

Employment Based Permanent Residence Request for TAMU staff positions

Step 1

Review §7 of System Regulation 33.99.09 and familiarize yourself with requirements for sponsorship.

Employers may choose to sponsor employees in permanent or tenure-track positions when it can be clearly demonstrated that the employee meets sponsorship requirements and sponsorship is in the department's best interest.

Step 2

Complete the sponsorship form and prepare the justification memo.

This memo must clearly explain how sponsorship of this employee is in the department's best interest.

Your memo must address all of the following:

- the foreign national has been employed with you for 1 year;
- the current overall performance rating is 'above average' or higher;
- employment of this foreign national will continue for the foreseeable future;
- funding to support the position is in place for at least 3 years and there is a reasonable expectation that funding will continue (if the position is dependent on grant funding, describe the terms of the grant, including its end date); AND
- there is a reasonable expectation that the foreign national will remain employed with you for at least 3 years after becoming a permanent resident.

Step 3

Submit the sponsorship packet to FIA.

Include ONLY the following with your request:

1. completed and signed sponsorship form;
2. justification memo; AND
3. employee's current resume

The execution and subsequent approval of this request authorizes Faculty Immigration Affairs (FIA) to review the employee's vita and make appropriate administrative recommendations to the Department Head concerning which immigrant petition process is best suited to the specific circumstances. Sponsored immigrant process will only be started after the request for sponsorship is approved.

Incomplete sponsorship requests will be returned to the department for completion.

Department's request for sponsorship of a staff position

I propose to sponsor _____ for employment based permanent residence.

I understand that sponsorship of this employee for permanent residency is not an entitlement, but is an employer-driven process requiring the offer of a permanent position to this employee. A permanent position is one that is not temporary in nature, is not a fixed-term appointment, or is not one that ends when funding is no longer available.

I have attached to this request a written justification that clearly explains how sponsorship for permanent residence is in the employer's best interest because it will meet critical scientific, teaching, public service and/or other needs. My justification addresses the following:

1. This employee has been employed with the sponsoring department for at least 1 year.
2. This employee has a current overall performance rating of "exceeds expectations" or higher.
3. Employment of this individual will continue for the foreseeable future.
4. Funding to support the position is in place for at least three years from today with a reasonable expectation that it will continue beyond the initial three-year period.

Department Head or head of similar
administrative unit

Signature

Date

Dean or appropriate Vice President or
designee

Signature

Date

Administrative Routing

FIA review and comments are on attached sheet.

Submission of written justification and supporting documentation satisfies section 7.3.2 and 7.3.3, if applicable, of System Regulation 33.99.09.

Associate Dean and Director of FIA (or
designee)

Signature

Date

Employee Supplemental Information

TO BE COMPLETED BY THE EMPLOYEE

Has an I-140 previously been filed on your behalf? Yes No

If yes, attach a copy of the USCIS approval notice (or receipt notice if the case is still pending).

Have you filed to adjust your status (Form I-485)? Yes No

If yes, attach a copy of the USCIS approval notice (or receipt notice if the case is still pending).

Employee's Attestation

I acknowledge that employment-based sponsorship for permanent residency by one of the Texas A&M University System universities or agencies or by the Texas A&M Health Science Center is not an entitlement, but is an employer-driven process requiring the offer of either a permanent position or a tenured/tenure-track position to an employee.

If employment based permanent residence is pursued by my employer, I understand that there is a reasonable expectation that I will continue to work for my current employer for a minimum of three years after permanent residence is granted to me.

I further understand that any legal opinion I have personally sought from an immigration attorney in regard to my qualifications for sponsorship under a specific immigrant category are not binding on my employer.

Employee

Signature

Date