SNU Policy: Employment-Based Visa Sponsorship
Procedures SNU Policy ID: Employment Practices B-02A
Policy Reviewed by: Director of Human Resources
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Purpose and Operating Framework

This procedure establishes the framework for evaluating and administering employment-based visa sponsorship requests under Policy B-02. It is intended to support consistent, equitable, legally compliant, and fiscally responsible decision-making while preserving the University's discretion to determine whether sponsorship is appropriate.

Recruitment, Sponsorship Requests, and Preliminary Review

The University is committed to providing equitable consideration to qualified applicants based on lawful, job-related criteria, regardless of whether they are currently authorized to work in the United States or may require future employment-based sponsorship. Decisions regarding sponsorship will be made through a separate institutional review process that considers the University's instructional mission, student success priorities, operational needs, workforce continuity, and other documented institutional interests. In evaluating sponsorship requests, the University will exercise responsible stewardship of its legal, financial, compensation, administrative, and timing obligations; apply consistent standards to ensure fair and equitable treatment; and comply with all applicable immigration, employment, wage and hour, and nondiscrimination laws and regulations.

Because employment-based visa sponsorship involves additional costs and ongoing administrative and compliance requirements, the University generally prefers to fill positions with qualified candidates who do not require sponsorship, while evaluating sponsorship requests on a case-by-case basis consistent with applicable law and institutional needs.

When recruitment efforts indicate that a position is difficult to fill, requires specialized expertise, presents ongoing workforce challenges, or otherwise supports a legitimate institutional need, the hiring department may request consideration of employment-based sponsorship. The request should be submitted to Human Resources and include the position, proposed sponsorship pathway (if known), business rationale, funding source, anticipated duration of need, and any relevant recruitment or retention considerations.

In evaluating whether sponsorship should be pursued, the hiring department is responsible for demonstrating the institutional need for sponsorship and documenting the factors supporting the request. Relevant considerations may include recruitment outcomes, workforce availability, specialized qualifications, programmatic impact, retention needs, and long-term operational requirements.

Human Resources, in consultation with the legal counsel and other appropriate administrators, will review the request to assess legal eligibility, timing, compensation implications, cost, funding, administrative requirements, and consistency with University policy and practice. Sponsorship decisions will be made separately from candidate evaluation and in accordance with Policy B-02 and this procedure.

Hiring managers will not make sponsorship commitments or representations that could reasonably be interpreted as guarantees of sponsorship without prior approval from Human Resources.

Decision Criteria

Sponsorship requests are evaluated on a case-by-case basis. The following factors may be considered and are relevant to the University's consideration of a sponsorship request.

1. Position and Institutional Need

- The position is regular, full-time, ongoing, and important to University operations, instructional quality, student services, or strategic priorities.
- The role requires specialized expertise, credentials, program knowledge, or continuity that supports a legitimate institutional need.
- The position and proposed sponsorship pathway align with applicable legal requirements.

2. Recruitment, Retention, and Workforce Planning

- Recruitment outcomes, market conditions, retention needs, program impact, or workforce continuity may be considered where relevant to institutional need.
- Recruitment and hiring practices must remain lawful, job-related, and nondiscriminatory. • For permanent residency matters requiring labor certification, the University must follow applicable Department of Labor recruitment and labor market requirements.

3. Cost, Compensation, and Operational Impact

- The total anticipated cost is reasonable in relation to the role and institutional need.

- The sponsoring department has identified a funding source and capacity to absorb required costs.
- The request does not require material deviation from established compensation structures or pay practices unless separately reviewed and approved.
- The request does not create undue administrative burden, legal exposure, or inequitable precedent.

4. Employee-Specific Considerations

- The employee or candidate appears able to satisfy the legal requirements for the proposed sponsorship pathway.
- For current employees, the employee must maintain performance expectations and not be subject to an active performance improvement plan or active disciplinary action. • The University has a reasonable expectation of continued employment consistent with the anticipated sponsorship timeline and institutional need.

Temporary Employment Visa Sponsorship

The University may consider temporary employment visa sponsorship, including H-1B, TN, E-3, O, or other employment-based temporary categories when the employee, position, and institutional need support sponsorship and the legal requirements can be met. The University, in consultation with immigration counsel, determines in its sole discretion the appropriate visa category for a given position.

Temporary visa sponsorship does not guarantee continued employment, future extensions, or permanent residency sponsorship. Employment under Optional Practical Training or another temporary authorization does not guarantee future University sponsorship.

1. H-1B Sponsorship

The H-1B category is generally used for specialty occupation positions that require at least a bachelor's degree or equivalent in a specific field and where the employee meets the position requirements. H-1B sponsorship also requires the University to comply with applicable wage, working conditions, notice, and filing obligations.

As a matter of institutional practice, the University generally prefers to use available temporary employment authorization options before considering sponsorship for lawful permanent residency. An initial H-1B period and one available extension may provide a temporary pathway before permanent residency sponsorship is considered, subject to legal eligibility and the University's discretion.

The University may decline or discontinue an H-1B sponsorship request if the petition requires extraordinary or supplemental fees, material compensation adjustments, timing risks, or other legal, financial, or operational burdens that are not aligned with the University's standard approach to sponsorship.

2. Lawful Permanent Residency Sponsorship

Lawful permanent residency sponsorship is a discretionary benefit and is not an entitlement based on employment, length of service, temporary employment visa sponsorship, satisfactory performance, or any other factor. Permanent residency is a materially different and longer-term sponsorship commitment because, once granted, lawful permanent resident status is not limited to the sponsoring employer.

In general, the University will not consider sponsorship for lawful permanent residency while viable temporary employment authorization options remain available. For employees in H1B status, permanent residency sponsorship will generally be considered only when the employee is approaching the final period of available H-1B employment authorization, such as during or shortly after the second H-1B approval period, and the University has determined that continued employment supports a long-term institutional need. This approach allows the University to evaluate the continuing need for the position before making a longer-term sponsorship commitment.

The University recognizes that individuals granted Deferred Action for Childhood Arrivals (DACA) may be authorized to work in the United States pursuant to federal law. DACA status by itself does not provide a basis for employment-based visa sponsorship. As such, the University will consider individuals who are DACA recipients and have successfully completed at least three years of full-time employment at the University on the same basis as other candidates with respect to employment eligibility, qualifications, and position requirements. If an employee who is a DACA recipient seeks employment-based visa sponsorship, the University may evaluate the request in accordance with this policy and applicable legal requirements.

3. Eligibility for Consideration

- The employee is in a regular full-time position that is ongoing in nature and supports a long-term institutional need.
- The employee meets performance expectations and is not subject to an active performance improvement plan or active disciplinary action.
- Employment-based lawful permanent residence sponsorship is appropriate to support the University's documented long-term institutional need, considering the status of the employee's current work authorization and available pathways to regular status.
- The position and employee appear legally eligible for the proposed permanent residency

pathway.



• The sponsoring department and University have reviewed and approved cost, timing, funding, and operational considerations.

Permanent Residency Process

If permanent residency sponsorship is approved, Human Resources, in consultation with legal/immigration counsel retained by the University, will manage the employer-sponsored aspects of the process. Depending on the pathway pursued, these may include labor certification, an immigrant petition, and related employer-required filings. Employee controlled or personal immigration filings remain the employee's responsibility unless otherwise required by law or approved by the University.

When a permanent residency pathway requires labor certification or other recruitment steps, the University will follow applicable legal requirements and counsel's guidance. The existence of a prior search or temporary visa sponsorship does not replace any recruitment or labor market process required for permanent residency.

Situations Where Sponsorship Is Generally Not Supported

To promote consistency, equal treatment, and responsible stewardship, sponsorship is generally not supported in the following circumstances unless an exception is approved by the University President based on compelling institutional need and legal eligibility: • Part-time, adjunct, temporary, seasonal, or term-limited positions.

- Short-term employment where the anticipated duration does not support the cost and administrative burden of sponsorship.
- Requests requiring material deviation from established compensation structures or pay practices.
- Requests with disproportionate costs, unclear funding sources, or undue administrative burden.
- Requests involving an employee with unsatisfactory performance, an active performance improvement plan, or active disciplinary action.
- Requests that cannot be supported under applicable immigration law or within required timing constraints.

Roles and Responsibilities

1. Human Resources

• Coordinate sponsorship requests and maintain consistent institutional procedures. •

Consult with General Counsel on legal eligibility, risk, documentation, and communication.



• Coordinate with hiring departments, Finance, and outside counsel as appropriate.

2. Legal/immigration Counsel

• Advise on legal requirements, risk, and institutional obligations.
• Serve as the authorized signatory or designate an authorized signatory for legal immigration documents filed on behalf of the University.

3. Hiring Department or Supervising Administrator

• Provide the business rationale, position information, recruitment or retention context, and funding source.
• Consult with Human Resources before making sponsorship-related commitments to applicants or employees.
• Monitor performance and employment status of sponsored employees and promptly notify Human Resources of changes.

4. Employee or Candidate

• Provide accurate and timely documentation requested for the sponsorship process. • Maintain valid work authorization and comply with applicable immigration requirements. • Notify Human Resources promptly of changes that may affect immigration status or work authorization.
• Pay employee-responsible costs and comply with any approved repayment agreement.

7. Cost Responsibility

1. University-Paid Costs

If sponsorship is approved, the University will pay employer-required costs associated with employment-based immigration sponsorship when required by law or approved through the sponsorship process. These may include required filing fees, required attorney fees, required recruitment or labor certification costs, and other employer-required sponsorship costs.

2. Employee-Paid Costs

Employees are responsible for personal immigration costs unless payment by the University

is legally required or separately approved. Employee-paid costs may include dependent related expenses, personal legal counsel, consular processing and travel expenses, medical exams, adjustment-of-status filings, travel documents, work authorization renewals, and premium processing requested for personal convenience when legally permissible.

3. Internal Cost Allocation

The sponsoring department is generally responsible for identifying and securing funding for approved sponsorship costs. Institutional support or cost-sharing may be approved in limited cases where there is a documented institutional need or budget constraint. All funding arrangements must be coordinated with Human Resources before sponsorship is initiated.

4. Repayment of Fees and Expenses

In limited circumstances, and only to the extent permitted by federal and state law, the University may require an employee to reimburse certain sponsorship-related expenses if the employee voluntarily separates from employment or is terminated for cause within a defined period after sponsorship or employment begins. Repayment may not include costs that the law requires the employer to pay.

- Departure within 12 months of employment or approved sponsorship begins: up to 100% of recoverable costs.
- Departure between 12 and 24 months: up to 50% of recoverable costs. •

Departure after 24 months: no reimbursement required.

Any repayment terms must be disclosed in writing, acknowledged by the employee, and reviewed for compliance with applicable wage and hour requirements before implementation.

Employment Changes, Termination, and Withdrawal

Employees are responsible for timely maintenance of actions required for continued employment, including submitting renewal applications sufficiently in advance to avoid a lapse in work authorization, as required by law. Employees must promptly notify Human Resources of any change in immigration or employment authorization status that may affect their ability to work. If an employee experiences a lapse in employment authorization or otherwise becomes ineligible to work, the University will take appropriate action in accordance with applicable law, which may include separation of employment, or withdrawing or discontinuing employment based immigration sponsorship where appropriate.

Hiring departments and supervisors and sponsored employees must promptly notify Human Resources of changes affecting sponsored employees, including changes in job duties, work

location, compensation, employment status, leave status, termination, resignation, or nonrenewal. Human Resources and legal counsel will determine whether amended filings, notices, withdrawal, or other actions are required and appropriate under this procedure.

If the University terminates an H-1B employee before the expiration of authorized H-1B employment, the University will comply with applicable notice and withdrawal obligations and, when required by law, may be required to offer reasonable cost of return transportation to the employee's last country of residence. The University is not responsible for dependent travel or relocation costs unless required by law.

In the case of voluntary resignation, the University is not responsible for transportation costs unless required by law or expressly approved in writing.

Travel

Employees with a pending or approved sponsorship matter must notify Human Resources and immigration counsel before international travel, as travel may affect a pending application or jeopardize current work authorization. The University is not responsible for any denial of reentry, visa refusal, or delay resulting from an employee's travel, and will not approve expedited or premium processing requests to accommodate discretionary personal travel.

Dependents, Personal Applications, and Naturalization

The University does not sponsor immigration benefits for an employee's dependents unless legally required or expressly approved. Dependents and related applications are the legal and financial responsibility of the employee.

Naturalization is a personal process and is not funded by the University because it does not determine employment authorization for University purposes.

Documentation and Records

Human Resources will maintain sponsorship-related records in accordance with applicable law and University records practices. Sponsorship decisions should be documented sufficiently to reflect the institutional rationale, legal review, funding source, approval status, and any conditions or repayment terms.