



## UNIVERSITY OF WISCONSIN-SUPERIOR GUIDELINES FOR SPONSORING FOR PERMANENT RESIDENCE

The University of Wisconsin-Superior has established guidelines for filing petitions on behalf of non-immigrants seeking permanent residency only in certain instances. The Office of Human Resources is the sole authority for filing H-1B temporary worker and permanent residency petitions on behalf of UW-Superior. The role of Human Resources is limited to those aspects of document preparation and submission that are directly related to the University's interests and responsibilities as an employer.

No UW-Superior department or individual should promise current or prospective employees that the University will obtain permanent residence on their behalf. The decision to file such an application must be made by the appropriate hiring authority in consultation with Human Resources. The petitioning process is lengthy, involving up to three government agencies, and the final decision to grant the permanent residence must be made by the U.S. Citizenship and Immigration Services (USCIS). It is never a certainty that the permanent residency will be approved, and therefore, should not be promised as an enticement.

Only new tenure-track faculty who have been selected within the past 18 months qualify for University sponsorship for permanent residency.

U.S. immigration law allows U.S. employers to sponsor individuals for permanent residency who meet specific criteria in any one of seven employment-based categories established by Congress. UW-Superior's policy permits departmental sponsorship of faculty and staff in only three of these categories:

1. those who meet USCIS criteria as "outstanding professors and researchers";
2. those who meet USCIS criteria as "member of profession holding an advanced degree";
3. for teaching positions that meet the requirements for "special handling" Labor Certification.

The employing **department** should initiate the process with Human Resources. To initiate the process, the department should complete [Form A](#) "Request for Immigration Sponsorship" and submit to Human Resources. Human Resources cannot commence processing the H1B application until this form is completed and signed.

The **scholar** must complete [Form B](#) "International Scholar Application Checklist" and return the signed form and all requested documentation to Human Resources before the H1B application process can begin.

**NOTE: Wisconsin state law prohibits state agencies and their employees from retaining an attorney without the approval of the Governor.** An individual employee may engage counsel at any time to represent his or her own interests, provided such representation does not relate to any legal interests of the University. Faculty members may not sign form G-28 to designate an attorney to assist, advise or represent the University in the preparation and submission of employer-based petitions or documents. Furthermore, a University representative may not sign a Form ETA-750 or I-140 that has been prepared by an outside attorney on behalf of the University. These forms contain facts and evidence being presented by the employer, not the employee, so they cannot be prepared by an outside attorney and signed by a faculty member or other University representative.

In those instances where an employee may qualify for either the “Extraordinary Ability” category or the “National Interest Waiver” of the job offer, the employee may engage outside counsel, as these petitions are not employer-based and do not require the signature of any UW-Superior representative.

*\*NOTE: Permanent is defined by the U.S. Citizenship and Immigration Services (USCIS) as a position in which there is no anticipated ending date on the part of both the employer and the employee. In the case of positions that are grant-funded, it is possible to consider them to be permanent provided there is a reasonable expectation that the funding will continue into the foreseeable future. A tenure track faculty position is also considered permanent although the employee may not be granted tenure.*