

Assessment of "Labor Certification" (ETA-9089) and

"Immigrant Petition for Alien Worker" (I-140) Filed by Attorney

The University will not sponsor permanent residence for the following:

- 1) non-immigrants who are in temporary positions, such as postdoctoral scholars and visiting scientists, because these positions do not meet regulatory standards as required for permanent residence, **and**
- 2) positions with a Bachelor's degree as the minimum requirement.

The University will sponsor permanent residence under the following conditions:

The candidate maintains a valid non-immigrant employment status while the application is being processed.

The candidate holds a permanent position at the University of Kentucky. "Permanent" is defined by immigration guidelines as employment that is intended to be of an indefinite or unlimited duration. The nature of the position is such that the employee will ordinarily have an expectation of continued employment. For example, many research positions are funded by grant money received on a yearly basis. Researchers, therefore, are employed pursuant to employment contracts that are valid in one year increments. If the employer demonstrates, however, the intent to continue to seek funding and a reasonable expectation that funding will continue (such as demonstrated by prior renewals for extended long-term research projects) such employment can be considered "permanent."

Steps for using an outside attorney:

- Complete the form below and submit to:
Elizabeth Leibach, Director of ISSS

204 Bradley Hall, Lexington, KY 40506-0058

elizabeth.leibach@uky.edu 859.257.3782
- A review of the attorney's standing in the legal community (i.e. Bar Association by state) will be required before the attorney is hired or begins working on the labor certification. When clearance is given, the director of ISSS will e-mail the department, the candidate, and send the UK guidelines to the attorney.
- Department and candidate meet with the attorney to discuss the details of labor certification and subsequent steps toward permanent residency. Departments may wish to consult with an ISSS advisor prior to beginning the formal process with the attorney, but this is not required.
- The attorney submits a **G-28 Notice of Entry of Appearance as Attorney or Representative, Form ETA 9089 and Form I-140** to Elizabeth Leibach for signature, thus releasing the attorney to represent

UK Elizabeth Leibach, Director of ISSS
204 Bradley Hall, Lexington, KY 40506-0058
elizabeth.leibach@uky.edu 859.257.3782

For the ETA-9089 Labor Certification, there is no filing fee. However, **all costs** associated with this process, including attorney fees, **must be paid only by the employer.** The employer cannot be reimbursed by the candidate for the fees and costs arising from this process.

For the I-140, the department generally pays the govt. filing fee of **\$700** but it is not required. The department is not required to pay the attorney fees. **Form I-907**, Premium Processing fee of **\$1,225** is an optional fee generally paid by the employee.

Attorney fees associated with filing the I-140 need not be reimbursed to the candidate unless the department chooses to do so. If the department chooses to pay attorney fees directly, it must be processed by General Counsel. General Counsel will process the invoices when provided a cost center account number. Contact Kris Gilbert at (krisgilbert@uky.edu) before paying any attorney fees.

NOTE: UK departmental business managers must request checks and approve them through the PRD system. The department should attach this form to the PRD system request to serve as supporting evidence. Departments will request the check using the **vendor number for “US Citizenship & Immigrat” which is 127559.** Using this specific code will automatically allow the check to be delivered to our office.

ADDENDUM

Today's Date:

Attorney's Name:

Email:

Phone:

CANDIDATE

Last name:

First name:

Full middle name:

E-mail:

Cell phone:

Office phone:

Current visa status:

If H-1B, total time in H-1B Status (mm/dd/yyyy): FROM: TO:

Minimum entry level education required (MS, MA, PHD, MD, JD, etc):

Specify Specialty:

Number of employees candidate will supervise:

(Do not include supervision of graduate students, such as RA or TA)

Title of person who will be candidate's immediate supervisor:

I support the application leading to Permanent Residence and understand the financial responsibilities which accompany it.

Dean, Chair or Director:

Signature: