

**Permanent Residence for Nonresident Alien Employees**

NRA employees who are in “permanent” positions may be eligible for employment-based permanent residence in the United States, sometimes called a “green card.”

A permanent position is full-time and is either hard-funded or, if it is funded through a grant or contract, is expected to be funded for the foreseeable future. Tenure-track faculty are eligible for permanent residence even if they have not yet earned tenure.

For employees in non-faculty positions, the process involves testing the labor market to see whether U.S. citizens or permanent residents who meet the minimum qualifications for the position are available for work. The U.S. Department of Labor’s PERM process requires that the positions be posted and re-advertised in several ways, using a specific format.

Faculty who apply within 18 months of their letter of offer may be eligible for an expedited process that does not require re-advertising.

Faculty and staff who are interested in becoming permanent residents and whose employing departments are willing to support their applications should consult with the Associate Vice Chancellor for Human Resources, who is the only person authorized to submit applications on the University’s behalf; sponsoring departments cannot sign permanent residency applications on behalf of the University.

Employees seeking permanent residence should be instructed not to employ an outside attorney. Federal regulations make the University (the employing budgetary unit) responsible for attorney fees if an attorney is engaged. Neither NRA employees nor sponsoring departments are authorized to engage attorneys to prepare permanent residence applications on the University’s behalf.

Federal regulations prohibit the employee from paying the cost of re-advertising the position, so the department must be willing to cover that part of the expense. The employee may, however, pay filing fees once the case is submitted to the U.S. Department of Homeland Security Citizenship and Immigration Services.

August 6, 2008