

## **Policy for Legal Permanent Residence Sponsorship for University of Maine Tenure Track Faculty**

The University of Maine sponsors tenure track faculty members for legal permanent residency in the Employment Based 2 (EB-2) category. This category is for professionals with advanced degrees and individuals with exceptional ability in the sciences, arts or business and generally requires a job offer and a labor certification issued by the Department of Labor (DOL). Where an employee was selected following a national search, the University can be reasonably sure of the success of a timely filed labor certification ("PERM") application and a subsequently filed EB-2 petition based upon the certification. Due to timelines imposed by DOL for filing the labor certification application it is important to begin the PERM process shortly after the faculty member begins employment at the University.

The University recognizes that some faculty members, especially those who are citizens from countries where EB-2 visas are backlogged 5-7 years (e.g., India and China), are eager to obtain permanent residency more quickly than possible in the EB-2 preference category. Faculty members desiring to file in the employment based 1 (EB-1) category as an outstanding professor or researcher may with the support of the university elect to do so; however, all associated fees will be the responsibility of the faculty member unless otherwise negotiated with the department. The EB-1 petition will *not* be filed in lieu of a labor certification application and the University's EB-2 petition, but can be pursued separately either at the same time as the EB-2, or at a later date, as determined by the faculty member with advice from the University immigration attorney.

As the EB-1 petition is filed on behalf of the University of Maine, the faculty member is required to use a University approved attorney for the petition, despite the use of personal funds.

### *Exceptions:*

At the discretion of the university and where deemed appropriate, faculty members with significant experience and a distinguished track record of achievement in their field who clearly meet the criteria for the EB-1 category may be considered for an exception to the above rule. A decision in this regard will be made by the hiring department's chair or dean in consultation with the university's immigration attorney.

The University will also consider for exception, cases where there is a compelling extenuating circumstance that requires that the faculty member to file in the EB-1 category (e.g., PERM deadline having passed, inadequate recruitment or a lack of a timely search that satisfies PERM requirements). A decision in this regard will be made by the hiring department's chair or dean in consultation with the university's immigration attorney.

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*Drafted by the Office of International Programs and approved by UMS Legal Council*