



Guidelines on Sponsorship of U.S. Permanent Residency for Faculty and Staff

1. Purpose

These guidelines outline the criteria and procedures under which Texas State University (TXST) will sponsor eligible faculty and staff for employment-based U.S. permanent residency ("green card") in accordance with federal immigration regulations and university priorities.

2. Scope

These guidelines apply to benefits-eligible faculty and staff in full-time positions who require employer sponsorship for permanent residency in the United States.

3. General Principles

- Sponsorship is a discretionary university benefit, not an automatic entitlement.
- The process is guided by U.S. Department of Labor (DOL), U.S. Citizenship and Immigration Services (USCIS), and Department of State (DOS) regulations.
- Employment with TXST does not guarantee sponsorship for employment-based permanent residency.
- The university department in which the eligible faculty or staff member works is responsible for initiating the permanent residency sponsorship process with the International Employment office.

4. Permanent Residence Sponsorship Eligibility Criteria

A. Faculty Eligibility

1. **Tenured or Tenure-Track Faculty:** Titles such as Assistant Professor, Associate Professor, and Professor.
2. **Non-Tenure Track Faculty:** Full-time faculty (e.g., faculty of practice, instructional faculty, clinical faculty, and research faculty) and certain librarian positions. Such roles must be permanent positions and not temporary or adjunct.
3. **Teaching Faculty Special Handling:** For faculty involved in classroom teaching, the "Special Handling" PERM process is available, but the PERM application must be filed within 18 months of the date of selection (usually the date of the job offer letter). Refer to the Deadlines section on page 4.
4. **Competitive Recruitment:** The position must have been filled through a competitive recruitment process, and the foreign national must have been found more qualified than any U.S. applicant.
5. **Evidence of Long-Term Need:** There must be a reasonable expectation of continued employment for at least three years, supported by available funding.

B. Staff Eligibility

1. **Permanent, Hard-to-Fill Positions:** Sponsorship is generally considered for permanent, full-time staff positions that require advanced degrees or specialized skills, and only when it is in the best interest of the department and institution.
2. **Performance and Service:** Staff must typically have been employed for a minimum of one year and have an "above average" or higher performance rating.
3. **Departmental Support:** A written justification from the hiring unit is required, outlining the long-term employment plan and the critical nature of the position.

C. Exclusions

- Temporary positions (postdocs, visiting scholars, instructors, and adjuncts).
- Roles with defined end dates or grant-funded terms.

Summary Table

Category	Eligibility Criteria
Tenured/Tenure-Track	Full-time, permanent; competitive recruitment; long-term need; departmental support.
Non-Tenure Faculty	Full-time, research/clinical/practice/instructional faculty; competitive recruitment; long-term need; departmental support.
Staff	Permanent, hard-to-fill roles; advanced degree/specialized skills; performance criteria; hiring unit support.
All	Department/hiring unit initiated; documented justification; funding for ≥3 years; in best interest of institution.

5. Permanent Residency Petition Under Special Handling Labor Certification (PERM)

A. Definition

Special Handling is a process under DOL regulations (20 CFR §656.18) allowing expedited labor certification for university teaching positions based on a competitive recruitment process.

B. Eligibility

- The role must involve classroom teaching as the primary duty.
- Recruitment must have been competitive and compliant with DOL standards.
- The foreign national must have been the most qualified candidate.

C. Deadlines

1. **The PERM application must be filed within 18 months** of the date of selection (usually the date of the job-offer letter).
 2. It is the responsibility of the hiring departments to notify the International Employment office immediately upon hire to inquire about the possibility of proceeding with this option.
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6. Initiating the Sponsorship Process

A. Timing

1. No later than 24 months from the end date of the current work-authorization. In the case of H-1B holders, it would be no later than 24 months from the end date of the H-1B extension period or the total H-1B period of six years.
2. **Immediately** for Special Handling cases to meet the 18-month deadline from the date of selection.

B. Considerations

- Employee's visa type and timeline (e.g., H-1B duration).
 - Position permanence and funding source.
 - Department's ability to cover petition costs.
 - Strategic value to the institution.
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7. Sponsorship Approval Process

A. Department Request

1. Permanent residence sponsorship requests can only be initiated by the hiring department through International Employment.
2. After consulting with the International Employment office, the hiring department will make the final determination as to whether it wishes to go forward and sponsor the foreign national employee for permanent resident status. The department is responsible for informing the employee of its decision.

3. IF the hiring unit decides to move forward with the permanent residence sponsorship, it should formally notify International Employment through the [PERM Request Form](#).

B. Review and Approval

1. International Employment will review the hiring department's request for sponsorship.
2. Faculty and Academic Records will confirm permanency of position and funding source.
3. Outside counsel will review petition information and will assess if requirements for petition are met.

C. Petition Categories

The following categories are sponsored at TXST:

- **EB-1A:** Extraordinary Ability
- **EB-1B:** Outstanding Professors/Researchers
- **EB-2 Special Handling (PERM):** Teaching faculty
- **EB-2/EB-3 (PERM):** Teaching faculty, professors, professional staff
- **EB-2 NIW:** National Interest Waiver

D. Self-Sponsorship Options

Employees may pursue:

- **EB-1A (Extraordinary Ability):** No university sponsorship required.
- **EB-2 National Interest Waiver:** For those addressing critical U.S. needs.

University does not fund or assist with self-sponsored petitions beyond the required supporting documentation.

8. Costs and Fees

1. **University covers:**

- Attorney fees.

2. **Hiring unit covers**

- Government filing fees for PERM and I-140.
- Adjustment of status (I-485).
- Outside counsel EB-1 consultation fees.

3. **Employee covers**

- Adjustment of status (I-485) if department/hiring unit has not approved fee.*
- Outside counsel EB-1 consultation fees if department/hiring unit has not approved fee.**
- Filing petitions pertaining to dependents including all costs and/or fees.
- Other immigration matters outside of institutional purview.

*This fee is not required by federal regulations to be paid by the employer. However, it is typically covered by the department.

** The cost is typically covered by the department, unless there are special circumstances that require the employee to pay.

9. Legal Counsel

- Only immigration attorneys pre-approved by the TSUS Office of General Counsel (OGC) may be used for employer-based petitions.
- No outside counsel engagement without prior approval from International Employment for employer-based petitions, in consultation with TSUS OGC.
- Employees may retain individual counsel to obtain the employee's own legal advice or representation.

10. Guidelines Review

These guidelines will be reviewed at least every three years or sooner based on legal or procedural changes.

These guidelines are intended for internal use by university departments and hiring officials and will also be published on the university website under International Employment > Permanent Residence Petition.