



Office of Vice President and General Counsel

2007 REVISIONS TO

POLICIES AND PROCEDURES
FOR UNIVERSITY OF MIAMI
SPONSORSHIP OF

NON-IMMIGRANT AND PERMANENT
RESIDENCY VISAS

PREPARED BY

OFFICE OF GENERAL COUNSEL

JULY 2007

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The General Counsel's Office is pleased to announce that it has retained the law firm of Fragomen, Del Rey, Bernsen & Loewy, LLP ("Fragomen") to handle the University's non-immigrant and immigrant visa petitions (H-1B, TN, and Permanent Residency Applications). Fragomen is the largest firm in the United States exclusively dedicated to immigration law, with 30 offices worldwide, including over 150 U.S. immigration attorneys and over 700 support staff. Should you wish to learn more about Fragomen please visit their web site at www.fragomen.com.

Fragomen has been retained to provide a comprehensive range of immigration services. The University's retention of Fragomen will streamline the application process, minimize the collection of information required from the Departments, simplify the approval process, and provide a substantial cost savings to the Departments. In addition to preparing and filing work visa (H-1B and TN) petitions, Fragomen will be working with the University community to develop immigration policies and procedures, to ensure compliance with federal immigration regulations, to offer on-going training and to prepare and file UM's Labor Certification applications under PERM. In this regard, Mr. Enrique Gonzalez III, Esq., Managing Partner or other Fragomen University Team attorneys, will be holding weekly office hours at the Coral Gables and Medical campuses.

Fragomen is also providing the University with its own web-based Immigration Home Page (IHP). This portal centralizes all case-related data and combines this data with a host of other useful immigration-related information. Immigration Specialists within the Departments, the Coral Gables Human Resources Office, Medical Campus Human Resources Office, Faculty Affairs, the General Counsel's Office, and employees applying for non-immigrant and immigrant visas will soon have the ability to access the following:

- Online questionnaires to facilitate efficient fact gathering procedures.
- Process flowcharts outlining the steps involved in applying for various nonimmigrant and immigrant visas.
- An extensive collection of frequently-asked immigration questions to assist your staff and employees in gaining a basic understanding of a variety of immigration processes, procedures and terminology.
- Links to government agencies and resources for quick verification of processing times, and for access to the latest immigration regulations and important news.

As a result of the University's retention of Fragomen and to facilitate the University's compliance with recent federal regulations regarding the processing of non-immigrant and permanent residency applications, the University's Policies and Procedures for Sponsorship of Non-Immigrant and Permanent Residency Visas of August 2006 will be revised, as of the week of July 17, 2007, as follows:

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- All H-1B and TN Visas will now be handled by Fragomen (this includes new petitions, amended petitions and extension petitions). The General Counsel's Office will pay Fragomen an annual flat fee to process such applications. Neither the Department nor the employee will be responsible for the payment of attorneys' fees for the processing of applications. The Department or the employee will continue to remain responsible for any filing fees and costs, including the anti-fraud fee required by law for H-1B visa processing. Fees and costs will be billed directly to the Department or the employee by Fragomen. Similarly, the Department or the employee will be responsible for any premium processing fees. Lastly, the flat fee paid by the General Counsel's Office does not include the processing of visas for an employee's dependents. The attorneys' fees for the processing of such visas will continue to be paid by either the Department or the employee.
- The Request to Sponsor Forms will be replaced by electronic questionnaires that will be completed by the Departments' Immigration Specialists and the employees via Fragomen's Immigration Home Page. Training Sessions will soon be held for Immigration Specialists in both the Coral Gables and Medical Campuses to explain the procedures for accessing the Immigration Home Page and commencing the on-line Request to Sponsor.
- With regard to applications for permanent residency, if the Department is paying for the process, whether in whole or in part, the application will be handled by Fragomen. The legal fees for the first part of the application, commonly referred to as PERM, will be paid by the General Counsel's Office as part of the annual flat fee. The legal fees for the second and third components (the I-140 and I-485 stages) will be billed directly to the Department. During the PERM process, the Department will continue to be responsible for the costs of advertisements that must be done during recruitment.
- If the Department is not paying any of the legal fees for the permanent residency application and the application requires a Labor Certification, in order to comply with federal regulations, Fragomen must still handle the PERM component of the application. After the PERM process is completed, the employee will then be free to select, from the list of the University's approved immigration attorneys, an attorney to complete the second and third components of the permanent residency application.
- Applications for J-1 Waivers and O-1 visas that are paid, in whole, or in part, by the Department will be handled by Fragomen. Due to the highly specialized and complex nature of the petition, Fragomen will bill the Department a flat fee of \$3,000.00, plus applicable filing fees and costs, for the processing of the J-1 waiver or O-1 visa.
- H-1B, TN and Permanent Residency applications that were commenced prior to July 17, 2007 will not be subject to the new procedures set forth in this memorandum.

Additional information regarding training sessions, office hours, and the Immigration Home Page will be circulated in the very near future. If you have any questions regarding any of the new procedures, please do not hesitate to contact:

Bill Tallman (Faculty Affairs, Coral Gables)
Lisi Carreno (Human Resources, Coral Gables)
Elizabeth Coker (Faculty Affairs, Medical Campus)
Cristy Salgado (Human Resources, Medical Campus)
Judd Goldberg (General Counsel's Office)