



Ohio Administrative Code

Rule 3359-11-23 Petitions for employment-based non-immigrant or immigrant (permanent residency) status.

Effective: September 24, 2023

(A) The teaching, research and service mission of the university of Akron is enhanced by the knowledge and expertise shared by foreign nationals joining our community as teachers, scholars and specialists. In order to employ international faculty and staff, whether on a temporary or permanent basis, federal law requires that an employer file a petition seeking approval of the employment. In order for the university to complete the petitions, certain technical requirements must be met, including attestations as to labor conditions. The university will consider preparation of the petition only after the following threshold facts have been documented:

(1) Petitions for employment-based non-immigrant or immigrant status are based on documented institutional needs. Assisting individuals with successful attainment of non-immigrant or immigrant status for personal or other non-university related reasons is not a valid basis for university sponsorship or offers of university employment.

(2) Job descriptions provided for the preparation of petitions for non-immigrant or immigrant workers accurately describe the actual job duties to be performed by the worker.

(3) Proposed rates of pay are equal to actual wage levels paid to all other individuals employed in similar positions or the applicable prevailing wage for the position being filled, whichever is higher.

(4) Petitions for immigrant workers are based on reasonable expectations of continued employment.

(B) Notice of hiring of a foreign national shall be provided to the office of general counsel as soon as practical, but not later than six (6) months prior to the anticipated start date. The office of general counsel and human resources department must approve the filing of all non-immigrant and immigrant petitions.

(C) Specialty occupation petitions for H-1B non-immigrant or immigrant workers normally will be evaluated only for positions requiring a high level of expertise and terminal degrees in the field, or a



high level management or technical position justifying the university's sponsorship.

(D) Consistent with the parameters set forth herein, the university will agree to sponsor non-immigrant and immigrant petitions only with the approval of the office of general counsel. The hiring department and foreign national must, however, be made aware of the length and complexities of the non-immigrant and immigrant petition application process and the extensive requirements and labor conditions that must be met by both the employee and employer and the fact that immigrant status is subject to timing and approval by the U.S. citizenship and immigration services. International employees are limited to employment for only the length of time determined by his/her initial non-immigrant status and any valid extensions or adjustment to immigrant status, assuming the international employee's job performance is otherwise satisfactory and that adequate and expected continued funding exists.

(E) For those foreign nationals seeking appointment to a tenure-track position, university policy requires the faculty member to have an approved application for permanent residency, prior to submitting an application for tenure. The faculty member need not have actually received permanent residency status (i.e. green card) in order to apply for tenure.

(F) The university may sponsor non-immigrant and immigrant petitions only for university employees and not those of the spouse or dependent(s) of an employee.

(G) The non-immigrant or immigrant worker must have valid work authorization and be physically present in the United States in order to begin and maintain university employment.