PERMANENT RESIDENCE PROCESS AND PROCEDURES
International Student and Scholar Services

INTRODUCTION

This procedure outlines the conditions under which Stevens Institute of Technology may sponsor a permanent, full-time employee for lawful permanent residence (LPR). Stevens will support an application for permanent residence in limited circumstances, and only within certain employment-based classifications as defined by United States Citizenship and Immigration Service (USCIS).

The filing of a lawful permanent residence application does not guarantee approval by USCIS, who has sole discretion to approve or deny every case. It is important that no promises or assurances be made by any School or Department to the candidate that any application will be successful.

To ensure the proper handling of an application and appropriately represent Stevens, Stevens will, from time to time, maintain a list of one or more law firms approved to represent Stevens in handling permanent residence application cases for Stevens’ employees. The cost of all necessary legal and filing fees associated with the preparation and filing of the labor certification, I-140 immigrant visa petition, and other services incurred in connection with a permanent residence application will be borne by the school or department supporting the application. Stevens will cover the cost of all necessary legal and filing fees associated with one type of permanent residence application, when an applicant is eligible to file under two different categories such as, for example, a national interest waiver and outstanding professor/researcher.

Stevens will not reimburse any internal school or department, or any individual, for expenses incurred outside of this procedure. The law firm engaged by Stevens in a particular case will represent Stevens and, to the extent not inconsistent with such representation, shall also represent the applicant. If an applicant wishes to consult or retain private counsel to provide personal legal advice, the cost of such counsel will be borne solely by such person and will not replace the need for counsel to Stevens in any application process as contemplated by this procedure.

Sponsorship for permanent residence must be in the best interest of Stevens as determined by the relevant Dean or Vice President. It is the employer, Stevens, who files the application for permanent residence on behalf of the foreign national and is responsible for complying with the requirements of the petition. A school’s decision to sponsor a person should, therefore, be based on a determination that Stevens’ best interests require the need for a candidate’s unique skills and expertise. The decision to pursue permanent residence status for an employee is a serious and expensive undertaking and should not in any way be viewed as a gesture of good-will or undertaken to facilitate a desire for permanent residence.

Once a decision is made to proceed with sponsorship, the Dean or Vice President should designate one authorized administrative contact person to work with ISSS and Stevens’ legal counsel in processing the sponsorship application.
ELIGIBILITY

Consistent with immigration regulations, Stevens may sponsor a candidate for permanent residence if the offered position meets the following two conditions:

1. The offer is for a permanent, full-time, salaried position; and

2. The employee intends to remain in the position indefinitely. In other words, the offered position has no anticipated end date on the part of the employer and the employee. All involved must recognize that, while no end date is anticipated, this aspect of the determination does not guarantee continued employment or tenure at Stevens. Employment at Stevens is at-will, and can be terminated by either party at any time, and for any reason.

In addition, the foreign national must be eligible for sponsorship by being in appropriate non-immigrant status, and must be able to satisfy all USCIS and Department of Labor requirements.

Sponsored Positions

Stevens will consider LPR sponsorship for the following positions:

1. Tenured or tenure-track faculty positions;

2. Non-tenured and non-tenure-track senior research positions of a permanent nature meeting the criteria of “outstanding researcher”;

3. “National Interest Waiver” applications on a case by case basis; and

4. Non-academic positions on a case-by-case basis with the approval of the Vice President in charge of the department or the Provost.

Please note that persons occupying grant-funded positions may be considered for LPR sponsorship provided that there is a “reasonable expectation” that the grant for the position will last into the foreseeable future.

Positions not sponsored

Stevens will not sponsor part time, temporary, or post-doctoral fellow positions, as they are not considered full-time, permanent positions.

PROCESS

The permanent residence application process is initiated by the requesting Department in consultation with the Director of International Student and Scholar Services, as follows:

School and Department’s Roles

1. Requesting Department completes the Permanent Residence Request Form (PRRF) and submits it to the Dean of the school for approval. The PRRF form can be found here.

2. Upon approval of the PRRF by the Dean, the PRRF is submitted with the following documents to the ISSS office:
- the candidate’s CV;
- copy of college transcripts for the degree used for the attainment of permanent residence;
- copy of all education credentials (certificate/diploma) with official translation, if not in English;
- if the applicant’s highest relevant degree is from a non-US institution, submit a credential evaluation;
- copy of documentation for relevant licensure (if applicable);
- copy of documentation establishing current legal status in the US - passport, I-94, I-797 approval notice, I-20 (F-1 or F-2) and DSP 2019 (J-1 or J-2), if applicable;
- a copy of the official job offer letter;
- evidence of department funding and duration of funding;
- a statement underlying the basis for the request and a detailed description of the individual’s special abilities; and
- the Applicant Agreement of Understanding for Lawful Permanent Residence.

International Student and Scholar Services’ (ISSS) Role

1. The ISSS serves as the primary contact regarding LPR sponsorship, and is the overseer of the process once approval from the Dean has been established. The ISSS will liaise with the foreign national applicant and the relevant Dean’s office.

2. The ISSS will liaise and consult with counsel at the expense of the Department about the immigration process. The ISSS will liaise with Stevens’ Office of General Counsel (OGC) on legal issues and other matters relating to outside counsel retained by Stevens.

3. If it is determined that the foreign national meets the minimum requirements for sponsorship, the ISSS will notify the authorized department administrator of the sponsoring department. The authorized department administrator will notify the prospective LPR in writing, and the case will be forwarded by the ISSS to a law firm engaged by Stevens for final analysis and processing.

4. The ISSS will notify the authorized department administrator, the applicant and the OGC of the attorney assigned to handle a particular applicant.

Legal Services and Expenses

1. The cost for the LPR application process, including all costs associated with advertising, filing, legal fees and any optional fees or expenses, shall be the sole responsibility of the requesting Department. The amount of legal fees for the LPR application process will vary depending on the particulars of the case, and will not include charges for processing applications for additional family members. Upon request, the ISSS can seek to obtain an estimate at the start of an application, but all involved must recognize that fees and expenses may exceed any estimate. An applicant for LPR who departs Stevens, including resignation or dismissal, within three years of the attainment of permanent residence, will reimburse Stevens for all costs associated with the LPR application process, as allowed by law.

2. Upon review of submission, ISSS, in consultation with outside counsel, will determined if the foreign national meets the minimum requirements for sponsorship, and notify the authorized department administrator. Eligibility for sponsorship is based on a number of combined factors beyond a qualifying position, such as job title, a candidate’s qualifications, current and previous immigration status, and the individual’s personal circumstances.
3. The attorney will initially communicate with the authorized department administrator, sponsoring faculty member and the Director of the ISSS office to discuss the LPR process. Once the process has been initiated, and throughout the application process, the attorney will communicate with the authorized department administrator designated by the sponsoring department, the sponsoring faculty member, and the prospective LPR. The Director of ISSS must be copied on all correspondence with the attorney and must be kept informed of all significant developments regarding the application.

4. The attorney will send all forms to ISSS for review and signature.

5. The attorney will send an invoice to OGC at the end of each filing. OGC will review such invoices in consultation with the Director of ISSS and, if necessary, with the relevant department. OGC will approve invoices and charge the relevant department’s account for corresponding fees and expenses. Any questions regarding legal services shall be directed to OGC.

TIME FRAME

The process of applying for permanent residence can be complex, detailed and very time-consuming. It is, therefore, important to begin the application process within a reasonable period to avoid an interruption in employment. It is not unusual for an application to take two or three years to complete. During the processing period, the applicant must maintain valid non-immigrant status, if in the U.S., and be able to satisfy I-9 requirements, until either temporary employment authorization is granted pursuant to the filing of the adjustment of status application, or the attainment of lawful permanent residence. For questions regarding sponsorship of a candidate for permanent residence, please contact the ISSS office at 201-216-5189 or by e-mail to the Director at dclausen@stevens.edu.

This procedure is subject to revision at any time. The information contained in this procedure is not intended to be legal advice and should not be relied upon as such.