



**Title of Policy:** Employment Based Non-Immigrant and Immigrant Visa Policy

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**Applies to (check all that apply):**

Faculty  Staff  Students

Division/Department \_\_\_\_\_ College \_\_\_\_\_

**Topic/Issue:**

Baltimore City Community College currently employs faculty and staff with visa status. A lawful permanent residence is classified as "immigrant" status (not a U.S. citizen). This status entitles the applicant to live and work in the United States permanently.

H-1B is a non-immigrant visa in the United States under the Immigration and Nationality Act. It allows U.S. employers to employ foreign guest workers in specialty occupations.

**Background to Issue/Rationale for Policy:**

An immigrant is a foreign national who has been granted the privilege of living and working permanently in the United States. An individual must go through a multi-step process to become an immigrant. In most cases, the United States Citizenship and Immigration Services (USCIS) must first approve an immigrant petition, usually filed by an employer or relative. Then, an immigrant visa number must be available, even if the individual is already in the United States. After that, anyone already in the U.S. may apply to adjust permanent resident status. This policy will clarify the College's role in Citizenship and Immigration Services petition processes.

**State/Federal Regulatory Requirements:**

Immigration and Nationality Act, Section 101 (a)(15)(H) Code of Federal Regulations (CFR) at CFR §245

**Policy Language:**

It is the policy of Baltimore City Community College to employ qualified faculty and staff who are knowledgeable, meet the requirements of positions and are lawfully eligible to work in the United States. To meet the needs of the institution, Baltimore City Community College supports the hiring of foreign nationals who are eligible to work in

the United States in specialty and hard-to-fill positions. With the exception of federally mandated fees, the College will not be financially obligated to assist with the expenses related to the petition process.

**Proposed Implementation Date: Upon Board Approval**

**Approved by the Board of Trustees: June 23, 2009**

**Originator/Division: Human Resources**