POLICIES AND PROCEDURES FOR PERMANENT RESIDENCY PETITIONS BY FOREIGN NATIONAL ACADEMIC PERSONNEL (revised March 2016)

Foreign Nationals who wish to obtain Permanent Residence (“Green Card”) status on the basis of their continuing positions (tenured or tenure-track faculty, or senior research staff positions), must petition Brandeis University as their employer for its support. This memo outlines the policies by which Brandeis determines whether to support foreign faculty or senior research staff for Permanent Residence and the procedures one must follow.

Immigration regulations stipulate that employers may sponsor foreign national employees for Permanent Residence status only if both of the following conditions exist:

1. The position is permanent (expected to last at least two years into the future);
2. The employee intends to remain in the position indefinitely.

If both conditions do not exist, Permanent Residence may not be undertaken. Grant-funded positions may be considered “permanent” as long as grant funds are available for at least two years into the future.

Policies

Faculty:
It is University policy to support Permanent Residence petitions for incoming tenured or tenure-track faculty members who:

1. Have been selected within the past 18 months as the result of a competitive academic search; or
2. Meet the criteria of “outstanding professor” (see attached checklist).

It is not University policy to support Permanent Residence petitions for lecturers or other temporary faculty appointees.
Researchers:
It is University policy to support Permanent Residence petitions for senior research staff members who:

(1) Been employed by Brandeis for a minimum of two years;
(2) Have job offers of at least two years into the future; and
(3) Meet the criteria of “outstanding researcher” (see attached checklist).

It is not University policy to support Permanent Residence petitions neither for postdoctoral research fellows nor for other temporary appointees.

Procedures

A request that the University support the Permanent Residence petition of a foreign national faculty or senior research staff member must be submitted in writing by the department chair to the Provost. The request should establish that both the job to be filled and the individual intended to fill it meet Brandeis’ policy criteria for Permanent Residence as stated above. If the University is being asked to support a petition for a member of the faculty or senior research staff who does not meet these criteria, the letter from the department chair to the Provost must document fully the reasons why an exception to University policy is being requested.

If the University agrees to support a petition, the foreign national will be so notified in a letter from the Provost, with a copy to the department chair. Once authorized, the petitioner will be instructed to retain the services of one of a number of immigration attorneys who have been authorized to represent Brandeis University in immigration matters. This list is available from the International Students and Scholars Office (6-3480; or via email, isso@brandeis.edu). Applicants may not use an attorney not on the authorized list. The foreign national applicant will be responsible for all costs and legal fees connected with the Permanent Residence petition.

In no case may an individual faculty member or department chair sign a Permanent Residence petition as the employer/representative of Brandeis University; such authorization signatures must be done by the Provost. Any petitions filed without the signature of the Provost will not be honored by Brandeis, and the University will not be responsible for any legal action or damages that may result.

If you have any questions regarding the policies or procedures outlined above, please feel free to contact Jodi Hanelt, Director of the International Students and Scholars Office, by phone (6-3480) or via email (hanelt@brandeis.edu).
CHECKLIST FOR EVALUATING FOREIGN NATIONAL EMPLOYEE ELIGIBILITY FOR “OUTSTANDING PROFESSOR OR RESEARCHER”

Academic Field
Does the field in question qualify as an academic field (i.e. a “body of specialized knowledge offered for study at an accredited United States university or institution of higher learning”)?

“Permanent” Employment
Is the employment in question permanent (i.e. “tenured, tenure-track, or for a term of indefinite or unlimited duration, and in which the employee will ordinarily have an expectation of continued employment unless there is a good cause for termination”)?

Required Experience in the Field
(1) Does the foreign national have at least three years of experience in teaching and/or research in the academic field?
   (Experience in teaching or research while working on an advanced degree is acceptable only if the applicant has acquired the degree, and if the teaching duties were such that he or she had full responsibility for the class taught or if the research conducted toward the degree has been recognized within the academic field as outstanding.)

(2) Can the foreign national document his or her experience in teaching and/or research in the academic field?
   (Evidence of the required three (3) years of teaching and/or research experience must be in the form of letters from the current or former employers and must include the name, address, and title of the writer and a specific description of the duties performed by the foreign national.)

International Recognition as Outstanding in the Academic Field
(1) Can the department and the foreign national present evidence from at least two of the following categories?

   (a) Documentation of the foreign national’s receipt of major prizes or awards for outstanding achievement in the academic field.

   (b) Documentation of the foreign national’s membership in associations in the Academic field that require outstanding achievements of their members.

   (c) Published material in professional publications written by others about the foreign national’s work in the academic field (including the title, date, and author of the material and any necessary translation).

   (d) Evidence of the foreign national’s participation, either individually or in a panel, as a judge of the work of others in the same or an allied academic field (i.e. reviewing articles, serving as a “referee” in scientific debates, acting as a Ph.D. advisor, etc.).

   (e) Evidence of the foreign national’s original scientific or scholarly research Contributions to the academic field (i.e. patents awarded, letters from other scholars in the field, etc.)

(2) Is there evidence of the foreign national’s authorship of scholarly books or articles (in scholarly journals with international circulation) in the academic field?