

Records Retention Schedule for International Scholar and Faculty Services (ISFS) Oregon State University

Effective Date: March 1, 2016

Next Scheduled Review Date: March 1, 2019

This Records Retention Schedule sets a minimum retention period for records described below that are created or maintained by International Scholar and Faculty Services (ISFS) per [University Policy 04-010 for Records Retention at Oregon State University](#).

The office of International Scholar and Faculty Services (ISFS) assists the University on all aspects of hosting visiting scholars and student interns and securing US work authorization and employment-based permanent residence for international hires. ISFS works with all government agencies and ensures that the University complies with immigration laws and regulations.

1. J-1 Exchange Visitors Records

Minimum retention: 3 years after program end date

Electronic documentation of the J-1 application and eligibility screening process, including educational qualifications, financial documentation, program objectives, country of origin, information about dependents, English proficiency, and length of stay in the US. Documentation also includes copies of visa stamp, DS-2019, I-94, and responsibilities form. 22 C.F.R. § 62.10(g)

2. H-1B, E-3, TN, and O-1 US Work Authorization

Minimum retention: 3 years after program end date and/or status end

Electronic and paper documentation of petition submitted to the United States Citizenship and Immigration Service (USCIS) to secure H-1B, E-3, TN, and O-1 work authorization.

Documentation may include materials collected from department, including application with departmental and College authorization to sponsor and information sent to USCIS including a copy of I-129, Labor Condition Application (for H-1B and E-3), employee's CV, department's letter to USCIS, degree, transcript, passport, visa stamp, I-94 printout, and evidence of prior immigration status in US. Copies of I-797 Approval Notice and Receipt Notice from USCIS, if applicable. Pre-hire documentation includes employee questionnaire, copy of offer letter and personal demographic form indicated not a citizen or permanent resident of US. Electronic email correspondence between ISFS and employee and ISFS and hiring department is retained in Sunapsis. Refer to department and OSU Payroll for maintenance of payroll records. 20 C.F.R. § 655.760(c)

3. H-1B and E-3 Labor Condition Applications (LCA)

Minimum retention: 1 year after employment terminated OR LCA withdrawn/expired

Documentation to generate a Labor Condition Application (LC) for an H-1B or E-3 petition, including a copy of the signed, certified ETA 9035 listing prevailing wage and how wage was determined, actual wage survey, wage to be paid to employee, position title, employment dates, EOS/SOC code, the employer's signed acknowledgement to adhere to attestations listed in LCA. Documentation includes proof of the following Dept of Labor requirements: location and duration of LCA posting notices, confirmation that employee received a copy of the LCA, and confirmation regarding LCA availability in public inspection file, including a summary of benefits offered to employees in similar positions. Refer to department and OSU Payroll for maintenance of payroll records. 20 C.F.R. § 655.734(a)(3) and 20 C.F.R. § 655.760(c).

4. Labor Certifications (aka PERM)

Minimum Retention: 5 years from date of filing

Copies of applications for permanent employment certification filed with the Department of Labor and all supporting documentation, including copies of Prevailing Wage Determination (ETA 9035), submitted ETA 9089 with original signatures, filing notices, certified ETA 9089, copy of ad and number of days posted. Copies of recruitment process for either basic recruitment (656.17) or special recruitment for College and University Teachers (656.18). Final report on hiring decision, statement of qualifications of selected candidate, copies of CV of all applicants. Refer to 20CFR 656.10(f), 20 CFR 656.17 and 20 CFR 656.18.

5. Permanent Residence Records

Minimum Retention: 6 years from date permanent residence obtained

Documentation of petitions filed to USCIS for employment-based permanent residence. Includes copies of I-140 petition and all supporting documents, including CV, appointment letter(s), letter from department and College to USCIS, degree, transcripts, experience letters (if applicable), licenses (if applicable), a sample of publications (if applicable). Includes documents from USCIS, including I-140 Receipt Notice, I-140 Approval Notice, Requests for Evidence and Notices of Intent to Deny.