

U.S. Permanent Residency - University Policies And Procedures

Responsible Officer: Vice President for Human Resources

Sponsoring Department: Equal Opportunity Services

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PURPOSE

The purpose of this policy is to:

- A. Identify those positions for which The University of Texas at Arlington will consider employer based permanent residency sponsorship.
- B. Establish the procedures for requesting, obtaining approval for, and processing employment based Permanent Residence petitions for The University of Texas at Arlington.
- C. Establish immigration procedures in compliance with state and federal laws as well as related institutional policies and procedures.

INTRODUCTION TO THE UNIVERSITY OF TEXAS AT ARLINGTON SPONSORSHIP FOR PERMANENT RESIDENCY POLICY

A. **Scope of Policy and Procedure**

This information is for The University of Texas at Arlington hiring departments who are interested in sponsoring a foreign national for U.S. legal permanent residence and for foreign nationals. In addition to university policy and processes regarding such sponsorship, included is general information about immigration law requirements for obtaining U.S. legal permanent residency (LPR) under specific employment based categories.

B. **Legal Permanent Residency - Terminology**

Legal permanent residency (LPR) is also referred to as the "green card", "immigrant", and "resident alien" process. LPR status allows an individual to live and work in the US for an employer without the time limitation typical of non-immigrant visas. LPR status typically follows several years in a non-immigrant status such as H1B, TN, O-1, J-1 or F-1.

C. **Employer Sponsorship**

Employment based LPR status often requires employer sponsorship. What does it mean to be "sponsored" by The University of Texas at Arlington for permanent residency? The term "sponsor" refers to the act of lending support to an application through the means of a long-term job offer. 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. Sponsorship must be in the best interest of the University. **An offer of a permanent position refers to an offer of a long-term position at the University. Sponsorship for permanent residence does *not* constitute a guarantee of lifetime employment or of tenure.**

D. **"Best Interest" Sponsorship**

What does it mean to sponsor a foreign national for Permanent Residence "**if it is in the best interest**" of The University of Texas at Arlington? Most employment-based permanent residence petitions are contingent upon a full-time, long-term employment relationship. *In these cases, it is the EMPLOYER who files the application on behalf of the foreign national employee and who is liable with regard to the good faith and veracity of the petition.* For this reason, "in the best interest of the University" means sponsorship decisions are based solely on institutional need for a candidate's unique skills and expertise, and not on "personal favors." To do otherwise would subject The University of Texas at Arlington to liability, as well as compromise the institution's reputation.

POSITIONS THAT WILL BE CONSIDERED FOR SPONSORSHIP

A. **Eligibility**

1. Individuals in the following categories may be considered for University sponsorship for U.S. legal permanent residence if the position is "**permanent**". Permanent is defined as a position in which there is no anticipated ending date on the part of both the employer and the employee. The foreign national must have no plans to cease employment at the University throughout the Permanent Residence process. Again, it does not mean an individual has a guarantee of lifetime employment or of tenure.
2. Please also note that **eligibility for sponsorship is not based solely on the position/job title of the individual. Each individual's circumstances and qualifications will be evaluated and not all individuals will qualify for sponsorship even if the individual maintains an eligible job title.**

B. **Table: Eligibility for LPR Sponsorship**

The Following is a list of the types of positions The University of Texas at Arlington will sponsor: ***Positions Eligible for Legal Permanent Resident Sponsorship at The University of Texas at Arlington***

	Teaching Faculty Positions	Research Positions	Staff Positions
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<p>Eligible for LPR Sponsorship</p>	<p>Full-time tenured or tenure track with title of:</p> <ul style="list-style-type: none"> • Assistant Professor • Associate Professor • Full Professor • Clinical Professor 	<p>Full-time non-tenure track with title of:</p> <ul style="list-style-type: none"> • Assistant Professor • Associate Professor • Professor approved for primary project of research activities • Librarians may be eligible • Research Associates or higher may be eligible <p>***Postdoctoral Fellows are not eligible for sponsorship***</p>	<p>None, only in exceptional cases where a full-time permanent position has been documented as "difficult to fill" by the Office of Human Resources</p> <p><i>Very few exceptions shall be made due to the complexity of the petition process and the low chance of success.</i></p>
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C. Teaching Faculty Positions

Full-time tenured or tenure-track faculty with title of: Assistant Professor, Associate Professor, Full Professor, or Clinical Professor. Permanent Residency Sponsorship is not available for part-time faculty with title of Adjunct, Instructor, or Lecturer. **Please**

note that University and College Teachers are eligible for an "Optional Special Recruitment" as part of the permanent residency petition process. This is a faster, less expensive petition option. However, in order to qualify for this option, the petition must be initiated within 18 months of the offer of employment, and an advertisement must have been placed by the department in a national professional journal when recruiting for the position. Departments should keep this 18 month deadline in mind when considering sponsorship of teaching faculty for permanent residency. For more information about the petition process, see [LPR Petition Options](#).

D. **Research Faculty Positions/Faculty Rank**

Full-time non-tenured track faculty members holding the title assistant professor, associate professor or professor approved for the primary project of research activities. *It does **not** include post-doctoral positions.* It does include titles under associates of the faculty like Librarians. The hiring department must be able to demonstrate that it is a permanent position. Grant-funded positions may be considered if there is a reasonable expectation that the grant for the position will last into the foreseeable future. **Non-tenure track faculty members** and/or **research scholars** with the rank of research associate or higher *may* be eligible.

E. **Staff Positions**

1. **Not eligible**

- a. Staff positions are **not** eligible for sponsorship. In rare cases, full-time staff permanent position that are documented as "difficult to fill" by the Office of Human Resources *may* be eligible when other non-immigrant options are exhausted. A permanent resident application for non-academic staff members requires a bona-fide job search including posting through Human Resource published job descriptions, newspaper ads, and demonstration that no qualifying US worker is available.
- b. *Exceptions to the above criteria are considered for extraordinary circumstances on a case-by-case basis by the Executive Director of Equal Opportunity Services and/or the Vice President for Human Resources and/or The Office of the Provost. A request for an exception must be first submitted to the Executive Director of Equal Opportunity Services.*

2. **Change in Employment Status**

All employment-based permanent residence sponsored employees are to remain in 100% paid employment status during the pendency of the application. An application will be withdrawn if a change in the employment status such as reduction of percentage of time, leave of absence, change in the job title or duties, or termination occurs.

A. Requirement for Formal Request

1. A department requesting to sponsor a foreign national employee will submit a formal request signed by the Chair and Dean to the International Employment Specialist. Not all positions at The University of Texas at Arlington will be sponsored for U.S. Legal Permanent Residency. *Departmental Request to Initiate Legal Permanent Resident* ([Form 22-4](#))

2. Sponsoring Department Makes Final Determination as to Sponsorship

Following the meeting, the department will review the sponsorship process and all associated costs and will make a final determination as to whether it wishes to go forward and sponsor the foreign national employee for permanent resident status. The department is responsible for informing the employee of its decision, and the department must notify the International Employment Specialist of its final determination as to sponsorship.

3. Office of Equal Employment Services, International Employment Specialist

- a. The International Employment Specialist will begin the legal permanent residency petition process by gathering and submitting all required forms and documentation. Please note that significant cooperation from the department and the foreign national employee is required for the process, and in some cases, the department and foreign national employee must engage in extensive activities related to the petition process.
- b. Some cases may require the assistance of an outside attorney. In this event, the International Employment Specialist will be responsible for contacting the attorney and coordinating between the department, the employee, and the attorney. All activities related to the foreign national employee's petition for permanent residency will be handled through, and with the assistance of, the International Employment Specialist. The International Employment Specialist will keep the department and the employee informed of the petition process.

4. Fees involved in sponsorship

The sponsoring department is responsible for all of the costs which the University is obligated to pay when sponsoring a foreign national for permanent residency. These costs include the I-140 petition fee of \$580 and any associated legal fees. Total cost may range from \$2,250-\$7,305 for the departments if outside legal services are required. In addition, departments may need to re-recruit for an employee's position under the PERM system, which is an internal cost incurred by the department, and which the department cannot pass onto the employee. Paperwork and filing fees beyond the initial I-140 petition may cost individual employees up to an additional \$5000, for which they are responsible. It is very important for departments to consider these costs before moving forward with the sponsorship process.

5. Authority

- a. The Executive Director of Equal Opportunity Services, the Office of the Provost and /or Vice President for Human Resources review all requests for sponsoring an international employee for employment-based U.S. Legal Permanent Residency and have the final right of decision to a sponsoring department's appeal on a denied request to initiate a Permanent Residency application. If the Executive Director of Equal Opportunity Services, Provost and/or Vice President for Human Resources approves a request for sponsorship, it is then forwarded to the International Employment Specialist, in the Office of Equal Opportunity Services (EOS), for further processing.
 - b. The Vice President for Human Resource, by the signatory power of the Office of the President at The University of Texas at Arlington, is the sole authorized official eligible to sign any documentation required for filing applications for U.S. Legal Permanent Residence. The International Employment Specialist at the Office of Equal Opportunity Services reviews all applications prior to referring them for signatures to the Vice President for Human Resources. If you have any questions, please contact Eddie Freeman, Executive Director of Equal Opportunity Services, and/or Linda Manning, International Employment Specialist.
 - c. The Office of Equal Opportunity Services does not provide personal legal advice to foreign national employees on the subject of U.S. Legal Permanent Residency and/or other immigration issues. The International Employment Specialist does provide information and assistance to a UT Arlington sponsoring department filing legal immigration documentation for UT Arlington so that a foreign national, "Beneficiary", can be legally employed when it has been determined that such employment is in the best interest of UT Arlington.
6. Institutional Case Ranking Guidelines Unless the Vice President for Human Resources decides otherwise, the EOS will prioritize cases for U.S. Legal Permanent Residence as it determines necessary, depending on the number of pending cases and staffing constraints. Some of the factors that will be considered in prioritizing cases include:
- Whether a given case has a deadline for submission;
 - The relative permanence of employment of each case;
 - The length of service of the employee at the University;
 - The length of time the employee has already spent in the H-1B status;
 - The length of time the employee can continue to remain in H-1B status;
 - The likelihood that a case will be approved;
 - The seniority and level of the University position, as determined by salary and other considerations;
 - Whether the employee has other reasonable options for permanent residence, such as self-sponsorship and family sponsorship.

CONTACTS

Please contact the Office of Equal Opportunity Services, Box 19569, Eddie Freeman, Executive Director of Employment and Equal Opportunity Services, at 2-2106 or efreeman@uta.edu with any questions.

DISCLAIMER

The Information contained in this handout should not be construed as legal advice, but is intended for the general, informational use by The University of Texas at Arlington community members.

WEBSITE ADDRESS FOR THIS PROCEDURE

<http://www.uta.edu/policy/procedure/14-3>