

FILING U.S. PERMANENT RESIDENT PETITIONS AND RELATED PAPERWORK

The University of Tennessee Policy for Knoxville-based Departments (Revised October 4, 2013)

Overview

The University of Tennessee, Knoxville will sponsor professional-level employees in Knoxville-based departments for US Permanent Residence if the employee is employed (or has been offered employment) in any full-time position considered to be permanent. The definition of permanent for the purpose of this policy is explained in detail below.

All permanent resident applications and petitions filed by Knoxville-based departments of The University of Tennessee must be processed by, or directed by, the Center for International Education (CIE). Hiring departments may not prepare or file 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 The University of Tennessee unless previously approved by the UT Office of the General Counsel.

Permanent resident petitions will be processed after an official request by the Head or Director of the department of the international employee has been approved by the college Dean (if appropriate) and the Office of the Provost. All costs related to a permanent resident petition filed by The University of Tennessee must be paid by the hiring department.

On occasion, the Office of the General Counsel will arrange for an outside attorney to prepare applications for permanent residence. In such cases, the hiring department will pay all attorney fees. The Center for International Education and the Office of the Provost will determine the most appropriate category to use for a permanent resident petition (and the appropriate time to file it), in consultation with the Department Head, Dean, and the employee.

[Immigration petitions filed and signed by the employee (“self-petitions”) may be prepared by the employee or by any attorney without approval of The University. University faculty and staff may write recommendation letters in relation to such petitions but may not sign any immigration documents.]

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

For Whom Will UT File Permanent Resident Petitions?

A petition for permanent residence may be filed for an employee in a *permanent*, full-time *professional* position. In all cases, the relevant Department Head and Dean must certify that the employee is considered to be a permanent member of the department, and that The University intends to employ the applicant indefinitely. “*Professional*” is defined to be any position which requires a four-year Bachelor’s Degree or higher. For purposes of permanent resident petitions, the University defines “*permanent*” to include the following job categories or employment situations:

1. A tenure-track or tenured faculty position;
2. A clinical assistant professor, clinical associate professor or clinical professor;
3. An employee with a contract of at least three years at the time the permanent resident petition process begins, with the expectation that the appointment will continue indefinitely
4. For a person in a grant-funded position, the hiring department must already have secured a minimum of three years of future funding at the time the permanent resident petition process begins and must demonstrate that continued funding for an indefinite period beyond the three years is highly probable.

The University will not file permanent resident petitions for persons employed in post-doctoral research positions, for persons on contracts of less than three years, or for any other position that does not meet the criteria listed above.

When Will Permanent Resident Petitions be Filed?

For Tenure-track, Tenured, and Clinical Faculty: Applications for Labor Certifications will be filed within 18 months after the date of the job offer, if at all possible. If the application will be filed without a Labor Certificate (in the categories of Outstanding Professor/Researcher or National Interest Waiver), the petition may begin when the Department Head, Dean, the Center for International Education, and the Office of the Provost all agree that the faculty member appears to meet the eligibility criteria for that category. (See details below.)

For all other positions (including Non-tenure-track Research Faculty): Typically, the employee must be employed by The University of Tennessee for a minimum of two years before the University will sponsor him/her for permanent residence. In extraordinary circumstances, the hiring department may ask the Provost's Office for approval to file a petition before the typical two-year requirement has been met.

Petitions filed in the category of Outstanding Professor/Researcher (OPR): Department of Homeland Security regulations require evidence that the employee "has at least three years of experience in teaching and/or research in the academic field", and that he/she is "recognized internationally as outstanding in the academic field specified in the petition" (as defined by DHS regulations and guidelines). In rare cases, experience acquired as a graduate student may be included in this three year requirement. But in no case will UT file an OPR petition before the employee has had two years of *full-time* employment.

Costs

All costs related to permanent resident petitions filed by The University of Tennessee, Knoxville must be paid by the hiring department and may not be paid or reimbursed by the employee.

These costs include the application fee charged by the Department of Homeland Security; a processing fee charged by The Center for international Education for petitions it prepares; all attorney fees related to a Labor Certification and immigration petition; and the costs of additional advertising, if any.

The costs associated with an application for an immigrant visa or adjustment of status (applications filed by the employee) may be paid by the employee or the hiring department. This includes the I-485 fee and any attorney fees related to this form. The University may not pay any costs associated with applications filed by the dependents of the employee.