INDIANA UNIVERSITY-PURDUE UNIVERSITY INDIANAPOLIS

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IUPUI Office of Equal Opportunity

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Instructions for filing a complaint

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Permanent Residency Policy/Procedure

Immigration-related Petitions of International Appointees

The foreign labor certification programs allow an employer to hire a foreign worker to work on a temporary or permanent basis in the United States, and are generally designed to assure that the admission of foreign workers will not adversely affect the job opportunities, wages and working conditions of American workers. As of March 28, 2005, the federal government made changes to the process of applying for permanent residence for foreign nationals based on employment, and applicants must file using the new Labor Certification for the Permanent Employment of Aliens in the United States, or PERM process and adhere to the new PERM Regulations.

In order to ensure compliance with federal immigration and employment requirements, the university has established policies and procedures to be followed for university-sponsored immigration petitions. The policies identify which petitions will be handled by the appropriate university international office, which ones must be referred to outside attorneys following centralized university procedures, and which petitions are made outside of university procedures.

Petitions for Initial or Temporary Status

Most international academic and staff appointees will first require the visa-immigration services of the IUPUI Office of International Affairs (OIA) in order to commence the offered employment at IU. Petitions for temporary employment (H-1B, TN, O-1, and J-1) are generally not referred to outside counsel and must be prepared by the IUPUI Office of International Affairs (OIA). http://www.iupui.edu/~oia/

Petitions for Permanent Residency (Green Card) Status

International employees who do not have U.S. citizenship or permanent residency (PR) status and who wish to apply for PR status based on their employment at IU must work with the IU Bloomington Office of International Services (OIS). OIS provides services related to university-sponsored permanent residency cases for all IU campuses, including centralized retention of documentation for labor certifications filed by outside counsel.

http://www.indiana.edu/~intlserv/

Self-Petitioned Applications for Permanent Resident Status

The university cannot advise on and will not become involved with applications whereby IU employees apply for permanent resident status on their own. Such applications include PR petitions based on family ties or on the categories of National Interest Waiver or Alien of Extraordinary Ability. These applications are not based on IU employment, and individuals are free to pursue them. However, even though the applicant may be an IU employee, Indiana University does not sponsor, nor sign, these applications. If individuals require outside assistance with such applications, they must consult an attorney. In accordance with the policies of Indiana University's Office of Financial Management Services, the employing unit may not pay for such personal petitions unless they are able to demonstrate that the petition is in the best interests of the employing department. Furthermore, in accordance with the policies of the University Counsel's office, the IU employing unit may not contract outside attorneys to provide such services for their employees.

For more details and the full <u>Guiding Principles and Practices</u> you can <u>download this section</u> as a PDF.

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