

ADMINISTRATIVE DIVISION	UNIV University Administration
POLICY NUMBER	UNIV 2.60
POLICY TITLE	Appointment and Employment of Foreign Nationals
SCOPE OF POLICY	University System
DATE OF REVISION	
RESPONSIBLE OFFICER	Executive Vice President for Academic Affairs and Provost and Vice President for Human Resources and Organizational Excellence
ADMINISTRATIVE OFFICE	Office For Global Affairs

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PURPOSE

The purpose of this policy is to define the circumstances under which the University of South Carolina provides immigration sponsorship for foreign nationals in both immigrant and non-immigrant classifications and to clarify the responsibilities of university units in that process. This policy establishes requirements for academic and administrative units that hire or host foreign nationals, including eligibility verification, sponsorship criteria, regulatory compliance, required filings, and associated fees.

DEFINITIONS

Foreign National: is an individual who is: (1) not a citizen of the United States and (2) not lawfully admitted for permanent residence. This term is synonymous with “alien” as defined in the Immigration and Nationality Act (8 U.S.C. 1101a3, see also Code of Federal Regulations, Title 22).

Employment Authorization: authorization granted by U.S. immigration law or U. S. Citizenship and Immigration Services that permits an individual to work in the United States. Employers are required to verify such authorization through the Form I-9 process

Visa: a travel document issued by the U.S. Department of State, usually placed in the passport and generally required when a citizen of another country enters the United States. There are two categories of U.S. visas: immigrant and nonimmigrant. **Immigrant visas** are issued to foreign nationals who intend to live permanently in the United States. **Nonimmigrant visas** are for foreign nationals wishing to enter the United States on a temporary basis - for tourism, medical treatment, business, temporary work, study, or other similar reasons.

Nonimmigrant Visa Sponsorship: the process by which a U.S. entity or individual, such as an employer, petitions to support a foreign national for a temporary stay in the U.S.

Immigrant Visa Sponsorship: the process by which a U.S. entity or individual, such as an employer, petitions to support a foreign national for permanent residence in the U.S.

J-1 Exchange Visitor: a foreign national in the U.S. who holds a temporary, non-immigrant visa status for educational and cultural exchange, and sponsored by a Department of State-approved organization to foster mutual understanding through programs like studying, teaching, researching, or training.

F-1 Student w/Optional Practical Training (OPT): a foreign national who has temporary employment authorization approved by the U.S. Citizenship and Immigration Services (USCIS). F-1 students who have formally completed an academic program may be eligible to receive OPT employment authorization. F-1 OPT employment, including STEM-related OPT, must be directly related to an F-1 student's major area of study.

Legal Services Provider: a law firm designated by the USC Office of General Counsel to provide immigration legal services to the university. Hiring and hosting units are prohibited from retaining independent immigration legal counsel for university-based immigration matters.

Beneficiary: the foreign national who receives an immigration benefit via sponsorship.

POLICY STATEMENT

The University of South Carolina determines, at its sole discretion, when and for whom immigrant or nonimmigrant visa sponsorship will be offered. The International Student and Scholar Support (ISSS) office is the University's authorized designee responsible for advising and assisting units on the employment or hosting of foreign nationals system-wide.

Hiring units may not guarantee visa sponsorship or lawful permanent resident status to any individual.

A. Hiring or Hosting Foreign Nationals

Hiring or hosting units must contact ISSS when a foreign national candidate is under consideration for an academic research appointment or an offer of employment.

Employment and 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 of SC job classifications.

B. Contingency Clause

Employment and/or appointment offer letters to foreign nationals 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 International Student and Scholar Support (ISSS) division of Global Carolina to provide documents required by U.S. immigration law; (2) with the assistance of ISSS, you must obtain approval as needed from the relevant federal agencies 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.”

C. Employer Sponsorship

1. Temporary Employment Authorization

The employment of foreign nationals is an employer-driven process requiring the employer's sponsorship and the filing of corresponding documentary evidence with the U.S. Citizenship and Immigration Services or other federal agencies for the purposes of obtaining the appropriate nonimmigrant status.

The typical pathways for temporary employment authorization at the university are the H-1B program (“specialty occupation”), the J-1 Exchange Visitor Program, and F-1 Optional Practical Training.

ISSS and the legal services provider designated by the USC Office of General Counsel 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. Lawful Permanent Resident Status

The University of South Carolina may support petitions for permanent residency when a foreign national is appointed to a tenure track faculty position. Sponsorship for lawful permanent resident status is an employer-driven process that aligns with the business needs of the hiring unit and presumes that a beneficiary is otherwise eligible for sponsorship. The ISSS, in consultation with legal counsel, will determine the most appropriate and expedient option available for the beneficiary. The typical pathway for permanent employment authorization (the “green card”) sponsorship at the university is EB-2 PERM, also referred to as Faculty Labor Certification, a complex process regulated by the Department of Labor requiring the hiring unit to align recruiting efforts with published guidelines in advance of the recommended appointment.

The ISSS will initiate the petition process with the U.S. Department of Labor and/or U.S. Citizenship and Immigration Services following receipt of complete position/academic search documentation from the hiring unit and a determination from counsel that the advertisement and recruitment process meets minimum regulatory requirements.

Professional track faculty appointments are ineligible for university sponsorship of lawful permanent resident status.

D. 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 petitions/applications to U.S. Citizenship and Immigration Services, such as [Form I-907 Request for Premium Processing Service](#), are the responsibility of the beneficiary. Under extraordinary circumstances, the hiring unit may, in consultation with ISSS, elect to cover some or all 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 DS-260 Immigrant Visa Application](#)
 - [Form I-539 Application To Extend/Change Nonimmigrant Status](#)
 - [Form I-130 Petition for Alien Relative](#)
 - [Form I-485 Application to 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 [ISSS 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](#)

[ACAF 1.00 Recruitment and Appointment of Tenured, Tenure-track, and Professional-track Faculty](#)

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.
September 18, 2024	Updated to add new legal service provider, new policy reference and other minor edits
	Formerly HR 1.25. Changed division from HR Human Resources to UNIV University Administration. Policy changed from Human Resources oversight to International Student and Scholar Support (ISSS) division of Global Carolina; added definitions