

Filing U.S. Permanent Resident Petitions and Related Paperwork

Overview

Permanent resident petitions will be processed based on an official written **Request to Initiate Permanent Resident Processing** by the Department Head employing the employee, with approval by the college dean and the Office of the Provost & Vice Chancellor for Academic Affairs.

University departments may not make promises to any employee or prospective employee concerning sponsorship for permanent residence until the request for sponsorship has been approved by all required offices.

The applications will be prepared by the UTC Office of the General Counsel or by an outside attorney chosen by the Office of General Counsel, with all attorney fees to be paid by the hiring department. Hiring departments may not prepare or sign immigration documents or applications for Labor Certification related to permanent resident petitions. Outside attorneys may not prepare or file applications or petitions on behalf of UTC unless previously approved by the UT Office of the General Counsel. Hiring departments may not pay for immigration-related work performed by outside attorneys, except when arranged through the UTC Office of the General Counsel.

Employees for Whom UT May File Permanent Resident Petitions

A petition for permanent residence may be filed for an employee in a **permanent, full-time tenure-track or tenured faculty position**. “Permanent” is defined to be a tenure-track or tenured faculty position that is expected to continue indefinitely, and in which the employee intends to remain indefinitely. [Note that Post-doctoral Research Associate positions are not considered permanent.]

The permanent resident application process should begin within eighteen months after the official job offer has been made. For all other positions (including research faculty), the conditions below must be satisfied before the University begins any paperwork related to a permanent resident petition.

1. The employee must normally be employed by The University of Tennessee, Chattanooga for a minimum of two years before the University will sponsor him/her for permanent residence.
2. The hiring department must already have secured a minimum of three additional years of funding (after the Permanent Resident paperwork has begun) and must clearly demonstrate that continued funding beyond the three years is highly probable for an indefinite period.
3. Exceptions to the above requirements may be made only with approval of the Office of the Provost & Vice Chancellor for Academic Affairs.
4. After initial approval by the Vice Chancellor for Academic Affairs and after consultation with the employee and the hiring department, the UTC Office of the General Counsel will determine the most appropriate category of employment-based immigration to be used for the application. If the UTC Office of the General Counsel determines that the application is unlikely to be approved, it will not file any application and will not recommend that the application be referred to an attorney.

Whenever possible, the University will apply for a “Special Handling” Labor Certification for teaching positions, followed by a second preference immigration petition. In most cases, only one application will be filed for faculty member at one time. If a petition or application for Labor Certificate is unsuccessful, the sponsoring UTC department and the UTC Office of the General Counsel may choose to file or recommend an application in another category. While the UTC Office of the General Counsel will use its best judgment in filing petitions, it does not guarantee approval of any application filed.

Note: Employees are free to file immigrant petitions on their own behalf without approval by The University of Tennessee. These petitions may be filed in the categories of “Extraordinary Ability” or “National Interest Waiver,” and the employee him/herself will act as the petitioner. While UTC department heads, professors, and other employees may write recommendation letters in support of such applications, they may not sign any US Government forms on behalf of the University in relation to these applications.

Costs

All costs related to the filing of permanent resident petitions filed by The University of Tennessee, Chattanooga must be paid by the hiring department and may not be paid by or reimbursed to the faculty member. The costs associated with an application for an immigrant visa or adjustment of status for the faculty member may be paid by the employee or the hiring department. The University may not pay any costs associated with applications filed by the dependents of the employee. If the services of an outside attorney are used, the hiring department will be responsible for paying all attorney fees.

The hiring department will also be responsible for paying for all costs of advertising and recruitment, as required by U.S. labor law, as well as fees charged by the US Citizenship and Immigration Services for an immigrant petition (Form I-140), and fees (if any) charged by the US Department of Labor for an application for Labor Certification. If a faculty member files an immigrant petition on his/her own behalf, The University of Tennessee, Chattanooga will not pay or reimburse the costs of the application.

Summary of Procedures for filing Permanent Resident Petitions

To initiate paperwork for a permanent resident petition, the hiring department or organizational unit will complete a request form, stating its intention to employ the employee on a permanent or indefinite basis and indicating how the employee meets the above criteria. The request form will be signed by department head and college dean and forwarded to the Office of the Provost & Vice Chancellor for Academic Affairs with required documentation. If the request is approved, it will be forwarded to the UTC Office of the General Counsel.

A representative of UTC Office of the General Counsel will then meet with the Head of the hiring department to make the final determination about filing the petition, discuss the best immigrant category to be used, the relevant requirements and procedures, the probabilities for approval, and to give an estimate of related costs. This determination will be made before the department makes the final decision to proceed.