



PERMANENT MEMORANDUM 26
LSU SYSTEM POLICY ON INTERNATIONAL EMPLOYEES AND VISITORS

POLICY DIGEST

Monitoring Unit: Office of Academic Affairs
Initially Issued: March 9, 2005
Last Revised: June 6, 2007

I. PURPOSE

The purpose of PM-26 is to define the appropriate authority and routing required to process immigration related documentation, eligibility for the sponsorship of international employees, permanent residence, compensation/reimbursement of international visitors to LSU System campuses, as well as various other international visitor issues.

II. ROUTING AND APPROVAL OF DOCUMENTATION REQUIRED FOR NON-IMMIGRANT/IMMIGRANT BENEFITS

In order to ensure compliance with applicable immigration laws, all matters and documentation pertaining to international employees and visitors including, but not limited to, recruitment, offers of employment, support letters for immigration related benefits, compensation, and reimbursement, must be routed through and approved by the appropriate office(s) as designated by the LSU System President. The office(s) and appropriate officer(s) for the LSU System campuses are as follows:

Director, Human Resource Management	Director, International Services Office
LSU Law Center	Louisiana State University
Baton Rouge, LA 70803-1002	Baton Rouge, LA 70803-7280
(225) 578-8586	(225) 578-3191
(225) 578-5935 FAX	(225) 578-1413 FAX
Director, Human Resource Management	Director, International Services Office
LSU Agricultural Center	LSU Health Sciences Center – New Orleans
P. O. Box 25203	433 Bolivar Street, Room 206
Baton Rouge, LA 70894-5203	New Orleans, LA 70112-2223
(225) 578-2258	(504) 568-4802
(225) 578-8284 FAX	(504) 568-7632 FAX

Office of Legal Affairs	Director, Office of International Students and Scholars
LSU Health Sciences Center – Shreveport	University of New Orleans
1501 Kings Hwy., Box 33932	New Orleans, LA 70148
Shreveport, LA 71130-3932	(504) 280-6222
(318) 675-5571	(504) 280-3975 FAX
(318) 675-4608 FAX	
Director, Human Resource Management	Business Manager Office of International Services
LSU in Shreveport	Pennington Biomedical Research Center
One University Place	6400 Perkins Road
Shreveport, LA 71115-2399	Baton Rouge, LA 70808
(318) 797-5279	(225) 763-2532
(318) 798-4141 FAX	(225) 763-2525 FAX

III. SIGNATURE AUTHORITY

Authorization to sign official immigration related documents rests exclusively with the Chancellor or the Chancellor's designee, following routing and approval by the appropriate office(s) listed above. No University employee, other than these designated officials, may sign Form G-28 (Notice of Entry of Appearance as Attorney or Representative) to designate an attorney to assist, advise, or represent the University in the preparation and submission of employer-based petitions or documents including, but not limited to, the following forms:

DS-2019 (Certificate of Eligibility for J-1 Exchange Visitor Status) I-20 (Certificate of Eligibility for F-1 Nonimmigrant Student Status) ETA- 9089 (Application for Alien Employment Certification)
ETA-9035 (Labor Condition Application)
I-140 (Immigrant Petition for Alien Worker)
I-539 (Application to Extend/Change Nonimmigrant Status) I-129 (Petition for a Nonimmigrant Worker)
I-907 (Request for Premium Processing Service)

Furthermore, only authorized University employees may sign employer-based petitions or documents which have been prepared by an outside attorney on behalf of the University. Individual employees are not authorized to engage, retain, hire, or contract with an attorney to represent the University in immigration related matters. An individual employee may engage counsel at any time to represent his/her own interests, provided such representation does not relate to any legal interests of the University.

Failure to comply with these provisions will result in notification to the U. S. Citizenship and Immigration Service and/or the Department of Labor that the employer-based petition or documents were unauthorized and that the Form G-28 designation is null, void, and without force or effect. The petition(s)

or document(s) will be reviewed by the Chancellor or Chancellor's designee, as well as the appropriate office(s) in order to ascertain whether the petition(s) or documents(s) will be ratified and adopted (upon approval and if in compliance with applicable laws, regulations, and PM-26) or withdrawn.

Execution of such documents by an individual employee is a violation of PM-26 and is an action outside of his/her authority which may result in discipline, sanctions, and/or individual liability being imposed.

IV. NONIMMIGRANT PETITION FEES

With the exception of fees required to be employer paid, payment of fees for nonimmigrant petitions are generally the responsibility of the foreign national. It is recognized that there may be exceptions when campuses wish to pay fees primarily depending upon to whom the benefit flows. Therefore, if the campus wishes to make such exceptions, it must develop a specific institutional policy with regard to the payment and source of fees. University funds from state federal or private sources may be utilized to pay these and any future federally mandated fees. Federal or non-federal funds utilized for this purpose must be in accordance with the rules and regulations of the granting agency.

V. LSU SYSTEM SPONSORSHIP OF INTERNATIONAL EMPLOYEES FOR PERMANENT RESIDENT STATUS

It is the policy of the LSU System to sponsor for permanent residence only those employees whose positions are full-time and permanent in nature (expected to last a minimum of three years) and who possess exceptional and/or outstanding ability or who are the most qualified.

With the exception of fees required to be employer paid, payment of all legal fees, as well as application and/or filing fees are the responsibility of the foreign national. No university funds will be expended for immigration related benefits.

The cost of required advertisement(s) for the position involved are considered recruiting expenses and should be paid for by the sponsoring department.

Individuals in the following categories may be supported for permanent residence with the appropriate approvals:

A. Category A

Full-time tenured or tenure-track faculty members.

B. Category B

Full-time non-tenured or non-tenure-track teaching or non-teaching research positions of a permanent nature (It is not University policy to support permanent residence petitions for lecturers, visiting professors, or other temporary or term faculty appointments.)

C. Category C

Other full-time professional, administrative, and technical positions (Positions considered by the LSU System to be status positions and permanent in nature, who otherwise meet criteria may be sponsored for permanent residence as approved on a case by case basis.)

D. Category D

Exceptions for instructors, fellows, and research associates (The positions of instructor, postdoctoral fellow, research associate, research scholar and research fellow are normally considered temporary and are therefore not eligible for sponsorship. However, special exceptions may be granted by the Chancellor provided that prior written justification has been provided. A copy of each exception approved by the Chancellor must be forwarded to the Office of the President.)

NOTE: For CATEGORIES B, C, & D there will generally be a minimum one-year waiting period and a satisfactory performance evaluation before initiation of the permanent residence process.

Deviations from this general policy will require justification and prior written approval of the Chancellor.

VI. COMPENSATION AND REIMBURSEMENT TO INTERNATIONAL VISITORS AT LSU SYSTEM CAMPUSES

Federal laws are complex with regard to payments made to international visitors in various visa classifications. University personnel are reminded that reimbursements and/or compensation for international lecturers and other business related visitors must be in accordance with the law, as well as individual campus policy.

Prior to offering an invitation to international visitors, please contact the designated office(s) as listed above for the respective campus (es) for information regarding individual campus policy, required routing, and approvals.

VII. ENGLISH PROFICIENCY REQUIREMENTS FOR EXCHANGE VISITORS

It is the obligation of each system campus to set forth guidelines and/or requirements in order to determine whether a participant possesses sufficient oral and written proficiency in the English language to accomplish his/her goal.

As it relates to the J-1 Exchange Visitor Program, the Code of Federal Regulations (22 C.F.R. 62.10) states that sponsors should ensure that a potential exchange participant possesses sufficient proficiency in the English language to participate in his/her program.