

Memorandum to Attorneys

Re: The role of outside legal counsel in immigration matters pertaining to employment based immigration petitions and applications on behalf of the College.

Dear Sir/Madam:

This memorandum has been prepared for your use in discussions with your College of William and Mary affiliated client. The College of William and Mary (hereafter referred to as “the College”) includes all academic and non-academic units of the College, including the Virginia Institute of Marine Science located in Gloucester Point, Virginia. Specifically, the memorandum addresses the role of outside legal counsel in matters concerning applications or petitions for employment based permanent residency, or non-immigrant status including but not limited to H-1B, O-1, TN, on behalf of the College.

Please be advised that the College of William and Mary maintains in-house expertise on immigration-related matters through a close cooperation between the Global Education Office of the Reves Center for International Studies and the law firm appointed by the Attorney General of the Commonwealth of Virginia. The Global Education Office holds primary responsibility for filing non-immigrant petitions on behalf of the College. As practice, employment based immigrant petitions in which the College is the petitioner are referred by the Global Education Office to the law firm appointed by the Attorney General.

As a state agency of the Commonwealth of Virginia, the College is required to utilize the services of the law firm appointed by the Attorney General in filing any immigrant or non-immigrant petition in which the College is the petitioner and which will not be filed directly by the Global Education Office. Accordingly, for such petitions, no individual except the attorney appointed by the Attorney General may act as an agent of the College. This includes but is not limited to filing forms I-129, I-140, ETA-9089, or preparing and submitting paperwork for any employment based non-immigrant status.

Applicants for employment based permanent residency sought through self-petitioning, that is, in instances where the beneficiary named in Part 3 of the I-140 is the same as the petitioner named in Part 1 of the I-140, may execute Form G-28 and retain outside legal counsel to file the petition. However, neither the College nor any Internal Revenue Service tax number affiliated with the College, may appear in Part 1 or Part 5 of the I-140.

The College reserves the right to interpret the nature of the employment it offers to individuals within the context of labor, immigration, and other statutes and determine whether it will sponsor such employment for an employment based immigration status. Please contact the Stephen Sechrist (sjsech@wm.edu) in the Global Education Office should you have any questions regarding the content of this memorandum or its interpretation. We thank you for your cooperation in these matters.