



OLD DOMINION UNIVERSITY

University Policy

Policy #6026

VISA AND IMMIGRATION SERVICES POLICY

Responsible Oversight Executive: Provost and Vice President for Academic Affairs
Date of Current Revision or Creation: May 17, 2017

A. PURPOSE

The purpose of this policy is to establish the process for handling all immigration-related services for immigrants and non-immigrants coming to the University as students or as employees from a foreign country and to outline the responsibilities of the Office of Visa & Immigration Service Advising (VISA) as well as immigrant and non-immigrant employees and students.

B. AUTHORITY

[Virginia Code Section 23.1-1301, as amended](#), grants authority to the Board of Visitors to make rules and policies concerning the institution. Section 6.01(a)(6) of the [Board of Visitors Bylaws](#) grants authority to the President to implement the policies and procedures of the Board relating to University operations.

[U.S. Department of Labor Employment and Training Administration](#) details Federal requirements for employment through the several agencies involved in obtaining H-1B visa status and employment-based permanent residence.

[Illegal Immigration Reform and Immigration Responsibility Act of 1996](#) defines immigrants or non-immigrants that are unlawfully present.

[Petition for Approval of Schools](#) provides direction on how a school requests an approval to enroll F-1 students.

C. DEFINITIONS

Alternate Responsible Officers (ARO) – University employees who are recognized and authorized by the U.S. Department of State and Old Dominion University to sign authorized immigration documentation and assist J-1 exchange visitors (visiting scholars) in relation to Federal laws and regulations, and to execute Federal forms related to the status and activities of such individuals.

Authorizing University Representative – University employees who have completed training for certificate of eligibility for 1-20 (F-1 students) and/or DS-2019 (J-1 Exchange Visitors) processing and approved by government and University authorities to act on behalf of the University, also known as Designated School Officials (DSO) and Alternate Responsible Officers (ARO).

Designated School Official (DSO) – University employees who are recognized and authorized by the United States Immigration and Customs Enforcement (ICE) and the University to sign authorized immigration documentation and assist F-1 students in relation to Federal laws and regulations, and to execute Federal forms related to the status and activities of such students.

Exchange Visitor (Visiting Scholar) – A non-immigrant coming temporarily to the United States as a participant in a program approved by the Secretary of State for the purpose of teaching, instructing or lecturing, studying, observing, conducting research, consulting, demonstrating special skills, or receiving training.

Immigrant – A person seeking permanent residence and/or citizenship in the United States.

Non-immigrant - An alien who seeks temporary entry to the United States for a specific purpose. The alien must have a permanent residence abroad (for most classes of admission) and qualify for the non-immigrant classification sought. The non-immigrant classifications include: foreign government officials, visitors for business and for pleasure, aliens in transit through the United States, treaty traders and investors, students, international representatives, temporary workers and trainees, representatives of foreign information media, exchange visitors, fiancés of U.S. citizens, intracompany transferees, NATO officials, religious workers, and some others. Most non-immigrants can be accompanied or joined by spouses and unmarried minor (or dependent) children.

Permanent Resident/Resident Alien - Any person who is not a citizen or a national of the United States and intends to permanently reside in the United States.

D. SCOPE

This policy applies to all employees, students and employees of affiliated organizations who are paid through the University. Employees include all staff, administrators, faculty, full- or part-time, and classified or non-classified persons who are paid by the University. Students include all persons admitted to the University and not completed a program of study for which they were enrolled. Student status continues whether or not the University's programs are in session. Affiliated organizations are separate entities that exist for the benefit of the University through an operating agreement and include the Foundations, the Community Development Corporation, and the Alumni Association.

E. POLICY STATEMENT

The University will endeavor to assist immigrants and non-immigrants in obtaining the appropriate status when employed or admitted to Old Dominion University. However, immigration status is the responsibility of the immigrant or non-immigrant and the application process for the appropriate status is initiated and conducted by the immigrant or non-immigrant.

The University will assist each non-immigrant through education, taking necessary actions or otherwise assist non-immigrants in maintaining their legal residency in the United States.

Only the Office of Visa & Immigration Service Advising (VISA) is authorized to prepare, sign and submit official immigration and non-immigration documents to appropriate Federal agencies by delegation of the Provost and Vice President for Academic Affairs. Unless authorized by VISA, no other faculty member, department representative, or attorney has the authority to sign non-immigrant or immigrant petitions and related documents on behalf of the University. Such documents include, but are not limited to, Form I-20 Certificate of Eligibility for F-1 students, Form

DS-2019, Certificate of Eligibility for Exchange Visitor on behalf of students and exchange visitors (visiting scholars), Form I-129, Petition for Non-immigrant Worker, Department of Labor Condition Applications (LCA--Form ETA 9035), Department of Labor PERM Filing (Form ETA 9089) and Form I-140 (Immigrant Petition for Alien Worker)

Failure to comply with these provisions will result in required notification to United States Citizenship and Immigration Services (USCIS) and/or the U.S. Department of Labor, and the petition or other immigration documents that were unauthorized become null and void. The matter will also be referred to the Office of University Counsel to determine whether further action is necessary or desirable.

F. PROCEDURES

1. VISA prepares and signs all employment-based non-immigrant petitions and all permanent resident petitions based on recommendations of hiring managers. VISA may appoint Designated School Officials (DSO) and Alternate Responsible Officers (ARO) to prepare and approve forms for students such as the I-20, Certificate of Eligibility, and form DS-2019, Certificate of Eligibility.
2. If at any time during this process, VISA believes the particular circumstances of an employee's or student's case are beyond the scope of VISA's purview or expertise, the individual will be referred to the immigration attorney designated by the Office of the Attorney General of Virginia. Such legal services will be at the sole expense of the student, employee or the employing department.
3. Under no circumstances shall employees of the University be listed as petitioners or applicants.
4. VISA must be kept informed in a timely manner by department heads, hiring managers and the non-immigrant student or candidate for immigrant status of the status of every such petition or application to avoid duplication of effort or interference with petitions or applications and their related processing.

G. RETENTION

Visa immigration records are retained for ten years after expiration and then destroyed in compliance with the [Commonwealth's Records Retention and Disposition Schedule \(General Schedule 103, Series 200389\)](#).

H. RESPONSIBLE OFFICER

Director of Visa & Immigration Service Advising

I. RELATED INFORMATION

[USCIS Green Card Information](#)
[U.S. Immigration and Customs Enforcement \(SEVIS\)](#)
[U.S. Immigration and Customs Enforcement Student Exchange and Visitors Program](#)
[22CFR Part 62 J-1 Exchange Visitors](#)
[U.S. Department of Labor Employment & Training Administration](#)
[Immigration and Nationality Act](#)
[U.S. Department of State Directory of Visa Categories](#)

[Visiting Scholar/Volunteer Policy](#)
[H-1B Visa Application](#)

