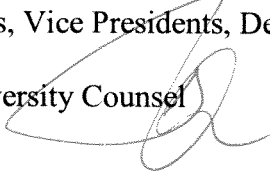


MEMORANDUM

TO: Executive Vice Presidents, Vice Presidents, Deans, Chairs and Directors

FROM: Patrick V. Apodaca, University Counsel 

DATE: March 18, 2009

RE: OUC Guidelines – Outside Counsel for Immigration Law Matters

Attached please find Guidelines setting forth the procedures UNM departments shall follow in connection with the engagement of outside counsel to assist the department when making immigration and visa filings in connection with the hiring of foreign national employees. Promulgated by the Office of University Counsel pursuant to Regents' Policy 2.16, the Guidelines have been approved by President Schmidly and the Executive Cabinet.

Please contact Anne Murray or Anne McGough (277-5035) if you have any questions about the Guidelines.

UNIVERSITY COUNSEL GUIDELINES RELATING TO RETENTION OF OUTSIDE COUNSEL TO ASSIST UNM EMPLOYEES FILING FOR VISAS OR IMMIGRANT STATUS

Pursuant to UNM Regent's Policy 2.16, and after consultation with President Schmidly, University Counsel promulgates the following guidelines relating to the retention of outside counsel, by or through a UNM department, to assist a prospective or current UNM employee filing for visa or immigrant status.

SECTION 1

Use of UNM contract counsel to provide immigration - related law services:

UNM departments may select, through the Office of University Counsel, outside counsel in accordance with these Guidelines and from UNM's preapproved list of qualified immigration law attorneys on contract with UNM ("UNM contract counsel"). For the current list of UNM contract counsel, see:

http://www.unm.edu/oips/all_handouts/attorney.pdf.

Hiring departments will pay attorney and filing fees as well as associated expenses that are mandated by law to be the sponsoring employer's responsibility. UNM contract counsel selected to handle a specific immigration matter will advise the hiring department which filing fees, attorney fees, and associated expenses constitute the employer's legal responsibility. The engagement of UNM contract counsel selected by the hiring department requires the approval of the Office of University Counsel prior to commencement of any work on the specific immigration matter.

The hiring department will document all agreements made on behalf of UNM with the employee regarding immigration related law services in a departmental letter to the employee that is signed by the Chair or other person acting for the department with proper signature authority. Such agreements may be incorporated in the UNM Offer Letter referenced in *University Business Policies and Procedures Manual Policy* ("UBPPM") 3210, Section 4.5 (See also, UBPPM 2010, Section 4.4), or may be set forth in a separate letter dated no earlier than the date of such Offer Letter. A copy of UNM Offer Letter or the separate departmental letter shall be contemporaneously provided to the Office of University Counsel.

SECTION 2

Use of immigration law attorneys other than UNM contract counsel:

A UNM employee or prospective UNM employee may select any immigration lawyer of the employee's choice to represent the employee's interests. If such counsel is not UNM contract counsel, the UNM department may (in addition to paying for legal fees and

expenses that are the employer's legal responsibility) reimburse the employee for fees or expenses related to such counsel's services to the extent authorized by University policies and to the extent not in excess of fees and expenses UNM contract counsel would have charged. The hiring department, however, must still procure and pay for services of a UNM contract counsel to review and approve all immigration work, as well as file all applications, petitions, and other information required to be filed with USDOL and USDHS, on behalf of UNM as employer. The hiring department will pay the filing fees, attorney fees, and associated expenses in accordance with paragraph 2 of Section 1, above.

The hiring department will document all agreements made on behalf of UNM with the employee regarding immigration related law services in a departmental letter to the employee that is signed by the Chair or other person acting for the department with proper signature authority. Such agreements may be incorporated in the UNM Offer Letter referenced in *University Business Policies and Procedures Manual Policy* ("UBPPM") 3210, Section 4.5 (See also, UBPPM 2010, Section 4.4), or may be set forth in a separate letter dated no earlier than the date of such Offer Letter. A copy of UNM Offer Letter or the separate departmental letter shall be contemporaneously provided to the Office of University Counsel.

SECTION 3

Employee's self- processing of immigration paperwork (without assistance of counsel):

An employee or prospective employee may choose to prepare applications and other paperwork for visa or immigrant status on his or her own. In such event, a hiring department must nonetheless procure and pay for services of UNM contract counsel to review and approve all self-processed immigration work, as well as file all applications, petitions, and other information required to be filed with USDOL and USDHS on behalf of UNM as employer. The hiring department is required to pay the filing fees, attorney fees, and associated expenses in accordance with paragraph 2 of Section 1, above.

The hiring department will document all agreements made on behalf of UNM with the employee regarding immigration related law services in a departmental letter to the employee that is signed by the Chair or other person acting for the department with proper signature authority. Such agreements may be incorporated in the UNM Offer Letter referenced in *University Business Policies and Procedures Manual Policy* ("UBPPM") 3210, Section 4.5 (See also, UBPPM 2010, Section 4.4), or may be set forth in a separate letter dated no earlier than the date of such Offer Letter. A copy of UNM Offer Letter or the separate departmental letter shall be contemporaneously provided to the Office of University Counsel.