
TOPIC:
Immigration Sponsorship - Procedures

Policy Number:
C4

Visa Sponsorship

Cloud County Community College (CCCC) will employ qualified individuals who are legally approved to work in the United States as a U.S. citizen, permanent resident (immigrant visa holder), or the holder of a nonimmigrant visa authorizing the holder to legally work in the United States. Employment cannot begin until the proper visa/work authorization has been obtained.

Employment of Non-U.S. Workers

CCCC may sponsor employees requiring work authorization visas and, where appropriate, the pursuit of permanent residency. Sponsorship decisions will be made in accordance with policy C5.

Sponsorship Decisions

Sponsorship decisions will be based on adherence to U.S. immigration regulations and the following guidelines:

- Work authorization may be obtained in cases where it can be demonstrated that there are insufficient qualified U.S. Workers available and willing to perform the work at wages that meet or exceed the prevailing wage. For non-teaching positions, the labor certification requires extensive evidence of unsuccessful recruitment for qualified U.S. workers
- Foreign nationals will be employed in specialty occupations that require theoretical and practical application of a body of specialized knowledge.
- The individual must already be employed in the position.

Decisions to sponsor visas and green cards will also be based on business needs, critical skill gaps, a candidate's eligibility for sponsorship, and/or an employee's performance record and work product. CCCC will also consider whether the employee has demonstrated potential to contribute to and grow with CCCC, and whether the employee has exhibited a commitment and a desire to work for CCCC on a long-term basis. CCCC will not sponsor part-time or temporary staff for visas or green cards, nor will it sponsor part-time faculty for a green card.

Approval Process

1. If a supervisor wishes to recommend sponsorship for an employee for work authorization or a green card, they should contact their respective Vice President.
2. Approval of the appropriate Vice President and the President are required prior to beginning the application process.

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Filing Process

CCCC will utilize the services of a preferred immigration attorney to assist with immigration matters. The candidate will work with CCCC's Director of Human Resources and the immigration attorney throughout the filing process. Note the following:

- When assisting an employee with work authorization, CCCC will seek input, guidance, and advice from immigration attorneys to ensure compliance with legal requirements set forth by the United States Citizenship and Immigration Services (USCIS).
- It is expected that sponsored employees will respond in a timely manner to requests from CCCC and/or an immigration attorney for relevant information and documentation. It is also expected that sponsored employees will be completely forthcoming and truthful in all dealings throughout the application process.
- All visa holders are responsible for knowing and understanding the terms and conditions of their visas.

Sponsorship for work authorization is not an entitlement of any CCCC employment candidate, employee, or their family members.

Types of Visas

H-, L-, and O-Class Work Visas

H-, L-, and O-Class nonimmigrant visas allow foreign employees to work in the U.S. for varying lengths of service. Costs associated with these visas will be paid partially or in their entirety by CCCC. The determination regarding payment of the visa service will be handled on a case-by-case basis, with a decision made at the time of sponsorship and clearly communicated to the qualified candidate or employee.

Standards

1. CCCC requires a two-year commitment from the employee to remain employed after the visa is obtained or renewed. This expectation is based on the individual meeting all standards of performance and behavior.
2. Should an employee voluntarily leave CCCC prior to the completion of two years, they must repay a prorated amount of the cost of sponsorship (based on months worked and amount paid). The employee will not be held responsible for the ACWIA fee, or fraud prevention and detection fees.
3. Time commitment by the employee does not create any right for the employee to remain in CCCC's employment for such a time period or otherwise alter the at-will nature of such employee's employment at CCCC.
4. Should the employee request expedited/premium processing, they are responsible for paying for any fees associated with premium processing.

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5. H-, L-, and O-class renewals must be approved by the administration for continued employment.

Permanent Residency (Green Card)

A green card allows an employee to gain permanent residency in the United States. Once obtained, no work-related renewals are necessary.

Standards

1. In general, green card sponsorship is granted only to employees who hold highly specialized position and/or positions deemed to be critical CCCC operations.
2. In no case will a commitment to green card sponsorship be included in an offer letter to a new employee. In no case will an F-1 holder be considered for green card sponsorship.
3. Costs associated with a green card may be paid by CCCC. The institution is wholly responsible for all costs associated with all stages of the permanent residency process up until the filing of Form ETA 9089 (the "PERM"). The foreign national can be responsible for the costs associated with the preparation and filing of Form I-140 and Form I-485. The determination of cost sharing will be decided on a case-by-case basis, made at the time of sponsorship, and clearly communicated to the qualified employee.

Immigration Sponsorship Does Not Supersede College Employment Policy or Procedures

This to confirm that the College's agreement or willingness to sponsor any foreign worker for a temporary visa classification or for legal permanent residence is not a contract of employment and does not supersede any of the College's contracts, policies, procedures, or handbooks relating to employment. Moreover, any statements made by the college or any of its faculty or administrators in support of any immigration-related application or petition shall not supersede or be included in or be a part of any employment-related evaluation, including evaluations for tenure, promotions, pay increases, or new appointments. The College's decision not to sponsor an employee for immigration is not appealable or grievable under any College policy, procedure, or contract.