



## University of Guam Sponsorship for Permanent Residency (Green Card) Guidelines

**To:** Academic and Administrative Department Heads

**Date:** January 19, 2012

**From:** Senior Vice President   
Legal Counsel 

**Re:** UOG Sponsorship of Permanent Residency (Green Card)

This is written to inform and remind University colleges, departments and units of the University's guidelines with regard to sponsoring applications for permanent residency (green card) status for University employees.

The University may sponsor certain positions for permanent residency. These are generally tenure-track faculty positions, tenured faculty positions, academic personnel positions such as administrators, **but not** postdoctoral research associates, graduate assistants, adjuncts and visiting or acting positions. The University as employer has the authority to pursue employment-based permanent residence status for any employee as long as the University intends on retaining the employee for an unlimited or unspecified period of time beyond the duration of their current employment. However, the University is under no legal obligation to sponsor any employee's application for permanent residency status, regardless of the duration of their employment. Therefore, **permanent residency status must not be promised as an enticement benefit for employment.** Sponsorship requires a significant commitment of University resources. Government agencies such as the Department of Homeland Security (DHS), Department of State (DOS), U.S. Department of Labor (DOL) and U.S. Citizenship and Immigration Services (USCIS) are responsible for administering and regulating this immigration process, which involves multiple steps and can take years to obtain. *The University cannot control the amount of time it takes to obtain permanent residence.*

The University will consider sponsorship of an employee for permanent residency for employees who are listed above, approved by the President, and expected to be employed for a long period of time. This application may be made during his/her **fourth (4<sup>th</sup>) year** of continuous employment with the University. If faculty, this is following the reappointment review for faculty. Typically this would be the employee's 4<sup>th</sup> year of H1B status. To be eligible for consideration by USCIS, the employee must have an offer of full-time permanent employment from the University of Guam. USCIS defines permanent employment as that which is "tenured, tenure-track or for an indefinite or unlimited duration of which employee has expectation of continued employment unless there is good cause for termination."

If a University college, department or unit is interested in pursuing an application for permanent residency status for a faculty member or administrator, please advise the appropriate Vice President and the Human Resources Office in writing during the employee's fourth year of employment. It is important that the request be submitted in a timely manner, in order to avoid out-of-status issues that may jeopardize the employee's ability to continue working in the United States. The University's sponsoring college, department or unit will pay for the all costs associated with the filing of the employer-based immigrant (green card) petition (I-140). These costs must be shown to be in an approved budget, when a request is submitted to the Vice President. Under no circumstance will the employee be asked to reimburse the University for these costs.

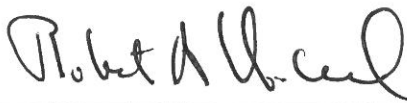
Only the **President** can approve requests for green card sponsorship.

The University uses the services of external immigration counsel to handle green card sponsorships, non-immigrant visas and related immigration issues. University Legal Counsel coordinates with and oversees external immigration counsel. *No other attorneys will be allowed to process permanent residency applications on behalf of the University.*

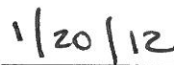
However, it is the employee's responsibility to file the necessary documents for adjustment of status (I-485) or consular processing. This is done at the employee's expense and will not be reimbursed by the University.

Further questions should be directed to the Human Resources Office or to the University's Office of the Legal Counsel.

Approved:



Robert A. Underwood, President



Date

Copy: Human Resources Office  
Business Office