

The pathway to U.S. permanent residency or legal permanent residency is also commonly referred to as the green card, immigrant, and residency alien process. Permanent residency status allows a non-U.S. citizen to legally live and work in the United States without the time limitation typical of individuals in non-immigrant status (e.g. those living in the U.S. under a temporary visa). There are a number of options by which an individual can obtain permanent residency in the U.S. Obtaining U.S. Permanent Residency for a University employee requires substantial commitment of University resources; therefore, sponsorship for permanent residency should only be requested when there is an institutional need. In accordance with federal requirements, UT Southwestern Medical Center will sponsor a non-U.S. citizen for permanent residence only when there is a reasonable expectation that the individual will continue to be employed for a substantial period of time (generally three years). Sponsorship for permanent residence does not constitute a guarantee of lifetime employment or tenure.

Employment-Based Permanent Residency Categories

Most pathways to apply for U.S. permanent residency require employer sponsorship. There are a few categories that allow the visa holder to “self-sponsor.” Employer sponsorship means an official representative of the institution must sign the permanent residency application. Under certain circumstances, it also involves payment of certain legal and recruitment fees. Self-sponsorship means that the permanent residency petition is based on the professional achievements of, and is signed by, the visa holder. Employment-based petitions for permanent residence are time-consuming and complex. Departments requesting authorization to sponsor faculty or staff should begin the process at the earliest possible time.

Common employment-based categories that require employer sponsorship include:

- [EB-1\(B\) – Immigrant Petition for Outstanding Professors and Researchers](#)
- [EB-2 PERM Labor Certification for Professional](#)
 - Basic Handling for Non-Teaching Professionals
 - Special Handling for individuals with some college/university teaching duties

Common employment-based categories that permit self-sponsorship include:

- [EB-1\(A\) – Immigrant Petition for Extraordinary Ability](#)
- [EB-2 Professional – National Interest Waiver](#)

With the exception of PERM Labor Certification, all of the categories above require documentation of significant research track record and national or international recognition of original scientific contributions.

Positions UTSW May Sponsor

UTSW will sponsor an employee for permanent residency only when doing so is in the best interest of the institution.

A. Faculty positions:

UTSW will sponsor employment-based immigrant petitions and provide related letters of support only for those non-U.S. citizen employees who hold a faculty rank of Instructor or above or the title of Faculty Associate.

B. Classified and A&P positions:

- a. Generally, UTSW will not sponsor classified and A&P employees to obtain permanent residency. The Executive Vice President for Business Affairs in consultation with the Director of the Office of International Affairs may authorize exceptions to this policy in accordance with this section.
- b. UTSW may sponsor non-U.S. citizens working in full-time (FLSA-exempt level only) classified and A&P positions under the following conditions:
 - i. The official UTSW job description for the position requires an advanced degree (Masters or above) or a Bachelor's degree with at least five years of experience in a specialized field of study

- ii. The position is considered difficult to fill based on evidence of on-going recruitment efforts or other factors
 - 1. A permanent residence application for classified and A&P employees requires a bona-fide job search including posting through the Office of Human Resources, published job descriptions, print ads, and demonstration that no minimally qualified U.S. worker is available
 - 2. National recruitment to fill the position is warranted to attract qualified applicants
 - 3. The cost to recruit and train a replacement for the position is greater than the cost in legal and advertising fees of sponsoring an employment-based permanent residency application
- iii. The non-U.S. citizen has been employed in a benefits-eligible, FLSA-exempt classified and A&P position with UTSW for a minimum of 6 months without interruption. Individual departments can require a longer period of employment with UTSW prior to consideration.
- iv. There is sufficient justification that the proposed non-U.S. citizen is uniquely qualified through experience, skill, and background for the position

Positions UTSW Does Not Sponsor

UTSW will not sponsor part-time or volunteer faculty, visiting faculty, assistant instructors, Postdoctoral Researchers, or non-exempt classified and A&P positions.

Process for Obtaining Approval

A. Faculty positions

To request authorization for UTSW sponsorship, the Department Chair/Center Director or other unit manager must submit the following information to the Director of the Office of International Affairs for review:

1. Completed and Signed Request for U.S. Permanent Residency Form
2. UTSW Memorandum of Appointment
3. Copy of the individual's updated C.V./Résumé
4. Evidence of recruitment efforts, including advertisements and any costs incurred by the Department
5. Written justification signed by the Department Chair/Center Director or other unit manager that includes information about:
 - a. Critical and unique qualities of the position for which the faculty member is being sponsored for permanent residency
 - b. Unique qualities of the faculty member as demonstrated by the impact he or she has had in the success of the department's goals and mission
 - c. The department's long-term plans for the faculty member's employment at UTSW and the projected benefits UTSW is to receive from his or her services

B. Classified and A&P positions

To request authorization for UTSW sponsorship, the Department Chair/Center Director or other unit manager must submit the following information to the Director of the Office of International Affairs for review:

1. Completed and Signed Request for U.S. Permanent Residency Form
2. UTSW Job Offer Letter
3. Copy of the individual's updated C.V./Résumé
4. Official UTSW Job Description
5. Evidence of recruitment efforts, including advertisements and any costs incurred by the Department
6. Written justification signed by the Department Chair/Center Director or other unit manager that includes information about:
 - a. Critical and unique qualities of the position for which the staff member is being sponsored for permanent residency
 - b. Unique qualities of the staff member as demonstrated by the impact he or she has had in the success of the department's goals and mission
 - c. The department's long-term plans for the staff member's employment at UTSW and the projected benefits UTSW is to receive from his or her services

Retention of Immigration Counsel

If an employee meets the eligibility criteria for a category that requires employer sponsorship, the employee must retain an immigration attorney from a list of approved immigration attorneys that will be provided by the Office of International Affairs to prepare, assemble, and process all applications and petitions. The department/center will work with an approved attorney to provide additional information and documentation as requested. If further advertising and recruitment are required, this will be arranged by the hiring department under the direction of the attorney.

Coverage of Expenses Associated with the Sponsorship

- A. Legal and processing fees may be paid by either the employee listed on the permanent residency application or the sponsoring UTSW department for the categories of employment-based permanent residency listed below:
 - EB-1(A) – Immigrant Petition for Alien of Extraordinary Ability
 - EB-1(B) – Immigrant Petition for Outstanding Professor/Researcher
 - EB-2 Professional – National Interest Waiver
- B. Legal and processing fees must be paid by the sponsoring UTSW department for the “labor certification” portion that is part of the permanent residency category listed below. Legal and application fees for subsequent portions of the process (e.g. the immigrant petition and/or application for adjustment of status) are the responsibility of the employee, unless an exception is authorized by the Department Chair/Center Director.
 - EB-2 PERM Labor Certification for Professional
 - Basic Handling for Non-Teaching Professionals
 - Special Handling for individuals with some college/university teaching duties
- C. Legal and processing fees for an employee’s dependents are always the employee’s responsibility.

Responsibilities

- A. Department administrator or designee – Serves as liaison between the Departmental Chair/Center Director/unit manager, and the employee being sponsored for employment-based permanent residency, and the staff in the Office of International Affairs.
- B. Department Chair/Center Director or other unit manager – Makes initial determinations regarding whether a department would like to sponsor a qualified employee for employment-based permanent residency, and the source, amount, and use of the non-restricted funds available for the sponsorship. May be required to sign or co-sign certain letters or forms in connection with an application for employment-based permanent residency, as directed by the Office of International Affairs.
- C. Office of International Affairs – Educates Departmental Chair/Center Director/unit manager, administrative personnel, and employee being sponsored for employment-based permanent residency regarding regulations and requirements; reviews and obtains signatures on any documents that require the employer’s signature.



Request for: Faculty Classified A&P

Employee's Name: _____
LAST/FAMILY NAME First/Given Name Middle

Person #: _____ Current Job Title: _____

Position for which sponsorship is sought: _____

Sponsoring Department: _____ Department Administrator: _____



By signing this form, I give the University of Texas Southwestern Medical Center permission to review the documentation provided in order to determine if the employee named above can be supported for U.S. Permanent Residency. If employer sponsorship is approved, the permanent residency application must be prepared and filed by a law firm that is approved by the UT System Office of the General Council. The law firm must also have a UT Southwestern contract in place. A list of approved attorneys will be provided by the Office of International Affairs if it is determined that the employee can be supported for U.S. Permanent Residency. The selected attorney must coordinate the process through the Office of International Affairs. The Office of International Affairs will obtain any official signatures required. The Department must also agree to pay attorney fees by signing the Department Datasheet for Payment of Visa Related Legal/Application Fees.

Department Chair/Center Director/Unit Manager: _____

Signature: _____ Date: _____

Direct Supervisor: _____

Signature: _____ Date: _____



Approved: Yes No

Director, Office of International Affairs: _____ Date: _____

Executive Vice President for Business Affairs (Classified and A&P titles only): _____ Date: _____