A. Policy references:

- Refer to APM 530 (Recruitment Noncitizens) for system-wide policy.
- Refer to the International Scholar and Student Services (ISSS) for complete visa descriptions/definitions and procedures for processing visas.
- Refer to CAPM 506.235 for information on Acting Appointments.

B. General

According to federal regulations, universities may sponsor international academic and staff employees for nonimmigrant and immigrant employment-based visas for the purpose of providing a basis for lawful presence and lawful employment in the United States. Universities can set their own policies regarding such sponsorships.

C. Authority

As with any recruitment or appointment, all campus search and recruitment requirements must first be satisfied. The noncitizen candidate, the hiring department, and International Scholar & Student Services (ISSS) must then work cooperatively to ensure compliance with federal immigration laws.

The ISSS office is charged with the responsibility of applying the UCSC Immigration Policy to all immigration matters to ensure equity for international academic employees across campus. All university sponsored employment-based visas must be processed through ISSS and in some cases a UCOP-vetted immigration attorney.

As official campus liaison with the U.S. Department of Labor and the U.S. Citizenship and Immigration Services (USCIS), ISSS must review, approve and sign all documentation required and in some cases obtain the signature of the Campus Provost and Executive Vice Chancellor. No other campus official is authorized to sign USCIS petitions or forms in the area of visas and immigration on behalf of any individual employed and sponsored by the university.

D. Permanent Employment of Noncitizens in Academic Appointments

UCSC sponsorship for permanent resident status may be sought for a foreign national who is proposed for permanent UCSC employment (as defined below) and who may or may not already hold nonimmigrant status. The USCIS requirements stipulate the following for employment-based permanent residency: the position must be permanent, full-time, and require professional-level credentials.

UCSC may sponsor employment-based immigrant visas for individuals hired in tenure-track faculty positions, researchers in the Professional Researcher Series (at the Associate Researcher level or higher, if funding is guaranteed for a minimum of three years), and for Continuing Lecturers (under very limited circumstances as determined by the USCIS).
In cases of appointments as Associate Professor or Professor, a temporary Acting title will be required during the duration of the temporary visa. Refer to CAPM 506.235 (which includes time limitations in these titles).

E. Temporary Employment of Noncitizens in Academic Appointments

A nonimmigrant visa classification may be sought for a noncitizen who is proposed for a visiting or temporary appointment and who does not already have permanent immigrant status. The most commonly used visa classifications at UCSC are as follows (refer to ISSS for definitions and detailed information on each visa category):

- **J-1**
  The J-1 exchange visitor visa is a nonimmigrant visa for noncitizens who are coming to the university temporarily. It is appropriate for postdoctoral research scholars, visiting short-term scholars (including faculty and researchers), researchers and instructors without salary, and J-1 students employed on campus.

- **H-1B, E-3, O-1 and TN**
  The H-1B, E-3, O-1 and TN visas are nonimmigrant visas for noncitizens coming temporarily to the United States to perform services in a specialty occupation. These visa statuses are appropriate for tenure-track faculty members, temporary faculty, and researchers (when J-1 is not appropriate or available). The University will only file H-1B petitions for positions that are full-time, i.e., 100% appointments.

- **F-1**
  The F-1 visa is a nonimmigrant visa for individuals engaging in a full course of academic study in the United States. It is appropriate for students employed on campus in the following titles: temporary teaching assistants, remedial tutors, Associates In__, teaching fellows, and graduate student researchers.

  F-1 holders on Optional Practical Training (OPT) may be hired only in academic positions that directly relate to their field of study.

F. Visitor visas (employment not permitted)

- **B-1 (Business) and WB (Visa Waiver Program)**
  The B-1 and WB visas are temporary non-immigrant visas used in a very limited number of cases for international scholars coming to the university. B-1/WB visitors cannot legally accept any type of formal academic appointment or any salaried employment. The university does not assume any direct responsibility for the acquisition of the visa for the B-1/WB visitor and is not involved in the process except in a consultative way.

G. Exceptions:

- Authority to grant exceptions to this policy resides with the Campus Provost.