

UNIVERSITY of HOUSTON
MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES

SECTION: Human Resources
AREA: Recruitment and Employment

Number: 02.03.07

SUBJECT: Sponsorship for Permanent Residence

I. PURPOSE AND SCOPE

This document sets forth guidelines for review and approval of University of Houston sponsorship of foreign nationals for permanent residence.

II. POLICY

Sponsorship for permanent residence should be requested only when there is an institutional need and when there is a reasonable expectation that the individual will continue to be employed by the university for a substantial period of time (generally three years or longer). Sponsorship for permanent residence does not constitute a guarantee of lifetime employment or tenure.

III. DEFINITIONS

- A. Faculty employee: An individual holding a teaching and/or research position for the university and paid through the payroll system, with accompanying tax withholding as provided by law.
- B. Permanent residency: A permanent resident is a non-citizen who is authorized to live and work permanently in the United States.
- C. Regular, full-time employee: A university employee who is employed at 100% FTE on a regular basis for at least four and one-half continuous months, excluding students employed in jobs that require student status as a condition of employment.
- D. Staff employee: An individual employed to perform a service for the university and paid through the payroll system, with accompanying tax withholding as provided by law, excluding those employees holding teaching and/or research positions classified as faculty.
- E. Sponsor: A sponsor is the petitioner (individual or institution) for an immigrant to become a permanent resident. An employer sponsor must demonstrate intent to hire or continue an existing employer-employee relationship.

IV. POLICY AND PROVISIONS

The University of Houston will sponsor an employee for permanent residency only when doing so is in the best interests of the university.

- A. Positions for which sponsorship will be considered include the following:
 - 1. Faculty Employee: The university will consider sponsoring full-time, tenured or tenure-track faculty with the title of Assistant Professor, Associate Professor, or Professor. The university will also give consideration to non-tenure track faculty with the title of Research or Clinical Assistant Professor, Associate Professor or

Professor and associate faculty holding the titles of Librarian, Senior Associate Librarian, Associate Librarian and Assistant Librarian.

2. Base-Funded Researchers: The university will consider sponsoring full-time, base-funded researchers on a case-by-case basis.

B. Positions the University of Houston Does Not Sponsor – The university will not sponsor:

1. Staff positions, whether exempt or non-exempt;
2. Part-time faculty with the title of Adjunct;
3. Visiting Faculty or Lecturer; and
4. Post-Doctoral Fellow

V. PROCEDURE FOR OBTAINING APPROVAL FOR UH SPONSORSHIP

A. To obtain authorization for UH sponsorship of a foreign national for permanent residence, the Dean of the school or college at which the foreign national will be employed must submit the following information through the Provost (or designee) to the Human Resources department:

1. Completion of a [Foreign National for Permanent Residence Form \(PERM\)](#), and
2. The individual's curriculum vitae and/or resume.

B. Only the chief human resources officer (or his/her designee) is authorized to sign permanent resident documents on behalf of the hiring component. However, no official has the authority to sign a [G-28 form \(Notice of Entry of Appearance as Attorney or Representative\)](#) or any other form which provides a limited power of attorney for anyone, including outside counsel hired by the UHS, to act on the component university's behalf with respect to an immigration matter without the written approvals from the University of Houston System Office of the General Counsel and Texas Attorney General.

VI. TIMING OF THE FACULTY SPONSORSHIP REQUEST

For faculty members who are either tenured or tenure-track, sponsorship requests may be made when the hiring department determines that sponsorship is in the best interests of the component university/system. Some faculty may qualify for "special handling" of a petition. In order to take advantage of the special handling process, the [PERM application](#) must be received within 18 months of the date of the offer letter to the individual.

VII. RETENTION OF IMMIGRATION COUNSEL AND COVERAGE OF EXPENSES ASSOCIATED WITH SPONSORSHIP

A. All applications for permanent residence sponsorship are filed on behalf of the University as well as the employee. The component university/System has retained private law firms to prepare and file the permanent residency petitions. The department sponsoring the application is responsible for identifying and securing funds to pay for all cost associated with the labor certification process.

B. While employees may retain their own immigration counsel to represent their interests if they choose, they are not permitted to use any attorney not retained by the University for

the labor certification process, and all expenses associated with retaining counsel must be borne by the employee.

VIII. OVERVIEW OF RESPONSIBILITIES OF OFFICES INVOLVED WITH INSTITUTIONALLY-SUPPORTED IMMIGRATION PETITIONS

A. Human Resources Department

1. Provides services related to university-sponsored applications for permanent residency, including centralized retention of federally mandated documentation for labor certifications filed by outside counsel.
2. Assists the employing department to comply with UHS, state, and federal recruitment procedures.
3. Must review all requests for permanent resident sponsorship of researchers and has the final authority to grant or deny permission to proceed.
4. Consults with the Office of the General Counsel concerning retention of outside counsel for the petition.

B. Office of the General Counsel

1. Provides advice to employing unit concerning the use of outside counsel for institutional matters relating to employment-based permanent residency applications.
2. Ensures that Human Resources approval is sought prior to the engagement of any outside counsel for the purpose of initiating a permanent residency sponsorship for a researcher.
3. Manages outside counsel agreements when counsel is properly retained by hiring departments.

C. Office of the Provost and Interim Vice President for Finance and Administration, or Equivalent Component University Offices

Responsible for academic position classification and for determining whether such positions are considered permanent or long-term by the component university (in coordination with Human Resources).

D. Employing Department

1. Initiates the petition process in accordance with the guidance set out in Sections IV and V; acquiring the necessary signatures, and providing all employer-related documentation in support of the permanent residence process.
2. Pays the requisite costs and fees associated with the labor certification process, including petition filing and attorney's fees.

IX. REVIEW AND RESPONSIBILITY

Responsible Party: Interim Vice President for Administration and Finance
 Senior Vice President for Academic Affairs and Provost
 Vice President for Legal Affairs and General Counsel
 Assistant Vice President and Chief Human Resources Officer,
 Human Resources

Review: Every three years on or before March 1

X. APPROVAL

 Interim Vice President for Administration and Finance

 President

Date of President's Approval: _____

XI. REFERENCES

[Sponsorship of a Foreign National for Permanent Residence Form](#)
 G-28 form (Notice of Entry of Appearance as Attorney or Representative):
<http://www.uscis.gov/sites/default/files/files/form/g-28.pdf>

REVISION LOG

Revision Number	Approved Date	Description of Changes
1	TBD	Initial edition