

POLICY FOR LAWFUL PERMANENT RESIDENCY PETITIONS

UNIVERSITY OF CENTRAL ARKANSAS

SCOPE:

This policy applies to all University of Central Arkansas (UCA) staff and faculty.

PURPOSE:

The term lawful permanent resident (LPR) is used to describe a foreign national who has been granted the privilege of residing permanently in the United States. This status is conferred via an I-551 stamp in the individual's passport and an I-551 card (commonly known as a "green card"). UCA, in some instances, serves as the sponsor for employer-based permanent residency petitions.

The purpose of the policy is to establish a campus procedure on the issue of permanent residency. The policy (1) clarifies UCA's role in supporting faculty, staff, and researchers who are petitioning to apply for permanent residency; (2) identifies eligibility for which UCA will consider providing employer-based permanent residency sponsorship; (3) establishes procedures for requesting and obtaining approval for the processing of employer-based permanent residency petitions; (4) establishes the responsibility for payment of attorney's fees and filing fees; (6) addresses retention of outside counsel; and (7) addresses miscellaneous provisions.

All employer-based permanent residency petitions filed by UCA must adhere to the process and procedures given below.

UCA'S ROLE:

UCA will provide support, with the proper approvals, to faculty and to staff members seeking permanent-residency status under an EB-2 category. UCA reserves the right to determine, in consultation with its contracted legal counsel, acceptable cases for sponsorship under a different category, such as EB-1 or EB-3, if in the best interest of UCA.

For faculty, permanent-residency petitions will be processed based upon an official request by the department chair employing the foreign national, with approval from the college dean, and with the approval from the provost/executive vice president for academic affairs.

For staff, permanent-residency petitions will be processed based upon an official request by the immediate supervisor employing the foreign national, with approval from the director of the division employing the foreign national, and approval from the vice president over the area employing the foreign national.

ELIGIBILITY:

A petition for permanent residency may only be filed for an employee who serves in a permanent, full-time position and/or a tenured/tenure track position at UCA. Permanent is defined as those positions that are expected to continue indefinitely and in which the employee intends to remain indefinitely. "Adjunct," "Visiting," "Temporary," or "Interim" positions do not meet the definition of permanent.

The employee will be eligible to pursue permanent-residency status after being employed three full years with UCA. UCA reserves the right, in limited cases, to consult with contracted legal counsel to determine acceptable cases for sponsoring a permanent-residency petition prior to the three-full years of employment. The department chair (or immediate supervisor) may recommend sponsorship of the employee prior to the general three-year period if it is either required for on-going employment or is in the best interest of UCA.

PROCEDURE:

The following steps must be followed to initiate and to complete a request for permanent residency:

1. The department chair (or immediate supervisor) will initiate the "Authorization for Permanent Residence" Form. The department chair (or immediate supervisor) will also provide supporting documentation for the request such as rationale for the request, title of the position in question, credentials of the individual on whose behalf the petition will be filed, and a statement describing the individual's abilities and qualifications. The department chair (or immediate supervisor) will submit the completed form to the college dean (or director of the division) for consideration. If approved by the college dean (or director of the division), the college dean (or director of the division) will submit the completed form to the provost/executive vice president for academic affairs (or vice president over the area) for consideration.
2. The authorization form will be sent to UCA's legal counsel (or a designee of UCA's legal counsel) upon approval of the chair (immediate supervisor), dean (director), and provost (vice president). UCA's legal counsel (or a designee of UCA's legal counsel) will notify contracted legal counsel and human resources of the request to petition for permanent residency.
3. Contracted legal counsel will provide a letter of representation designating his/her responsibilities and designating payment of fees by UCA and by the employee. The employee and the provost (or vice president) will sign the letter, which UCA's legal counsel (or a designee of UCA's legal counsel) will return to contracted legal counsel.
4. Contracted legal counsel (or a designee of UCA's legal counsel) will request supporting information as necessary through UCA's legal counsel.
5. UCA's legal counsel (or a designee of UCA's legal counsel) will work with the employing department and the foreign national to obtain all necessary forms and supporting documentation as requested by the contracted legal counsel.
6. If advertising is necessary, UCA's legal counsel in conjunction with the employing department will requests any necessary recruitment assistance.

ATTORNEY'S FEES AND USCIS FILING FEES:

Employees and UCA will share in the responsibility for all legal fees associated with permanent residency process.

UCA, as the employer sponsor, will cover all attorney expenses related to the Department of Labor Certification Process for PERM filings (both the Prevailing Wage Determination and the Labor Certification Application), and any additional fees that the employer is required to pay as required by law. For faculty, a designated university fund maintained by the provost/executive vice president for academic affairs will be used to pay the attorney expenses related to the Department of Labor Certification Process for PERM filings (both the Prevailing Wage Determination and the Labor Certification Application). Support from this fund will be allocated on a first-come, first-served basis until the funds allocated for the year have been exhausted.

The employee will be responsible for all attorney expenses and filing fees related to (a) the Immigration Petition (Form I-140) and (b) the Adjustment of Status (Form I-485).

All other fees are the responsibility of the department or foreign national. For example, and although not exhaustive, when an I-907 Premium Processing Fee is incurred in processing the I-140 Form, the department or foreign national will be responsible for the fee.

Unless required by law, UCA will not pay any costs associated with applications filed on behalf of dependents of the employee.

SELECTED COUNSEL:

A private attorney may be engaged to represent the foreign national in a permanent-residency petition as long as it is a self-petition. Employees choosing a self-petition to permanent residency may ask supervisors for letters of reference for their petition. The employee's department should confirm that the permanent-residency petition is not signed or filed on behalf of UCA by the employee in reliance on an existing or future position.

If it is an employer-based petition, UCA uses contracted legal counsel to advise and to coordinate the process of sponsoring foreign nationals for permanent residency. Only the designated legal counsel may be engaged to process a UCA sponsored employer-based permanent residency petition. UCA departments may not hire an immigration attorney to file an employer-based permanent residency petition.

MISCELLANEOUS:

All UCA employer-based permanent residency petitions filed by UCA are considered to be petitions controlled by UCA and, as permitted by law, may be withdrawn by UCA at any time.