

# The University of Akron

## Employee Immigration Services/General Information

### Petitions for Employment-Based Non-Immigration or Immigration (Permanent Residency) Status

#### Departmental Requests

The University of Akron will determine whether to sponsor an individual for lawful permanent resident (LPR) status; it is not the decision of the employee. The department chair, institute or center director must approve the sponsorship and forward a request through the office of the Senior Vice President and Provost to the Strategic Position Review Committee (SPRC) for review and consideration. In the case of administrative appointments outside of academic departments, a vice president or other appropriate senior administrator must approve the sponsorship and forward the Senior Vice President and Provost. All sponsorship is guided by University Rule 3359-11-23, Petitions for Employment-Based Non-Immigration or Immigrant (Permanent Residency) status.

Employment Immigration Services processes permanent residency petitions only at the request of the University officials, not at the request of the international scholars or employees. **Departments should sponsor an individual only if they intend to offer ongoing, long term or indefinite employment to the individual and have reasonable expectation of funding to do so.**

#### The University of Akron sponsors two categories of permanent residency:

1. (OPR) Outstanding professors with tenure track appointment or outstanding researches with indefinite appointment terms.
2. (ADP) Advanced Degree Professionals

In general, for Advanced Degree Professionals to obtain permanent residency based on employment, there must be a labor certification from the Department of labor (DOL) confirming that there are not sufficient qualified and available U.S. workers to perform the job and that it is therefore necessary to import an alien for that purpose. The fact that the alien may have a temporary visa classification and may hold the job in question or a similar job has no bearing on this determination. The employer files the labor certification on behalf of the alien. If the lawful permanent resident status is based on a job offer, the alien must, in fact, take the job for some period of time after obtaining lawful permanent resident status. **If the job is not available or the alien does not take the job, questions of *visa fraud* arise.**

**There are exemptions from the labor certification process for certain persons.** These include outstanding professors with tenure track appointments or outstanding researchers with long term appointments. University faculty may qualify for this category. That determination will be made after consulting with the Employee Immigration Services and university-retained legal counsel. The application materials will be prepared by the beneficiary, assisted by Employee Immigration Services and university-retained legal counsel. Such preparation requires significant gathering of documents by the employee/applicant and considerable participation by the department supervisor and/or department chair.

#### If the alien employee does not qualify for exemption and a labor certification is required, then

1. **The job must be permanent or have potential to continue indefinitely. A current job that can not withstand the 3-5 years of processing time and continue beyond it should not be used as a basis for labor certification.** For example a position which is offered for only two years and that is not considered by the employer to be permanent is not permanent.
2. **The department must be willing to undertake extensive re-recruitment procedures to test the labor market.** The University may need to advertise the position using journals and text acceptable to the DOL, and may eliminate U.S. workers only for lawful, job-related reasons. For non-teaching positions there must be no qualified and available U.S. workers. For teaching faculty there must be no equally qualified U.S. workers.
3. **The job must be available on the date in the future when the alien is granted lawful permanent resident status.**

#### Costs and Length of the Process:

**There are costs to consider when sponsoring an employee for permanent residency. The hiring department is responsible for some or all of the costs and fees for filing and attorney fees. The immigration process may take 3-5 years or longer. Please call Employee Immigration Services at (330) 972-6583 if you have any questions about these costs or estimated time to completion.**