

USA Pathway to Permanent Residency Sponsorship (Form I-140)

PERMANENT RESIDENCY OVERVIEW

Permanent Residency, also known as the “Green Card”, is an immigrant visa status. There are many different paths to obtaining Permanent Residency, but the University of South Alabama can petition for only specific employment-based categories.

CRITERIA FOR USA PERMANENT RESIDENCY SPONSORSHIP

In general, the University will sponsor Permanent Residence petitions (Form I-140) for staff or faculty under the following conditions:

1. The candidate holds a permanent or tenured/tenure track position at the University of South Alabama. "Permanent" is defined by immigration guidelines as employment that is intended to be of an indefinite or unlimited duration. In other words, the nature of the position is such that the employee will ordinarily have an expectation of continued employment.
2. The position demonstrates secured funding that is either regular in nature, or in the case of a grant-funded position, includes a reasonable expectation that funding will continue.
3. The candidate maintains a valid non-immigrant employment status while the application is being processed.

USA reserves the right to determine acceptable cases under employment-based categories where the long-term services of an employee are deemed to be in the best interests of the University and there are assurances of a long-term commitment on the part of both the employing department and the employee.

CATEGORIES SPONSORED BY USA

The categories of Permanent Residency which the University of South Alabama may sponsor as an employer are:

- EB-1: Outstanding Researcher/Professor
- EB-2: Advanced Degree Holders
- EB-2: Exceptional Ability in the Sciences, Arts, or Business
- EB-3: Professional or Skilled Worker

University employees whose circumstances foreclose using an employer-sponsored category may self-petition for PR through other categories such as Alien of Extraordinary Ability (EB-1) or the National Interest Waiver (EB-2). Employees in this situation are encouraged to consult with competent legal counsel about their individual situation before commencing proceedings under either of those categories.

Employees choosing either the EB-1 Alien of Extraordinary Ability or EB-2 National Interest Waiver paths to PR may ask supervisors for letters of reference for their petition. The employee's department should confirm that the PR petition is not signed or filed on behalf of the University by the employee and/or a non-approved attorney in reliance on an existing or future position.

Disclaimer: The Office of Immigration and International Admissions is able to provide you with general guidance. However, any advice provided to you by our office, as well as the information in this packet, does not constitute legal advice. Additionally, due to the fluid nature of governmental interpretation, USCIS may change its interpretation of the above mentioned immigration policies, procedures, regulations, and eligibility requirements for benefits at any time. This office will do its best to provide you with the most current guidance, but please be mindful that each case is fact-specific. OIIA will recommend an experienced immigration attorney if your case requires legal assistance.

UNIVERSITY OF SOUTH ALABAMA APPROVED OUTSIDE IMMIGRATION COUNSEL

The University of South Alabama uses select outside legal counsel for all employment-based, USA-sponsored Permanent Residency filings. University departments **MAY NOT** hire an immigration attorney to file a USA employer-sponsored PR petition without approval of the sponsorship using this form. Departments with questions about the retention of immigration counsel to represent the University in the filing of an employer-sponsored PR petition may contact the Office of Immigration & International Admissions.

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SPECIAL HANDLING PROCESS FOR TEACHING POSITIONS - *ESTIMATED* ATTORNEY & FILING FEES

SERVICE OFFERED	ATTORNEY LEGAL FEE	FILING FEE/COSTS
SPECIAL HANDLING LABOR CERTIFICATION (FOR TEACHING POSITIONS)	Approx. \$3000	Advertising Costs
I-140 FILING BASED ON LABOR CERTIFICATION	Approx. \$2500	\$700
I-485 ADJUSTMENT OF STATUS	Approx. \$1500 (+ Approx. \$750 Per Dependent)	\$1140 per applicant (+ \$750 per child under age 14)
COST TO USA DEPARTMENT	Approximately \$3,000 - \$5,080	

STANDARD LABOR CERTIFICATION FOR NON-TEACHING POSITIONS - *ESTIMATED* ATTORNEY & FILING FEES

SERVICE OFFERED	ATTORNEY LEGAL FEE	FILING FEE/COSTS
STANDARD LABOR CERTIFICATION (FOR NON-TEACHING POSITIONS)	Approx. \$3000	Advertising Costs
I-140 FILING BASED ON LABOR CERTIFICATION	Approx. \$2500	\$700
I-485 ADJUSTMENT OF STATUS	Approx. \$1500 (+ \$750 Per Dependent)	\$1140 per applicant (+ \$750 per child under age 14)
COST TO USA DEPARTMENT	Approximately \$3,000 - \$6,080	

EB-1 OUTSTANDING RESEARCHER/PROFESSOR & EB-2 EXCEPTIONAL ABILITY CASES
***ESTIMATED* ATTORNEY AND USCIS FILING FEES**

SERVICE OFFERED	ATTORNEY LEGAL FEE	FILING FEE/COSTS
I-140 FILING BASED ON EB-1 OR EB-2 EXCEPTIONAL ABILITY	\$4000 - \$6000 **	\$700 **
I-485 ADJUSTMENT OF STATUS	\$1500 *** (+ \$750 Per Dependent)	\$1140 per applicant *** (750 per child under age 14)
COST TO USA DEPARTMENT	\$0 - \$6580	
COST TO INTERNATIONAL FACULTY/STAFF MEMBER	\$2700 - \$5300 (for faculty member) \$2400 (for spouse and/or children between 14 and 21) \$2500 (for children under 14) (+ Civil Surgeon Fees - \$200-\$300 per person)	

* Labor Certification and I-140 Attorney and Advertising Costs are entirely the responsibility of USA as the employer and must be paid by the sponsoring department/college.

*** I-485 Attorney Fees and Filing Fees for the employee and dependents are the responsibility of the employee.

Please note: The department is *not* responsible for dependent legal and filing fees.

USA Internal Procedures

To begin sponsorship of a faculty or staff member for Permanent Residency at the University of South Alabama (USA), sponsorship must be approved. Approval is required for all USA supported permanent residency applications as follows:

1. **Faculty Sponsorship Approval:** Chair > Dean > Provost/Division Head > Office of Immigration and International Admissions
2. **Staff Sponsorship:** Chair/Director > Division Head > HR Director > Office of Immigration and International Admissions

After the PR Sponsorship is approved, the Chair/Director selects outside counsel (either Tedrow and Myers Immigration Law Group or Ware Immigration) to represent USA. Outside counsel will consult with the department, faculty/staff member, and Manager of Immigration via conference call to determine the appropriate path to PR sponsorship. The Office of Immigration and International Admissions will then submit appropriate forms and documents to outside counsel for preparation of petition(s).

Outside counsel processes all PERM/Special Handling paperwork in close conjunction with the Office of Immigration and International Admissions and the sponsoring department. At the point of filing of the I-140, the Manager of Immigration will sign G-28 forms, the I-140 (and I-907 as applicable), as well as the Labor Certification.

Once the I-140 has been approved, the employee may petition for Permanent Residency. It is advised the employee hire the same immigration attorney that handled the I-140, but it is not required. Employee can choose to self-petition or hire outside counsel. Employee is responsible for Permanent Residency petition expenses. Employee must provide the Office of Immigration and International Admissions with a copy of the approved Permanent Resident card.

SPONSORED EMPLOYEE DETAILS

1. Employee Name: _____

2. Position Title: _____

3. Jag ID: _____

4. Is this a tenure accruing or permanently-funded position: Yes No

5. If the position is not tenure accruing or permanent, what is the nature of the funding for the position and expectation of continuance of funding (e.g. 1-year contract extensions with expectation of indefinite continuation of funding):

REQUIRED APPROVAL SIGNATURES

1. Department Chair/Director Signature: _____ Date: _____

Name and Title of Department Chair/Director: _____

2. Provost/Division Head Signature: _____ Date: _____

Name and Title of Dean/Division Head: _____

3. HR Director Signature (**staff only**): _____ Date: _____

Name of HR Director: _____

4. Immigration Coordinator Signature: _____ Date: _____

USA Sponsoring Department Initiates Sponsorship

- 1. Chair/Director Reviews and Signs Sponsorship Form**
- 2. Provost/Division Head Reviews and Signs**
- 3. HR Director Reviews and Signs (staff only)**
- 4. Office of Immigration and International Admissions Reviews**

**Department Head, Foreign Scholar, Manager of Immigration, and
Outside Counsel Conference Call to Determine Best Path to PR**

**Outside Counsel processes all PR paperwork in close conjunction with
Immigration Coordinator who will contact USA Sponsoring
Department and Employee, if needed.**

**At the point of filing of the I-140, Immigration Coordinator will sign
G-28 forms, I-140 and I-907 (as applicable), as well as the Labor
Certification (as applicable).
Outside counsel will file petitions with USCIS.
Copies of filed documents will be retained in Office of Immigration
and International Admissions.**

**Once an I-140 Approval Notice is received, Employee can petition for
Permanent Residency.**