

POLICY FOR LAWFUL PERMANENT RESIDENCY PETITIONS UNIVERSITY OF ALABAMA

Lawful Permanent Residency

The term Lawful Permanent Resident (LPR) is used to describe an immigrant who has been granted the privilege of residing permanently in the United States. The status also confers the right to work for almost any type of employer. 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"). In some instances, The University of Alabama serves as the sponsor for Employer Based permanent residency petitions. All permanent resident applications filed by UA must adhere to the process and procedures given below.

Criteria for UA Permanent Residency Sponsorship

In general, the University will sponsor permanent residence petitions for both staff and faculty under the following conditions:

1. The candidate holds a permanent or tenured/tenure track position at The University of 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.

UA 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.

PR Categories Sponsored by UA

The categories of Permanent Residency which The University of 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; and
- 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 in reliance on an existing or future position.

Initiating Permanent Residency Sponsorship

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

1. Faculty Sponsorship Approval: Chair > Dean > Provost > Capstone International Services > UA Chief University Counsel
2. Permanent Staff Sponsorship: Chair/Director > Division Head > HR Director > Capstone International Services > UA Chief University Counsel

Processing PR Sponsorship by Select Outside Counsel

UA uses outside legal counsel to advise and coordinate the process of sponsoring foreign nationals for LPR. The following immigration attorneys/firms have been approved by The University of Alabama System Office to process Form I-140 Immigrant Petition for Alien Worker and PERM filings on behalf of the University, and only these firms may be engaged to process a UA sponsored employment-based Permanent Residency filing:

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| Armstrong Law | Ware Immigration |
| Carol Armstrong 2220 University Blvd. Tuscaloosa, AL 35401 | David Ware 4000 Eagle Point Corporate Dr. Birmingham, AL 35242 |
| carmstrong@adgballaw.com 205-210-4713 | www.david-ware.com/Contact.shtml 866-833-8308 |

University departments MAY NOT hire an immigration attorney to file a UA employer-sponsored PR petition without approval of the sponsorship as given above. Departments with questions about the retention of immigration counsel to represent the University in the filing of an employer-sponsored PR petition may contact Capstone International Services.

Department/divisional heads and Deans are not authorized to sign either a form I-140 or a form G-28 (Notice of Entry of Appearance as Attorney or Accredited Representative) on behalf of UA. All immigrant and non-immigrant petitions sponsored by The University of Alabama will be reviewed and submitted to USCIS through the UA Capstone International Services (CIS). CIS will be the sole signatory office at UA for all UA sponsored PR Petitions, and only CIS will sign I-140 and G-28 forms on behalf of UA.

All UA employment-based non-immigrant and immigrant petitions are petitions for the employer (UA) and may be withdrawn at any time.

UA sponsored immigration petitions related to employment and or permanent residency require specific internal procedures to assure that the paperwork is in compliance with not only US Department of Labor and US Department of Homeland Security immigration regulations but also with university policies and procedures, including the following:

- University of Alabama faculty, staff, and university representatives ***are not authorized to sign*** a USCIS form G-28 or I-140.

- **Only Capstone International Services is authorized to sign immigrant and non-immigrant petitions on behalf of the university.** Capstone International Services serves as a liaison for the university for all UA sponsored petitions. UA departments and employees with questions should contact CIS at 205-348-5402 or via email at international@ua.edu.
- All requests for submission of immigration petitions must go through a signature routing approval process on-campus prior to submission to the approved attorneys.
 - Faculty Sponsorship Approval Sequence: Chair > Dean > Provost > Capstone International Services > UA Chief University Counsel
 - Permanent Staff Sponsorship Approval Sequence: Chair/Director > Division Head > HR Director > Capstone International Services > UA Chief University Counsel
- The University of Alabama does not authorize outside legal counsel to file PERM applications online on behalf of UA except through a sub-account of Capstone International Services. For PERM cases, outside counsel must work with CIS for access to PERM filing, and prior to submission to the Department of Labor, applications must be submitted on paper for review.
- CIS will review all documents related to an I-140 petition prior to their submission to the USCIS.
- CIS will sign all G-28 and I-140 forms filed on behalf of The University of Alabama.
- All records and official processing of immigration documentation must be maintained and monitored by CIS.

Attorney Fees and USCIS Filing Fees

Applicants and their UA departments will be responsible for all legal fees associated with Permanent Residency filing.

At a minimum, UA as the employer sponsor must cover all attorney expenses related to the Department of Labor Certification Process for PERM filings (\$2000 for a Special Handling Labor Certification case or \$3000 for a Standard Labor Certification Case).

In addition to the mandated attorney fees for Labor Certification/PERM filing, there are other fees that are associated with the employer's sponsorship of Permanent Residency. There are the direct USCIS filing fees for the I-140 (currently \$580 - <http://www.uscis.gov/i-140>) and potentially the I-907 Premium Processing Fee (currently \$1225 - <http://www.uscis.gov/i-907> an optional fee to be paid only when absolute necessity due to timing issues related to continued employment). In addition, there are the attorney fees related to the I-140 preparation (\$2500 for either Special Handling or Standard Labor Certification Cases and \$6000 for EB-1 Outstanding Researcher/Professor or EB-2 Exceptional Ability Cases). While not legally mandated as with the attorney fees associated with Labor Certification, the direct filing fees and attorney fees related to the I-140 petition are fees directly related to the University's I-140 filing.

Thus, UA departments should anticipate total minimum USCIS fees and attorney costs related to Permanent Residency filing to be approximately **\$5080 for teaching positions filed under Special Handling**; approximately **\$6080 for non-teaching positions filed under standard labor certification**; and approximately **\$6580 for non-labor based EB-1 and EB-2 Exceptional Ability cases**.

Following the employer's sponsorship petition, the final step of the process is the filing of an I-485 Adjustment of Status petition. This is a personal application by the employee. All fees associated with an I-485 petition for the employee and his/her dependents, including filing fees, biometric fees, civil surgeon fees, and attorney fees, are the responsibility of the employee. Employees should anticipate their costs in attorney and filing fees related to the I-485 petition to be \$2570 at a minimum (and \$1385 - \$1820 for each dependent, based on age).