



New Jersey Institute of Technology
University Policies and Procedures

DATE: August 31, 2017

Subject: POLICY ON SPONSORSHIP OF FOREIGN PERSONNEL FOR NON-IMMIGRANT WORK

I. PURPOSE

1. The New Jersey Institute of Technology (“NJIT”) values the global diversity of its faculty, staff and student body. NJIT considers immigration sponsorship to be an important part of accomplishing its priority for a diverse and global community, and for its ability to recruit, hire and retain a superior work force.
2. NJIT does not discriminate on the basis of national origin or citizenship or any other protected characteristic in hiring, recruiting, promoting, training, discipline, compensation, benefits or termination of employees. NJIT’s sponsorship program is conducted in compliance with the Immigration Reform and Control Act of 1986 (“IRCA”) and all other applicable federal, state or local laws.

II. APPLICABILITY

This policy applies to all prospective or current foreign national NJIT visiting scholars and employees who are deemed eligible for J-1 or H-1B status.

III. POLICY

1. Decisions regarding sponsorship will be made by the host department in conjunction with the area Vice-President and the Department of Human Resources at NJIT, in accordance with U.S. immigration law and policy, and in the best interest of the university.
2. Sponsorship decisions will be made on a case-by-case basis. NJIT retains the right to make decisions regarding sponsorship to assure that such decisions support and align with NJIT’s business needs and strategic goals. NJIT also retains the right to end the sponsorship process at any point before or during the process. Sponsorship does not alter the employment relationship with sponsored workers. NJIT will make reasonable efforts to facilitate the sponsorship process, but does not guarantee any specific result.

Non-Immigrant Visa Types

- (a) J-1 Exchange Visitor Program – the purpose of the J-1 Exchange Visitor Program is to “provide foreign nationals with opportunities to participate in educational and cultural programs in the United States and return home to share their experiences, and to encourage Americans to participate in educational and cultural programs in other countries.” 22 CFR 62.1(b).

verify the scholar's English proficiency, the interview fee is \$200, which must be paid by the host department.

- (c) **Eligibility** – the minimum qualifications for these categories are a bachelor's degree with appropriate experience in the field in which research is to be conducted. It is the host department's responsibility to review the Exchange Visitor's resume/CV, references, publications, and objectives; determine the Exchange Visitor's English proficiency; and interview the Exchange Visitor. The Exchange Visitors must be professionals in their fields whose careers will benefit from the proposed program at NJIT and whose experience will enhance the faculty of the host department.
- (d) **Length of program** – the length of the exchange program varies by category:
 - i. **Professors** – minimum of three (3) weeks and maximum of five (5) years.
 - ii. **Research scholars** – minimum of three (3) weeks and maximum of five (5) years.
 - iii. **Short-term scholar** – no minimum, maximum of six (6) months.
Specialist – minimum of three (3) weeks and maximum of one (1) year.

IV. H-1B Visas – the H-1B employment authorization category applies to foreign workers of “distinguished merit and ability” who are brought to the United States temporarily to perform services in a “specialty occupation” which requires theoretical and practical application of a body of highly specialized knowledge. The intent of the H-1B provisions is to help employers who cannot otherwise obtain needed business skills and abilities from the U.S. workforce by authorizing the temporary employment of qualified individuals who are not otherwise authorized to work in the United States. After the H-1B status expires, the beneficiary may return home, or stay in the U.S. if s/he has applied for permanent residence or is eligible to stay under a different visa.

- 1. **Costs** – the filing and attorneys' fees associated with the H-1B petition must be paid by the host department.
- 2. **Eligibility** – In order to apply for H-1B status, the following requirements must be met:
 - a. There must be an employer-employee relationship with NJIT;
 - b. The job must qualify as a specialty occupation by meeting one of the following criteria:
 - i. A bachelor's degree or higher or its equivalent is normally the minimum requirement for the particular position;
 - ii. The degree requirement is common for this position in the industry, or the job is so complex or unique that it can only be performed by someone with at least a bachelor's degree in a field related to the position;
 - iii. NJIT normally requires a degree or its equivalent for the position; or

- iv. The nature of the specific duties is so specialized and complex that the knowledge required to perform the duties is usually associated with the attainment of a bachelor's or higher degree.
- c. The job must be in a specialty occupation related to the employee's field of study;
- d. The employee must be paid at least the actual or prevailing wage for the job, whichever is higher.

For more information about eligibility, please visit <http://www.uscis.gov/eir/visa-guide/h-1b-specialty-occupation/understanding-h-1b-requirements>.

- 3. **Outside counsel** – all H-1B petitions sponsored by NJIT will be processed by counsel selected by the Vice President of Human Resources with the authorization of the General Counsel and Vice President for Legal Affairs. Only immigration counsel selected by NJIT has the authority to represent NJIT in H1B petitions and to sign a Form G-28 (Notice of Entry of Appearance as Attorney or Accredited Representative). NJIT will not recognize the validity of a visa petition filed by an outside attorney purporting to represent NJIT.
- 4. **Duration of status** – H-1B visas are usually valid up to three (3) years, with the option to extend up to an additional three (3) years, for a total of six (6) years.

The H-1B is valid for only a specific position at a specific location with a specific employer. Any changes made to these characteristics require that a new petition be filed and acknowledged by USCIS as having been received before any such changes occur.

CROSS REFERENCE

- HR Procedure Manual for Non-Immigrant Work Visas and Permanent Residency Applications
- J1 Exchange Visitor English Proficiency Verification Policy

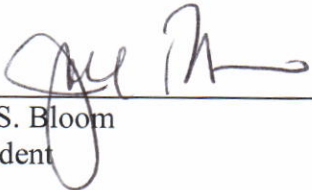
EFFECTIVE DATE OF POLICY

This policy takes effect upon adoption, and supersedes and revokes any former sponsorship policies and procedures.

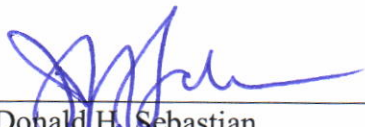
REVIEW:

Holly C. Stern 9/5/17
Holly C. Stern, Esq. Date
General Counsel
Vice President for Legal Affairs


APPROVAL:

 9/7/17

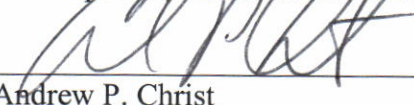
Date
Joel S. Bloom
President

 9/7/17

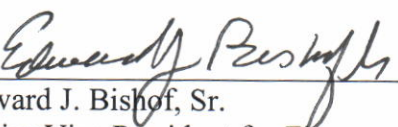
Date
Donald H. Sebastian
Senior VP for Technology & Business
Development, President and CEO of NJII

 9/6/17

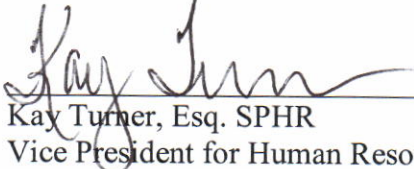
Date
Fadi P. Deek
Provost and
Senior Executive Vice President

 9/7/17

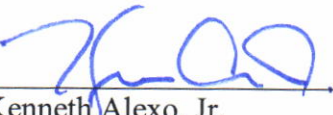
Date
Andrew P. Christ
Vice President for Real Estate
Development and Capital Operations

 8/31/17

Date
Edward J. Bischof, Sr.
Senior Vice President for Finance and
Chief Financial Officer

 8/31/17

Date
Kay Turner, Esq. SPHR
Vice President for Human Resources

 9/5/17

Date
Kenneth Alexo, Jr.
Vice President Development and Alumni Relations
President of the Foundation at NJIT