Employment of International Faculty and Staff

Teachers College is required to comply with federal regulations regarding the employment status of all our employees. It is important to ensure that each employee or holder of an academic appointment at the College is legally authorized to work in the US. Within this requirement, it is mandatory to certify that a foreign national (non-US citizen and non-permanent resident) offered employment at the College has an immigration status which permits that affiliation, or has been granted employment authorization by the US Citizenship and Immigration Services (USCIS) or other appropriate authority.

The Office of International Services (OIS) is responsible for providing information, evaluating and coordinating, and in many cases processing immigration and visa-related applications for foreign national academic and professional staff. The OIS also serves as TC’s liaison with immigration and related authorities, including the US Department of Labor (DoL), the USCIS and the US Department of State (DoS).

The OIS is responsible for handling and processing applications and petitions for the following temporary non-immigrant categories:

- H-1B Specialty Occupation Workers
- J-1 Exchange Visitors
- E-3 Treaty Professionals (Australian)
- TN Canadian and Mexican Professionals under NAFTA
- O-1 Workers of Extraordinary Ability

Furthermore, the OIS is responsible for evaluating all immigrant applications for US permanent residency (‘green card’ status) based on employment at the College, and processing those applications within its expertise (generally, applications that qualify under First Preference “Outstanding Researcher / Professor” and Second Preference “Special Handling” provisions). Employment-based permanent residency applications may not be filed by outside attorneys or legal counsel on behalf of the College without the prior written approval of the OIS Director.

In order to ensure compliance with all federal immigration and employment requirements, the College has established policies and procedures to be followed for TC-sponsored immigrant and non-immigrant employment petitions.

NON-IMMIGRANT CATEGORIES
(EMPLOYMENT AND TEMPORARY AFFILIATIONS)

(A) H-1B Visa for Temporary Workers in Specialty Occupations
H-1B visa status is a temporary nonimmigrant category. Those eligible include professionals in “specialty occupations” who will work at Teachers College (i.e., faculty,
researchers and full-time professional staff whose position requires a minimum of a bachelor’s degree in a specific field).

- Only the OIS may submit petitions to the USCIS for H-1B status for a current or prospective TC employee. Outside attorneys are not authorized to do this work.
- The College will be responsible for H-1B petition filing and processing fees for full-time faculty and full-time professional staff.
- H-1B status for a part-time faculty or a part-time professional staff position will be supported only in exceptional situations. The hiring department will be responsible for all processing and filing fees and will require the employee to submit records of hours worked to the OIS, as required by the US Department of Labor and the USCIS.
- H-1B petitions will be supported for grant-funded positions only if three years of funding has been obtained.
- H-1B status may be approved for a total of six years: up to a three-year initial period and up to a three-year extension. The six-year limit is inclusive of all employment authorized under H-1B status, whether at TC or at other institutions.
- A substantial change in an H-1B position requires an amended petition; therefore, the OIS must be informed whenever the job description of an H-1B employee is revised.

In all cases involving a prospective faculty member, and in any other case in which H-1B status is under consideration for a current or prospective employee, ample lead time is critical. The process should begin four to six months in advance of the anticipated start date. Necessary forms and detailed instructions will be provided by the OIS. “Premium Processing,” which guarantees adjudication within two weeks of submitting the petition, is available for an additional fee (currently $1000).

TC employment is only authorized once the USCIS has approved H-1B status for the particular worker, unless the worker is already in the US in a valid status that includes employment authorization (e.g., F-1 optional practical training). H-1B status is job- and employer-specific such that only the petitioner(s) may employ the individual. An individual who holds valid H-1B status for employment elsewhere is authorized for Teachers College employment only if TC also files a separate H-1B petition. Under “portability” provisions, employment may begin once the petition is filed with USCIS, but authorization is ultimately dependent on an approved petition.

(B) J-1 Exchange Visitor (Research Scholar, Short-term Scholar or Professor category)

J-1 status is the most frequently used visa classification for international academic visitors. Teachers College is authorized by the US Department of State to sponsor scholars for academic level research and teaching. Other organizations, such as Fulbright, may also act as visa sponsor for these individuals.

- J-1 “Research Scholar” is the most commonly used category for TC Visiting Scholars, who are hosted by TC faculty, engage in their own or collaborative research, and are receiving no compensation from TC. The minimum stay is three weeks and the maximum is three years (five-year duration is proposed to begin Fall 2006). The TC Visiting Scholar policy generally grants privileges for
up to one year, with extensions possible. The complete policy can be found at http://www.tc.columbia.edu/international/Scholars-Faculty/index.htm

- **J-1 “Short-term Scholar”** category may be used for Visiting Scholars or Visiting Professors who will spend no longer than six months in the US. There is no minimum duration of stay.
- **J-1 “Professor”** category is generally used for Visiting Professors. It may also be used for a full-time faculty member with a non-tenure track teaching appointment at the College.

All J-1 Exchange Visitors (and their J-2 dependents) must maintain medical insurance that meets US Department of State requirements throughout their stay in the US. In addition, they must abide by DoS regulations related to notifications to sponsor, employment and pursuit of program objective. Information regarding J-1 regulations will be provided by the OIS. The OIS is responsible for maintenance of records, SEVIS reporting and employment authorizations for all J-1 Exchange Visitors sponsored by Teachers College. All J-1 Exchange Visitors must register with the OIS, whether or not they are sponsored by TC.

(C) Categories Not Eligible or Restricted for Employment

Individuals in the following non-immigrant visa categories are not eligible for employment or payment, unless and until that individual can obtain a different classification that permits affiliation/employment with the College:

1. **B-2 (or WT)** Visitor for Pleasure (Tourist)
2. **F-2** spouse or children of F-1 students
3. **H-4** spouse or children of H-1B, H-2, or H-3
4. **TD** spouse or children of TN
5. **O-3** spouse or children of O-1

In addition, foreign nationals who are in certain visa categories (including A, E, G, and L statuses) which permit work for specific employers or institutions, may work only for their employers/sponsors and may not be lawfully employed by the College. Contact the OIS in advance regarding eligibility for receiving honoraria or other payments.

**H-1B** status (see above) is also employer-specific. An individual who holds H-1B status for employment elsewhere may be authorized for Teachers College employment only if TC also files a separate H-1B petition for concurrent H-1B employment. Contact the OIS in advance regarding eligibility for receiving honoraria or other payments.

Certain non-immigrants, such as **J-2** dependents of exchange visitors and **G-4 dependents** of diplomatic visa holders, are eligible to apply for temporary employment authorization from the USCIS. Such authorization is granted through the issuance of an I-766 Employment Authorization Document (EAD) card. These non-immigrants are eligible to accept employment at the College, with the proviso that their eligibility to work is restricted to the dates indicated on their EAD card.

As a rule, **F-1 or J-1 students** at TC are not eligible to continue current on-campus employment at TC upon completion of studies. They may continue or accept employment only if authorized by the USCIS (in the case of F-1 students) for Optional Practical Training (OPT), or by the student’s J-1 sponsor for Academic Training. OPT is
authorized through the issuance of an I-766 Employment Authorization Document (EAD) card and is restricted to academic, research, or other professional training in the student’s field of study. Academic Training is authorized through the issuance of an authorization letter by the student’s J-1 sponsor, and is similarly restricted to academic, research, or other professional training integral to the student’s original degree objectives.

Individuals holding **B-1 (or WB) Visitor for Business** visa status may be eligible for reimbursement of direct expenses and/or honoraria for guest lectures or special academic events. The activity at Teachers College may last no longer than nine days and other restrictions apply. B-1 visitors may not receive any payments as a College employee or independent contractor. Departments wishing to invite international scholars to TC should contact the OIS well in advance to ensure that proper procedures are followed.

**IMMIGRANT CATEGORIES (PETITIONS FOR US PERMANENT RESIDENCY)**

International employees and their hiring departments must coordinate with the OIS if they wish to pursue employment-based routes to US permanent residency (PR). In order to be an eligible basis for a permanent residency petition (I-140), the offered position must meet certain minimum requirements as defined below:

- All employment-based PR requests must be routed through the OIS. Individual employees and hiring departments may not work independently with an outside attorney.
- International employees in positions defined as temporary by TC are not eligible for an employment-based petition for permanent residency.
- The hiring department should not promise PR to an international employee, as the process is complex, lengthy and inherently uncertain.
- The request to pursue PR submitted to the OIS for a faculty member must be approved by both the department chair and the Dean. For a staff member, the approval of the department head and responsible Vice-President is required.
- Departments are strongly encouraged to set up a preliminary informational meeting with the Director of the OIS to discuss the PR process in detail, go over the basic requirements for PR, and assess the employee’s eligibility for institutional support before any indication is given to the employee that PR will be pursued. Timing guidelines for teaching and non-teaching positions as outlined below must be followed.
  - The OIS must first make a determination as to whether the position meets the minimum USCIS and College requirements for sponsorship. If the position meets these requirements, the OIS will then determine whether the petition will be handled internally by the OIS, or be referred to a designated outside attorney with the OIS serving as liaison.
  - All documentation in support of a petition for permanent residency must reside with the OIS for a period of five years from the date of filing the petition.
- Employees wishing to discuss the possibility of PR sponsorship by the College should be referred to the OIS.
Within this framework, certain I-140 petitions for permanent residency will be processed (A) directly by the OIS, while others (B) will be referred to outside counsel with the approval of the OIS.

The Form I-485 (Adjustment of Status) may be filed concurrently with the I-140 where the priority date for an immigrant visa is current; otherwise, the adjustment of status application is filed by the individual when the priority date becomes current. Fees for Form I-485 (Adjustment of Status), I-765 (employment authorization) and I-131 (travel documents) – as well as all legal and other expenses – for the principal beneficiary as well as all family members, are the responsibility of the individual.

(A) I-140 Petitions to be Processed by the OIS
The OIS will process the following employment-based I-140 petitions for permanent residency at no charge to the hiring department or individual employee. The College will pay all filing fees associated with the petition.

- I-140 petitions for faculty who meet the criteria for Outstanding Professor or Researcher as defined by the US Citizenship and Immigration Services (USCIS) will be processed directly by the OIS. To qualify, scholars must document that they:
  1. are recognized internationally as outstanding in a specific academic area;
  2. have at least three years of experience (after receipt of the doctorate) in teaching and/or research; and
  3. are offered a tenured or tenure-track teaching position or a permanent research position

For more information on the eligibility requirements for this designation, please refer to the OIS document entitled I-140 Immigrant Petition for EB-1 Outstanding Professor/Researcher. Departments may not use outside legal counsel for these petitions.

- I-140 petitions that meet the criteria for Special Handling provisions will be handled by the OIS. These require an initial Labor Certification from the US Department of Labor. To be eligible under special handling provisions the following criteria must be met:
  1. The employee’s formal job responsibilities must include serving as the instructor of record and the teaching of an official College course or courses.
  2. The position must have been advertised in a national print journal or publication. The US Department of Labor will not accept electronic national professional journal ads, except in conjunction with printed national recruitment efforts.
  3. The date of the original offer letter from the Dean must have been within the last 15 months to allow the OIS to complete the required verification process in time to meet federal requirements.

(B) Petitions to be Processed by Outside Attorneys
The following types of employment-based petitions for permanent residency will be processed by outside attorneys with the advance consultation of the OIS. The College will pay the filing fees associated with a TC employment-based petition. The hiring
department and/or individual employee will be responsible for legal fees assessed by outside counsel.

- Non-teaching positions will be handled by outside counsel, unless the employee qualifies for the Outstanding Researcher/Professor designation.
- Only designated attorneys, authorized by the College’s General Counsel and formally referred by the OIS, may be used by departments wishing to sponsor an employee for PR.
- The OIS will serve as the primary liaison between the hiring department and the attorney. The Director of the OIS is required to sign all G-28 forms that authorize representation of TC for immigration purposes by an outside attorney.
- Self petitions that do not require institutional support (Alien of Extraordinary Ability and National Interest Waiver) may be pursued with outside legal counsel, but guidance will not be supplied by Teachers College. In no event shall Teachers College or any of its departments be listed as petitioners or applicants, and the individual shall be responsible for all legal and filing fees incurred. However, the OIS must be kept informed in a timely fashion of the status of every such petition or application to avoid duplication of effort or interference with petitions or applications and their related processing.

The sponsored employee may seek assistance from an attorney of choice for the purpose of an application for adjustment of status (I-485) to permanent resident. The College will not take responsibility for or provide financial support for legal, filing and other fees associated with an adjustment of status application.

**CHANGES TO IMMIGRATION POLICY**

Immigration restrictions are subject to change through legislation, regulation and interpretation. More detailed, up to date information on these matters can be obtained from the OIS. Hiring foreign nationals and bringing them to TC in a timely manner requires specialized attention and advice. Occasionally, despite the OIS’s best efforts, sponsorship of a particular individual is not possible, or an appointment start date must be delayed. Employment-based petitions are time-consuming and complex. Department staff members are urged to contact the OIS as many months as possible in advance of the expected arrival of any foreign national prospective faculty/staff member.