



Sponsorship for Lawful Permanent Residency

Permanent Residency Overview

Lawful permanent residents (LPRs) are non-citizens who are lawfully authorized to live permanently within the United States. LPRs are immigrants who may accept an offer of employment without special restrictions, own property, receive financial assistance at public colleges and universities, and join the Armed Forces.

The steps that must be taken to apply for permanent residency (PR) will vary depending on each individual's situation. The eligibility requirements may vary depending on the immigrant category a person is applying under. For information on all the different categories and their eligibility requirements visit the U.S. Citizenship and Immigration Services (USCIS) website [Green Card Eligibility Categories](#).

PRs may be issued immigrant visas by the U.S. Department of State (DOS) overseas or adjusted to permanent resident status by USCIS in the U.S. They also may apply to become U.S. citizens if they meet certain eligibility requirements.

University Policy

Winthrop University will consider sponsorship requests for employment-based PR for faculty members whose positions are **full-time, permanent in nature, and tenure-track**. Special circumstances may be considered with the prior approval of the Provost and Executive Vice President for Academic Affairs/Office of the President. Please note: The University has sole discretion in determining whether to pursue employment-based permanent residency. Additionally, University sponsorship is valid for the faculty member being employed and does not include spouses or dependents.

Initiating Permanent Residency Sponsorship

To begin the sponsorship process for employment-based Permanent Residency at Winthrop, initial approval is required from the faculty members Department Chair, Dean or Division Head, Provost/Executive Vice President for Academic Affairs, Human Resources, Employee Diversity and Wellness, and International Center. This approval is verified by completion of the International Center's *Notification of Intent to Sponsor Employee for Employment Based Visa/Permanent Resident Status*.

Process to Apply for Permanent Residency

There are 3 steps involved in obtaining U.S. PR on the basis of an offer of employment when an individual is in the U.S. and seeking to adjust to permanent resident status while remaining in the U.S.:

1. **Labor Certification Application** (also called PERM) filed with the U.S. Department of Labor (DOL). The purpose of the PERM application is to demonstrate that *the employer selected the alien for the job opportunity pursuant to a competitive recruitment and selection process, through which the alien was found to be more qualified than any of the U.S. workers who applied for the job* or in the case of a teaching position, is the best qualified.
 - **Please Note:** An employer may not receive payment of any kind associated with a labor certification application, nor may an employer receive reimbursement for any costs associated with a labor certification application, including payment of employer's attorneys' fees. The DOL requires that **all costs associated with the PERM must be paid by the employer** and not the employee.
2. **I-140 Immigrant Worker Petition** is filed once the PERM is certified by DOL. The employer must file an I-140 with the USCIS within six months of the approval date of the PERM application. The employer is required to show that it has the ability to pay the wage offered and that the foreign national possesses the education, experience and skills required in the PERM application.
 - Unlike the PERM application, there are no restrictions on who may pay for the fees and expenses associated with the I-140 Petition. Thus, an employer may pass all of the fees and expenses or some of the fees and expenses on to the foreign national either at the time of filing the I-140 Petition or as part of a "pay back" agreement if the foreign national leaves the employer within a specified period of time after obtaining permanent resident status.
3. **I-485 Adjustment of Status** is the last and final step in the PR process. This form is filed to adjust the immigration status to PR of the faculty member and any non-U.S. citizen dependents. If the faculty member and his/her dependents are in the U.S. it is easier and more beneficial to file an I-485 Application to Adjust Status. If they are not in the U.S., a DS-260 Immigrant Visa Application must be filed with the U.S. consular post abroad and the individual(s) will be required to attend an interview at the U.S. consular post in his/her home country.
 - Each PR application is given a priority date based upon when it is first filed with USCIS. This priority date is the foreign national's "place in line" for an immigrant visa for someone from their birth country as they become available. If the foreign national employee's priority date is current, the I-485 application may be filed with USCIS concurrently with the I-140 Petition. If the priority date is not yet current due to quota backlogs, then it may be several months or years before

the individual may file the last phase in the PR process. The attorney will track priority dates and prepare this filing.

Special Handling

Where possible, PR cases for **teaching faculty** *may* be processed under the “special handling” labor certification regulations. Hiring departments should note that this “special handling” of the PR sponsorship process **must be started within 18 months of the date of the offer letter** in order to take advantage of the special handling provisions. All other DOL and DOS requirements must be met as well. The hiring department is responsible for adhering to this date and should consult with the International Center and the Division of Human Resources, Employee Diversity and Wellness to determine an appropriate timeline for “special handling” processing for teaching faculty.

Approved Outside Counsel

Winthrop uses outside legal counsel to advise and coordinate the process of sponsoring foreign nationals for PR.

The following immigration attorney has been approved by the State of South Carolina to process PERM filings and Form I-140 on behalf of the University, and only this firm may be engaged to process a Winthrop sponsored employment-based PR filing:

Lawrence J. Needle, P.A.
339 Heyward Street
Columbia, SC 29201
lneedle@lneedle.com
1-877-376-1203

University departments **MUST** use the counsel listed above to file a Winthrop employer-sponsored PR petition. Once a University department is ready to sponsor an employee for PR status, they must contact the International Center for information on how to begin the application process. Departments with questions about the retention of immigration counsel to represent the University in the filing of an employer-sponsored PR petition should contact the International Center.

All immigrant and non-immigrant petitions sponsored by Winthrop University will be reviewed and submitted to USCIS through the International Center in conjunction with the approved outside legal counsel. The International Center serves as the liaison for all Winthrop sponsored petitions and will be the sole signatory office at Winthrop University for all Winthrop sponsored PR Petitions, including the I-140 and G-28.

Winthrop sponsored immigration petitions related to employment and or permanent residency require specific internal procedures to assure that the paperwork is in compliance with not only U.S. DOL and U.S. Department of Homeland Security (DHS) immigration regulations but also with University policies and procedures.

Attorney Fees and USCIS Filing Fees

All legal fees associated with the filing of the PR application will be the responsibility of the University and the faculty member. Winthrop, as the sponsoring employer, must cover all costs related to filing the DOL Labor Certification/PERM and related attorney expenses.

The faculty member is responsible for all fees associated with the filing of the I-140. The I-907 Premium Processing Fee is an optional fee to be paid only when absolutely necessary due to timing issues related to continued employment. If the I-907 is required, the faculty member will be responsible for paying this fee as well. In addition, the faculty member will be responsible for the attorney fees related to the preparation and filing of both the I-140 and I-907.

Thus, Winthrop departments should anticipate total minimum USCIS fees and attorney costs related to Permanent Residency filing to be approximately \$3,000 for teaching positions filed under Special Handling.

Following the University's sponsorship petition, the final step of the process is the filing of an I-485 Adjustment of Status petition. This is a personal application by the employee. All fees associated with an I-485 petition for the employee and his/her dependents, including filing fees, biometric fees, civil surgeon fees, and attorney fees, are the responsibility of the employee. Employees should anticipate their costs in attorney and filing fees related to the I-485 petition to be \$2,725 at a minimum with an additional cost per dependent, based on age.

Fee Schedule

Services Offered	Attorney Legal fee	USCIS Filing Fee/Costs
Special Handling Labor Certification/PERM*	\$3,000 & Advertising Costs*	N/A
I-140 Preparation and Filing based on the Labor Certification/PERM**	\$1,500**	\$700**
Form I-907, Request for Premium Processing (optional, guarantees adjudication or request for additional evidence in 15 days). ***	\$0***	\$1,225***
I-485 Adjustment of Status****	\$1,500****	\$1,225 per applicant**** (\$750 per child under age 14)

*Labor Certification/PERM and advertising costs are entirely the responsibility of Winthrop as the employer and must be **paid by the sponsoring department/college**. Please note: Hiring departments should note that the PR sponsorship process **must be started within 18 months of the date of the offer letter** in order to take advantage of the special handling provision, saving the hiring department both time and money.

** The I-140 form is a Winthrop-filed petition, meaning that Winthrop University owns the petition. The I-140 direct filing fee and attorney fees are **paid by the faculty member**.

***The I-907 form, is optional unless it is absolutely necessary due to timing issues related to continued employment. The I-907 direct filing fee and attorney fees are **paid by the faculty member**.

****I-485 attorney and filing fees for the faculty member and dependents are the **responsibility of the faculty member**.

Please Note: All Winthrop employment-based immigrant petitions are petitions for the employer (Winthrop) and may be withdrawn at any time.