

Faculty Visa and Permanent Residence Sponsorship Policy Statement

The University seeks to recruit and retain a diverse faculty who are engaged and committed to teaching, learning, and research. To accomplish this mission, faculty might be recruited from abroad to fulfill an individual department's needs. The guidelines set out below cover the J-1, H-1B, O-1, E-3 and TN visas, and Permanent Residence sponsorship for tenure-track and non-tenure track faculty. These guidelines are based on current regulation, and the University reserves the right to revise them in its discretion. The University does not guarantee the success of any application.

Non-Tenure Track Faculty:

Yeshiva University will facilitate an initial J-1 Exchange Visitor visa application for a non-tenure track or visiting professor for a contract duration not to exceed two years. At the conclusion of the two-year contract, the University will determine if another contract ranging between one to three years will be issued. Currently, J-1 sponsorship is possible for a maximum of five years, inclusive of time spent at prior institutions. Individuals who spend more than six months in J status and then leave the U.S., must wait two years before they become eligible to return to the U.S. in J-1 status and to return to our institution. An exception may be made for short-term appointments of less than six months.

The University will assist a faculty member's dependents in obtaining a J-2 dependent visa application during the duration of the respective spouse/parent's contract.

All non-immigrant visa and SEVIS fees are to be paid by the faculty member unless otherwise specified in their appointment letter.

Non-tenure track faculty will not be eligible for permanent residence while in J-1 status. If a non-tenure track faculty member is offered a tenure-track faculty position, the guidelines below must be followed.

Before accepting an appointment with J-1 visa status, it is up to the faculty member to discern if they will become subject to the two-year home residency requirement that can be associated with the J-1 visa.

Tenure-Track Faculty:

Tenure-track faculty who are foreign nationals must possess a H-1B visa prior to the start of the academic year or semester in which they will begin academic service with the University per the Immigration Reform and Control Act of 1986 ("IRCA").

As per the Yeshiva University faculty handbook (https://www.yu.edu/sites/default/files/inline-files/January_2022_Faculty_Handbook.pdf), tenure-track faculty are generally offered a three-year contract as part of the six-year tenure-track process. All initial and/or renewal H-1B visa processing and legal fees for the faculty member will be paid by the

sponsoring school, as per this policy. Spouses and children under the age of 21 may be eligible to apply for H-4 status. Any H-4 related fees will be paid by the faculty member.

Foreign national tenure-track faculty will not be considered for permanent residence sponsorship until they have been given a positive third-year review by their respective dean. At that time, a tenure-track faculty member may request University sponsorship of their permanent residence application. **The University will pay up to \$5,000 of legal fees (and advertising costs, when applicable) related to an I-140 Immigrant Petition for Alien Workers, provided the faculty member uses the University's chosen outside legal counsel for the petition.** An assessment will be made by the University's counsel as to the best course of action and most appropriate type of application to file. The faculty member's second third-year contract will include the University's commitment (as noted above) as well as a timeline for initiating the permanent residence process. It should be noted that many such applications will require advertisements to be placed in a good faith effort to recruit U.S. workers for the positions.

If a school is considering an offer of a tenure-track position and extenuating circumstances deem the H-1B renewal process too lengthy, the school may wish to offer a temporary position, such as a clinical faculty appointment on a J-1 visa. This will enable the University to obtain H-1B visa status for the individual after arrival.

Any exception(s) to this policy must be approved by the Provost in consultation with the University's Office of the General Counsel.

Important Points Regarding Permanent Residence Status:

- Since a tenured appointment is an appointment without limit of time, the only status appropriate for such an appointment is permanent residence or other indefinite U.S. employee status. A tenured appointment cannot be conferred by the University until the individual has obtained permanent resident or U.S. employee status.
- Obtaining permanent residence takes considerable time, on average 18-24 months at the time of this publication. In some cases Immigrant Visa quotas are backlogged and processing times can be drastically delayed. In these cases, tenure contracts will be negotiated on a case-by-case basis.

Effective November 2021