

Instructions for UK Departments Using an Attorney *Immigrant Petition for Alien Worker (I-140)*

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 holds a "permanent" position at the University of Kentucky. The request for the University to sponsor the application must be approved by the applicant's Chair or Director and the Dean of the College.

"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."

The candidate maintains a valid non-immigrant employment status while the application is being processed, unless it is concurrent filing with the I-485 Adjustment of Status. In this case, our office advises continuation of the H-1B rather than filing the Employment Authorization Document, but we defer to the counsel of the attorney.

Steps for using an outside attorney:

- Complete "Initiation" form and submit to:

Elizabeth Leibach, 204 Bradley Hall, 0058

Director, International Student and Scholar Services, (ISSS)

Ph: 257-3782 – FAX 323-1026 E-mail: elizabeth.leibach@uky.edu

- Attorney creates a **G-28**, *Notice of Entry of Appearance As Attorney or Representative*, for signature, thus releasing the attorney to represent UK.

Official signatory Representative at UK to sign G-28 and I-140

Elizabeth Leibach, 204 Bradley Hall, 0058

Ph: 257-3782 – FAX 323-1026 E-mail: elizabeth.leibach@uky.edu

- Director, International Student and Scholar Services, (ISSS) is the signatory for the I-140 *Immigrant Petition for Alien Worker*.
- A copy of the approved petition must be submitted to Elizabeth Leibach
- The **Form I-140 government application fee (\$700)** is normally paid by the department but can be covered by the employee. Premium processing fee of (\$1,225) is *optional*.

- Attorney fees 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 approved 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.

Please complete INITIATION FORM and return to Elizabeth Leibach:

ATTORNEY

Name:

Law Firm:

E-Mail:

Phone:

Address:

THE CANDIDATE

Last name:

First name:

Date of birth

Middle name:

Country of citizenship:

Country of birth:

Highest Degree held:

Length of employment at UK:

Present non-immigrant status:

Beginning date;

Expiration date:

Email:

Phone:

THE DEPARTMENT

Department:

Address:

Hiring Official:

Title:

Telephone #:

E-mail:

THE POSITION

Title:

Degree required for position:

Category of position (check appropriate category)

Clinical Title Series

Research Title Series

Other _____

I approve this I-140 filing as the supporting document leading to Permanent Residence (“green card”) and agree that the cost of the government filing fee will be covered by the employee and/or the hiring department.

Name of Dean, Chair or Director:

Signature:

Date:

Updated 5/4/2017