

ADMINISTRATIVE DIVISION HR Division of Human Resources	POLICY NUMBER HR 1.25
POLICY TITLE Appointments for Non-US Citizens	
SCOPE OF POLICY University System	DATE OF REVISION July 5, 2019
RESPONSIBLE OFFICER Vice President for Human Resources	ADMINISTRATIVE OFFICE Division of Human Resources

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE FACULTY, STAFF, OR ADMINISTRATIVE EMPLOYEE AND THE UNIVERSITY OF SOUTH CAROLINA. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE UNIVERSITY OF SOUTH CAROLINA RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT. THE UNIVERSITY OF SOUTH CAROLINA DIVISION OF HUMAN RESOURCES HAS THE AUTHORITY TO INTERPRET THE UNIVERSITY’S HUMAN RESOURCES POLICIES.

PURPOSE

This policy clarifies the role of the Office of International Services and provides guidance for units hiring or hosting non-U.S. citizens relative to immigration-related eligibility, filings, and fees.

POLICY STATEMENT

The Office of International Services (HR-OIS) in the Division of Human Resources is the university designee charged with advising and assisting units across all campuses on matters related to hosting or hiring non-U.S. citizens in non-student appointments, including faculty, classified and unclassified staff, and non-salaried affiliates.

A. Hiring or Hosting Non-U.S. Citizens

Hiring or hosting units must contact HR-OIS when a non-U.S. citizen candidate is under consideration for an appointment. HR-OIS has sole responsibility to determine the appropriate U.S. immigration status necessary for a non-U.S. citizen candidate who accepts an offered appointment.

Due to the complexity of the immigration process, hiring and hosting units are advised to allow at least -minimum of six months’ lead time for processing-best resultstime.

B. Titles

Appointment titles must conform to [ACAF 1.06 Academic Titles for Faculty and Unclassified Academic Staff Positions](#), [UNIV 2.50 Affiliate Appointments](#), [HR 1.87 Unclassified Staff in Research Positions](#), and state job classifications.

C. Contingency Clause

Appointment offer letters to non-U.S. citizens must include the following contingency:

If you are a non-U.S. citizen, this offer is contingent upon the following three conditions: (1) upon acceptance of this offer, you must work with the university Office of International Services (HR-OIS) to provide documents required by U.S. immigration law; (2) with the assistance of HR-OIS, you must obtain approval as needed from U.S. Citizenship and Immigration Services to be employed by or affiliated with the university in an appropriate immigration classification prior to the starting date; and (3) the university cannot be responsible for your failure to comply with U.S. immigration laws, nor can we be held liable for limitations set forth in the U.S. Immigration and Nationality Act.

D. Employer Sponsorship

1. HR-OIS [and the legal services provider designated by the Office of General Counsel](#) ~~is~~ are the only entities authorized to represent the university as petitioner for immigration-related benefits from U.S. federal government agencies, such as U.S. Citizenship and Immigration Services, U.S. Department of Labor, and U.S. Department of State.
2. When a non-U.S. citizen offered an appointment requires university sponsorship to obtain temporary authorization for employment or affiliation, HR-OIS evaluates both the appointment and the candidate for eligibility and facilitates the appropriate temporary immigration classification.
3. When the successful candidate for a tenure-track/tenured faculty appointment is a non-U.S. citizen who requires university sponsorship for long-term employment authorization, HR-OIS petitions the U.S. Department of Labor and/or U.S. Citizenship and Immigration Services for long-term employment-based immigration benefits upon receipt of complete position/search documentation from the hiring unit and complete personal documentation from the faculty member. All other appointments are ineligible for university sponsorship of long-term employment-based immigration benefits.
- 4.—To be eligible for Permanent [Labor-Employment](#) Certification, a search for an eligible faculty position must be conducted in a manner that complies with U.S. Department of Labor requirements that the foreign national candidate was selected in a competitive

recruitment and selection process and was found to be more qualified than any of the U.S. workers who applied for

the job. HR-OIS provides guidance and assistance to units who recruit from a world-wide talent pool.

E. Fees

1. The hiring unit is responsible for standard filing fees for university petitions to U.S. Citizenship and Immigration Services, including [Form I-129 Petition for Nonimmigrant Worker](#) and [Form I-140 Immigrant Petition for Alien Worker](#).
2. Discretionary filing fees for university petitions/applications to U.S. Citizenship and Immigration Services, such as [Form I-907 Request for Premium Processing Service](#), are the responsibility of the foreign national beneficiary. Under extraordinary circumstances, the hiring unit may, in consultation with HR-OIS, elect to cover some or all of the discretionary fees.
3. Fees and related expenses for personal applications submitted by the foreign national or accompanying family members are the responsibility of the foreign national. This includes, but is not limited to:
 - [Form I-901 SEVIS fee](#)
 - [Form DS-160 Nonimmigrant Visa Application](#)
 - [Form I-539 Application To Extend/Change Nonimmigrant Status](#)
 - [Form I-130 Petition for Alien Relative](#)
 - [Form I-485 Application to Register Permanent Residence or Adjust Status](#)
 - [Form I-765 Application for Employment Authorization](#)
 - [Form I-131 Application for Travel Document](#)
 - [Form I-693 Report of Medical Examination and Vaccination Record](#)
 - [Form I-90 Application to Replace Permanent Resident Card](#)
 - [Form N-400 Application for Naturalization](#)

PROCEDURES

Procedures, forms and general guidance related to this policy can be found on the [Division of Human Resources website](#).

RELATED UNIVERSITY, STATE AND FEDERAL POLICIES

Code of Federal Regulations Part 656.18.

[ACAF 1.06 Academic Titles for Faculty and Unclassified Academic Staff Positions](#)

[UNIV 2.50 Affiliate Appointments](#)

[HR 1.87 Unclassified Staff in Research Positions](#)

HISTORY OF REVISIONS

DATE OF REVISION	REASON FOR REVISION
July 5, 2019	New Policy
December 13, 2022	Administrative edit to include new name of HR-OIS.
XXX	Updated to add new legal service provider, new policy reference and other minor edits