

## 4.3 Visa and Immigration Protocol for Appointing Foreign Tenured or Tenure Track Faculty

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Acquisition of United States entry and initial employment visas for new tenured, tenure-track, and other teaching and research faculty members hired from foreign countries will be facilitated through the Offices of Legal Services and Academic Affairs. The Colorado School of Mines will file the appropriate supporting documents with the United States Citizenship and Immigration Services (USCIS), and the Mines hiring department will pay the required USCIS filing fees for the initial visas and renewal of visas for these faculty members. The visa application process will commence upon issuance of a formal request from the Department Head and/or Dean to Legal Services, and the application for the initial employment-based visa will normally be done in conjunction with the acceptance of an employment offer to the faculty member. Mines will work with local immigration counsel to obtain both the initial employment-based visa and subsequent visa extensions for these hires. Typically, the hiring department, with the assistance of Academic Affairs, will be expected to fund the expenses and fees incurred by Mines for these legal services. Any expenses and fees associated with the faculty member's dependents' visas must be funded by the faculty member personally, utilizing personal resources.

Most of our foreign faculty hires will utilize one of two visa categories: the H-1B visa for "Specialty Occupations" or the O-1 visa for foreign nationals of extraordinary ability in the sciences, arts, etc. In the case of the H-1B, legal counsel will need detailed information from the applicant and the hiring department regarding the applicant's anticipated position at Mines and the applicant's visa/immigration history. Department Heads or Deans will be asked to assist in acquiring the necessary information from the applicant. Applications for O-1 visas will be submitted on a case-by-case basis. The information needed is comparable to that of the H-1B, except for the additional requirement of peer reviews and evidence of unusual distinction.

Initial employment visas will typically expire after a period of three years. Mines will expect immigrant tenured, tenure-track and other approved faculty who are on such visas to take personal responsibility for initiating the process for visa renewal or application for permanent residency, and to do so within a timeframe that is consonant with visa expiration dates and the expected petition review and approval periods required by the USCIS. Mines will assist with visa extensions or renewals, but will not provide legal representation or fund USCIS filing fees for immigrant faculty who are seeking permanent residency status (also known as the "Green Card"), except to the extent federal law or regulations require Mines, as an employer, to subsidize or assist the employee with legal representation or USCIS fees for any aspect of the permanent residency application process. Mines will also assist with labor certifications (as needed for visa renewal or permanent residency applications) by confirming the employment status of immigrant faculty at the Colorado School of Mines and providing required supporting documentation.

On a case-by-case basis, Mines may assist with H-1B applications for foreign research professors or post-doctoral fellows who intend to reside in the United States and expect to have long-term appointments at the Colorado School of Mines. Requests for such assistance should

be channeled through the Office of Academic Affairs, where they will be reviewed in the context of the expected long-term value that Mines will acquire through the professional services of the individual. The application materials will normally be forwarded to immigration counsel for all legal services leading up to issuance of the visa. Filing and legal services costs will be borne by the hiring department utilizing project accounts or departmental discretionary funds, as appropriate and pursuant to Mines's fiscal policies and procedures.

In cases where temporary foreign faculty hires (visiting professors for terms less than three years) are best suited to the J visa, the application will be processed through the International Student Office. This Office has appropriate authority and expertise in processing J visas, and will be asked to provide assistance on an as-needed basis for temporary foreign faculty positions. It is illegal for the Colorado School of Mines to employ any foreign employee who does not have a valid employment visa or permanent residency, or lacks appropriate documentation evidencing their eligibility for employment in the United States. If a faculty member is unable to procure the required work authorization or visa status to ensure such authorization, or the visa status ensuring such authorization expires, federal law may require Mines to take immediate steps to terminate the faculty member's employment.

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