

**Faculty Senate Task Force on Faculty Visas
Final Report and Recommendations
April 9, 2021**

Task Force Composition

Faculty representatives – Ekaterina (Kathy) Sedia, Francis Nzuki, Priti Haria, Ramya Vijaya, Xu Song (Bevin), Yulong (Helen) Gu.

Administration representatives – Brian Kowalski, Jiangyuan (JY) Zhou, Joseph W. Sramaty, Michael Angulo.

This report along with the recommendations have been drafted by the faculty representatives. Administrative Representatives provided consultation on current policies.

The Task force was created in December 2019 to address the lack of established policies or guidelines regarding visa support or visa procedures for international faculty at Stockton. Over the years, international faculty have struggled with the lack of support during the initial work visa and the permanent resident visa application processes. Several of the task force members themselves have had experience with this struggle. In addition, a survey of Stockton International Faculty conducted by Spitzer and Zhou (2019) also highlighted the disappointment with the lack of institutional support through what many have described as a “*lengthy and ‘scary’ process.*” The shared personal stories of task force members and the above published study motivated the work of this Task Force. As per the Faculty Senate-identified Task Force charges on [Stockton website](#), the three important research tasks of this Task Force were:

1. Review the current institutional practices of visa procedures and their effect on the retention rate of international faculty;
2. Review policies and best practices at similar institutions in New Jersey;
3. Make recommendations regarding visa procedures and support for international faculty including financial support

All schools were invited to participate. The current faculty members on the task force represent the following schools - ARHU, EDUC, GENS, HLTH, NAMS and SOBL. The Task Force was initially co-chaired by Yulong Gu (Helen) and Arleen C. González. It is currently co-chaired by Yulong Gu and Ramya Vijaya.

The Task Force also included representatives from the following offices:

- Office of Global Engagement
- General Counsel
- Personnel, Labor & Government Relations
- Provost’s Office

The faculty members on this Task Force offered their experiences of the visa process, conducted the review of the policies and best practices at New Jersey institutions and put forth suggestions for improving the process at Stockton. The representatives from the administrative offices played a consultative role, discussing the potential for incorporating the suggestions made by faculty members. The final recommendations included in this report have been drafted by the faculty participants of this Task Force.

Background information and Research on Comparable policies in New Jersey Institutions

Human Resources definition of “international faculty” refers to those on temporary non-immigrant visas. Most international faculty are believed to be on H1B work visa, which is obtained through a Stockton petition. Occasionally certain categories of exchange scholars and international faculty are also on other temporary non-immigrant visas such as O-1, J-1, TN etc. There is a cap for the H1B status, which is 6 years. That is, the maximum amount of time a foreign national can remain in the U.S. in H1B visa status is six years. As a result, many international faculty members who would like to stay at Stockton apply for permanent resident visa, aka the green card. This application is through a Stockton petition as well.

The Following is a summary of the most often used H-1B and Permanent Resident Visa process /vocabulary:

- H-1B work visa
 - Petitioner: Employer
 - H-1B status: 3 years + one potential 3-year extension
 - H-1B visa: may expire annually & require renewal at a U.S. consulate offshore
- Permanent resident visa (green card)
 - Petitioner: Employer
 - Takes 2-6 years to process, & requires heavy paperwork prepared by faculty

The Following is a summary of the support Stockton does and does not provide during the above processes.

- Does Provide
 - Full Support for H1-B petition paperwork and costs (including legal costs) for faculty
 - Partial financial support for Green Card - \$3,750 (towards the total cost of \$9,975)
- Does not Provide
 - Financial Support for Family Members in H1-B petition,
 - Support for annual H visa renewal paperwork or costs.
 - Full financial support for Green Card - (**out-of-pocket cost for faculty= \$6,225**)

- Option to choose from a list of designated outside legal counsel. Currently all faculty have to avail the services of one designated firm (Green & Spiegel) and therefore are unable to obtain competitive pricing for the out-of-pocket costs.
- Clear and transparent explanation of procedures for incoming international faculty including a designated point of contact

As a comparison, the Task Force surveyed the practices at other institutions in New Jersey. Regarding the H1-B work visa support, Stockton and other New Jersey public colleges are similar in providing full support for H1-B petition for the faculty members. Regarding the Lawful Permanent Resident (LPR) process, typically Stockton contributes partially towards the total cost. Among our sister institutions, six institutions (Montclair, NJIT, Ramapo, Rowan, Rutgers, and WPUNJ) have told us that they may provide full financial support for their faculty in the green card application (including filing and legal fees). Three of these six institutions have their policies published on their website, namely, NJIT ([policy & procedures](#)), [Rutgers \(Policy 60.1.2\)](#), and [WPUNJ](#). Table 1 in the appendix includes additional information about this comparison across New Jersey institutions.

Task Force Recommendations

While the Task Force was engaged in its work, Stockton published a new procedure document regarding the sponsorship of foreign nationals in May 2020. Task Force faculty have reviewed this newly published [policy](#) document and had several discussions about the policy with administrative representatives. The following recommendations reflect this ongoing discussion. In making these recommendations faculty members also took into consideration the practices at our sister institutions.

- 1) The Task force recommends transparent and uniform support for visa processing for all foreign national employees hired at Stockton. The same amount of financial support should be available for all foreign employees undergoing comparable visa and permanent residence processing through the University. The amount of financial support should not vary on a case by case basis it should not be the burden of individual employees to negotiate such financial support.
Currently Procedure 6103, G, ii, 3rd paragraph Page 4 mentions *“The University will determine on a case-by-case basis whether to pay the filing and legal fees associated with the I-140 immigrant petitions and the I-485 adjustment of status applications. Any legal fees or costs that the University determines not to pay shall be the responsibility of the Foreign National.”*
This should be clarified to indicate that all will receive same support.
- 2) The Task Force recommends that the University policies and procedures regarding visa processing should be readily available to all employees, including prospective employees. The University plans to create a webpage to explain the hiring process for foreign national employees. The Task force recommends that the webpage should include a clear flow chart explaining the process, timeline and offices involved in initiating the visa and permanent residence sponsorship applications in its various stages.

- 3) The Task Force recommends that there should be designated individuals who are points of contact for foreign employees for periodic updates and questions about the process. The designated individual should be clearly indicated and should be accessible to employees. It is recommended that the individuals are clearly listed in the webpage and the information is updated.
- 4) The Task Force recommends an expansion of the list of designated and approved outside legal counsel to support the immigration paperwork. Currently there is only one approved outside legal counsel that all employees have to use. It is also the task force recommendation that the list should be expanded in a transparent manner by seeking recommendation from employees who have experienced the immigration process themselves.
- 5) The Task Force recommends that the University should commit to covering the full amount of the expense related to work visa petition (including H-1B, O-1, J-1, TN, etc.) and Lawful Permanent Resident (LPR) processing. This is in keeping with practices at other comparable institutions. As has been discussed above six other institutions in New Jersey (Montclair, NJIT, Ramapo, Rowan, Rutgers, and WPUNJ) provide full financial support for their faculty in the green card application process. Currently the University's financial commitment to Lawful Permanent Resident (LPR) processing is \$3,750 compared to the total cost of approximately \$9,975 – i.e., requiring out-of-pocket payment by faculty of around \$6,225. This places a financial burden on foreign national employees and constitutes a pay equity issue in comparison to other employees.
- 6) The Task Force recommend that the policy document clarify that visa processing procedures will be apply to faculty hired under non-tenure track teaching position (NTTP) contracts as well.

Appendix I Visa sponsorship practices of NJ public universities

NJ Public Uni / College	International Faculty # (2020 Spring)	Sponsored visa type	Sponsor payer	Financial support \$ for Green Card	Point of contact for Faculty visa	Must use designated attorney?	Total Enrollment # ⁱ
Kean University	>0	H1-B filing and legal fees (premium processing fee is paid by faculty, unless it's Kean's fault to delay.)	Academic Affairs (\$1500 inc. legal, which is \$2490 cheaper than Stockton HR-reported \$3990)	Kean pays the filing + attorney fee for permanent labor certification (\$2,500). The I-140 & I-485 application fees (\$1925) + legal fees (\$4200) are paid by faculty.	1 HR designated person	No. But Kean has contract with Klasko (I-140 legal fee=\$1700, I-485 legal fee=\$2500, totaling \$4200, which is \$3850 cheaper than Stockton-designated Green & Spiegel quote on legal fee of \$8050)	14056
Montclair State University	78 work visa (asst/assoc prof: 19, instructor: 1, adjunct: 30-35; managerial/professional staff: 23-28) 152 green card holders (most obtained LPR via Montclair sponsorship)	H-1B, O-1, J-1, F-1, TN, E-3, E-3D, Green Card [EB-1, EB-2 (preferring EB-2 Special Handling), EB-3]	The filing fees to USCIS is paid by college/department, the attorney fees are paid by the university counsel office.	filing + attorney (on average, \$5,000-\$7,000) + premium processing fees	Director of International Employment and Immigration, Office of University Counsel	No. But Montclair consults with a law firm, which oversees O-1 and Green card applications. N.B. H-1B initial petition & extension is usually processed in house without attorney fee.	21115
NJ City University	N/A	H1-B		None			7991
NJ Institute of Technology	>0	J-1, H-1B, Green card (EB-1, EB-2, EB-3)	Department	filing + attorney + premium processing fees (>= \$9,000)		Y	11423

NJ Public Uni / College	International Faculty # (2020 Spring)	Sponsored visa type	Sponsor payer	Financial support \$ for Green Card	Point of contact for Faculty visa	Must use designated attorney?	Total Enrollment #ⁱ
Ramapo College of NJ	9 (6 on H-1B + 3 on J-1)	F-1, J-1, H-1B, LPR, O-1, TN, Green Card	Provost Office + Dept	The Provost Office pays the application fee for I-140. For I-485, the department may pay that fee. If the department does not have the funds then the individuals will have to pay from their own pockets.	International Students and Scholars/PD SO/RO, Roukema Center for International Education	N ("Since we process all their documents in house we do not work with outside attorneys.")	6174
Rowan University	0 (currently, but used to have >0)			filing + attorney + premium processing fees			19465
Rutgers, The State University of NJ	>0	J-1, B-1, TN, H-1B, O-1, Green card (EB-1B, EB-2)	Department	filing + attorney + premium processing fees		Y	70876
The College of NJ	15 (H1-B)						7686
William Paterson University of NJ	7	H1-B visa and Green Card (PERM)	Department	filing + attorney + premium processing fees			10198
Stockton University	25	H-1B, PERM	Academic Affairs (\$3990 for H-1B)	\$3,750 [towards the total \$9,975 (filing \$1925 + legal \$8050)], + possibly premium processing fee of \$1,440	General Counsel	Y	9621

ⁱ Student population # in Fall 2018 (<https://nces.ed.gov/collegenavigator>)