# Legal Permanent Residency

## Information on U.S. Permanent Resident Petitions

Arkansas State University will consider sponsorship of eligible employees for legal permanent resident status in accordance with its Procedures on Permanent Residency. The Immigration Specialist for Faculty and Staff will guide the processing and preparation of documentation related to the Legal Permanent Residency petition; however, significant assistance and involvement from hiring departments and employees will be required. Please be aware that some petition options have a limited timeframe in which to be filed; therefore, departments are encouraged to contact the Immigration Specialist for Faculty and Staff as soon as they make a determination to sponsor an individual.

The sponsorship process begins by submitting the Authorization to Engage form; this is a formal request from the hiring department. Certain employees are not eligible for sponsorship under A-State policy. Departments should review the policy carefully before discussing Legal Permanent Residency sponsorship with an employee. Departments are encouraged to contact the Immigration Specialist for Faculty and Staff with any questions at 870-972-2680 or by email.

Employees interested in sponsorship should first discuss this with their department. The Immigration Specialist for Faculty and Staff will not discuss Legal Permanent Residency sponsorship options with employees unless a formal request has been made by a department and approved by the University, as outlined in the University policies and procedures.

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## Permanent Residency Application Process

In order for a foreign national faculty, staff member or researcher to obtain permanent residence status, they have to go through a three-step process. The whole process may take several years, depending upon the type of immigrant category and the country of birth. **When the foreign national qualifies for the EB-1 category, it will not be necessary to complete the first step; proceed directly to step two (filing the I-140).* The steps are listed below:

1. **Labor Certification -** in the first step, the Labor Certification Application is submitted by Ogletree to the Department of Labor for certification. USCIS approves the employment-based petition filed by A-State as the petitioner. This may take 8-10 weeks. A-State will cover the costs associated with the Labor Certification as well as the attorney fees, as mandated by the Department of Labor.
2. **Form I-140: Immigrant Petition for an Alien Worker –** in the second step, the applicant will continue the process with Ogletree. Form I-140, Petition for Alien Worker, will be filed.

3. **Form I-485: Adjustment of Status (AOS)** – in the third step, the process will continue with Ogletree Law Firm. The fees plus any attorney fees associated with the filing is paid by the faculty or staff member. Adjustment of status is submitted to USCIS via form I-485, Application to Register Permanent Residence or Adjust Status. The USCIS conducts a series of background checks (including fingerprinting for FBI criminal background check and name checks) and makes a decision on the application. Once the adjustment of status application is accepted, the foreign national is allowed to stay in the United States even if the original period of authorized stay on the Form I-94 is expired, but he is not allowed to leave the country until the application is approved or rejected. If the foreign national has to leave the United States during this time, he/she can apply for travel documents at the USCIS with form I-131, also called Advance Parole. If there is a potential risk that the applicant's work permit (visa) will expire or become invalid (laid off by the employer and visa sponsor), while he/she is waiting for the decision about his/her application to change status, he/she can file form I-765, to get Employment Authorization Documents (also called EAD) and be able to continue working legally in the United States. Once the application is approved, the alien becomes a Legal Permanent Resident, and the actual green card is mailed to the foreign national’s last known mailing address.

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## Resources and Documents Related to A-State's Permanent Residency Sponsorship Process:

- A-State's Procedure on Permanent Residency Support
- A-State's Immigration Policy
- Authorization to Engage

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