

VIRGINIA TECH-SPONSORED APPLICATIONS FOR PERMANENT RESIDENCY

BACKGROUND:

Virginia Tech has seen an increasing number of foreign scholars apply for and be appointed to both instructional and research faculty positions. This is a reflection of the fact that foreign scholars make up a large proportion of the doctoral trained workforce in certain fields and that the market place for talent is truly global, particularly in science and engineering. Virginia Tech welcomes international scholars who bring significant expertise to mission-critical jobs and add to the diversity of our workforce and educational environment.

As their numbers increase, it is important to establish consistent policies and procedures for handling applications for permanent residency (green card) which supports a scholar's longer term employment in the United States. Such policies and procedures must be consistent with evolving federal immigration law and institutional needs. This policy outlines the conditions under which Virginia Tech may support an employer-sponsored application for permanent residency.

PROPOSED POLICY:

Virginia Tech welcomes the contributions of scholars from all over the world in carrying out its learning, discovery, and engagement missions. Employer-sponsored applications for permanent residency help assure the on-going involvement of the foreign scholar in the life of the university and the work for which the employee was hired. This policy outlines the conditions under which Virginia Tech may sponsor an application for permanent residency.

This policy must remain consistent with good faith interpretation of federal immigration law and regulations and state directives, which evolve over time. Nothing in this policy overrides such guidelines.

To receive Virginia Tech sponsorship, all of the following conditions must be met.

1. The **position** must have the potential to be on-going with successive renewals over a period of several years. For positions funded from sponsored grants or contracts (or similar uncertain sources), the supporting unit must demonstrate a record of sustained external funding.
2. The individual's **appointment** must be *full-time and salaried*, and in compliance with federal regulations, such as prevailing wage rate. (The appointment may be restricted or regular, either academic or calendar year, as long as it is salaried, full-time, and there is an expectation of successive renewals over a period of several years. Wage employment does not meet this test.)

3. The position is *significant* and meets institutional needs as documented by the department and validated by the approval of the relevant senior manager. Significance may be signaled in part by rank and title, as well as documented in the job description and supported by the credentials of the individual:
 - a. Instructional Faculty: Ranks of Instructor and Assistant Professor or above, including clinical faculty, but excluding adjunct, wage, or visiting faculty members.
 - b. Special Research Faculty: All ranks EXCEPT postdoctoral associates, whose appointments are limited, by definition, to four years.
 - c. Administrative/Professional Faculty members with significant expertise critical to the university (rank not relevant).
 - d. Staff members with significant expertise critical to the university.
4. The department verifies that they wish to retain the employee in the position indefinitely subject to availability of funding, need for services, and satisfactory performance.

The application is submitted by the department and requires the approval of the department head, dean or senior manager, Provost or relevant vice president's office, University Legal Counsel, and the Office of the Assistant Director for International Support Services.

(Note: The Permanent Residency Policy above was Approved by the Virginia Tech Board of Visitors on 6 November 2006)

RECOMMENDATION:

That the proposed policy on Virginia Tech-sponsored applications for permanent residency be approved effective immediately and that appropriate procedures and implementation guidelines be developed and disseminated to the university community.