

## Immigration and Permanent Residency

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Certain employees, given their achievements, may seek to file Extraordinary Ability Petitions, Outstanding Professor/Researcher Petitions. Other positions may seek to file under the PERM Labor Certification Application process.

Under the PERM processing, an individual usually has to go through a three-step process to receive permanent residency. The time taken for the process depends on the type of immigrant category and the country of birth.

- Individuals may be considered for University sponsorship for U.S. legal permanent residency if the position is permanent.
- Each individual's circumstances and qualifications will be evaluated by the Human Resources (HR) Department as not all individuals will qualify for sponsorship even if the individual maintains an eligible job title.

### Teaching Faculty Positions – Full-time tenured or tenure track

- Assistant Professor
- Associate Professor
- Full Professor
- Clinical Professor

### Research Positions – Full-time non-tenure track and/or research scholars

- Assistant Professor
- Associate Professor
- Professor approved for primary project of research activities
- Librarians may be eligible
- Research Associates or higher may be eligible
- Post-doctoral positions and positions with a definite end-date are not considered “permanent” according to US Citizenship and Immigration Services (USCIS) and Department of Labor (DOL) regulations. Temporarily funded positions must be discussed with the HR Department to determine whether they meet government regulations for permanent residency.

### Staff Positions

- Only in exceptional cases where a full-time permanent position has been documented as “difficult to fill” by the Human Resources (HR) Department.
- Very few exceptions for staff shall be made due to the complexity of the petition process and the low chance of success.

### Employer Sponsorship

Employment based Legal Permanent Residency (LPR) status often requires employer sponsorship. Depending on the type of position being offered, the qualifications of the foreign national and the specific type of immigration procedures required, the University may choose to sponsor or

support the application by signing certain immigration documents verifying it is offering the employee a permanent position.

The University's immigration legal council will provide legal services to process LPR applications. Faculty and staff may need to pay all or some of the legal and processing fees depending upon the type of process that is pursued. The University is required to pay certain fees associated with each application; the employee will be required to pay any remaining costs.

- Sponsorship must be in the best interest of the University.
- Sponsorship for permanent residence does not constitute a guarantee of lifetime employment or of tenure.
- The employer files the application on behalf of the foreign national employee and who is liable with regard to the good faith and trueness of the petition.
- Sponsorship decisions are based solely on the institutional needs for a candidate's unique skills and expertise; otherwise, it would subject the University to liability as well as compromise the institution's reputation.

### **Employment Status**

- All employment-based permanent residence sponsored employees are to remain in employment during the pending of his/her application.
- An application will be withdrawn if a change in the employment status such as a reduction of time, leave of absence, change in the job title or duties, or termination occurs.

### **Basic outline of obtaining permanent residency or Green Card through an offer of employment in the U.S.**

In summary, the employer-sponsored permanent residency process has three stages:

(1) the labor market determination and submission of the PERM Labor Certification Application to the U.S. Department of Labor;

(2) the submission by the employer of the I-140 Immigrant Petition to the U.S. Citizenship and Immigration Services (the "USCIS"); and

(3) the submission by the employee of the I-485 Adjustment of Status Application to the USCIS.