attorney or INS officials
4. costs of physical examinations or other medical or psychological reviews
5. costs of evaluating foreign academic credentials or translations of foreign documents
6. costs of telephone calls initiated by applicant

D. Some other immigration related expenses may be paid or reimbursed by CMU, if approved by the Immigration Specialist in the Office of International Education or the Associate Vice Provost/Faculty Personnel Services (faculty) or the Associate Vice President/Human Resources (staff). A part or all of the "premium processing fee" assessed by INS for expedited handling of applications may be paid by the University, on a case by case basis, provided that the college or other hiring unit agrees to pay the fee. The department may choose to pay the full cost of the "premium processing fee" but generally, this cost will be split: one-third will be paid by the department, onethird by the Vice President/Provost, and one-third by the employee.

**4. CMU's retention of outside immigration attorney.**

A. CMU has retained the law firm of Fragomen, Del Rey, Bernsen & Loewy to provide assistance to the University in immigration matters. Mr. Scott Cooper, Managing Director of the Troy, Michigan office, will serve as the contact attorney overseeing the work done for CMU.

B. The following individuals/positions (or their personal designees on a case-by-case basis) are authorized to request services to CMU from the firm: Immigration Specialist (Bassam Khoury); General Counsel (Eileen Jennings); Director of Office of International Education (Guilan Wang); Associate Vice Provost/Faculty Personnel Services (Robert Martin); Associate Vice President/Human Resources (Maxine Kent). When any one of these persons contacts Mr. Cooper or the law firm to work on a new matter, he/she will notify the others on this list that the contact has been initiated, and the nature of the inquiry.

C. In some cases, CMU may authorize the law firm to bill CMU for immigration work performed for a particular employee. The same persons listed in 4.B, above, are authorized to make this commitment to the law firm for CMU to pay.

D. When one of the authorized persons at CMU has contact with the law firm in connection with an immigration matter for a particular employee, the contact person will make it clear to the law firm when the University is paying for the services and when it is not.

E. Statements for legal services from the law firm will be sent to the General Counsel. That office will pay the bills for legal fees and expenses the University itself has incurred, and will arrange for other offices to pay or reimburse filing fees and costs that are to be paid by other offices under this policy statement.

***Central Michigan University reserves the right to make exceptions, modify or eliminate this policy. This document supersedes all previous policies, procedures and directives relative to this subject.***