



## 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.



*University of South Alabama  
Office of International Education  
Meisler Hall 2300• 390 Alumni Circle  
Mobile, AL 36688-0002  
Phone: 251.460.7053  
E-mail: visa@southalabama.edu*

**UNIVERSITY OF SOUTH ALABAMA SELECT 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 International Education.**

**Klari Tedrow**  
**Tedrow and Myers Immigration Law Group**  
**4 Office Park Circle, Suite #214**  
**Birmingham, AL 35223**  
[ktedrow@usimmigrant.net](mailto:ktedrow@usimmigrant.net)  
**205-871-8084**

**David Ware**  
**Ware Immigration**  
**201 E. Government Street**  
**Pensacola, FL 32501**  
**[www.david-ware.com](http://www.david-ware.com) T 904.769.2011 Q BT1 . Tw .2 282s(-0 T16 0**



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## 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 > International Education
2. **Staff Sponsorship:** Chair/Director > Division Head > HR Director > International Education

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. International Education 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 International Education 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 International Education 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**):(sta



**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. International Education Reviews and Signs**



**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 Manager of Immigration who will contact USA Sponsoring Department and Employee**