

**UC ANR ACADEMIC HUMAN RESOURCES UNIT (AHR)
VISA – Green Card Sponsorship Guidelines and Frequently Asked Questions (FAQs)**

Revision date: 9/23/2020

(APM Section 530 – Recruitment Nonresident)

UC ANR is committed to hiring a diverse academic workforce. In so doing, we provide financial support for the green card application process. This process is initiated by UC ANR Academic Human Resources (AHR) Unit, with direct assistance, instruction and advice from the consultants in the UC Davis Services for International Students and Scholars (SISS) Office.

The following statements represent the UC ANR guidelines for responding to an appointee's request for UC ANR sponsorship of an appointee's green card.

- The normal time to consider sponsoring the green card will follow the appointee's completion of two (2) consecutive successful merit reviews.
- How and whenever this decision is made, it will be reflected in a post-hire memo to the appointee.
- Budget availability will be a consideration.
- Only academics in CE Advisor and CE Specialist title series are eligible.

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FREQUENTLY ASKED QUESTIONS:

What's the process to request UC ANR's green card sponsorship?

Academic appointees can start the process by sending an e-mail to Academic HR Business Partner, Becky Sisman, at bsisman@ucanr.edu. A response to the Appointee from the AHR unit will provide information, resources and recommended course(s) of action applicable to the Appointee's timeframe. CE Advisors and CE Specialists are encouraged to review AHR Unit Manager's letter regarding sponsorship and reimbursement guidelines. The green card application process requires a coordination of efforts by AHR, SISS and non-UC legal counsel, the contract for which will be facilitated by SISS and signed by the Associate Vice President. Appointees may view the ANR guidelines and Frequently Asked Questions (FAQs) on the AHR web site and may contact the AHR unit with their questions.

Can an application for the green card be submitted when an appointee is in any status?

It is generally recommended that the appointee be in H-1B status before proceeding with the green card application process. The H-1B category allows "dual intent" which means, although the H-1B is a temporary non-immigrant category, the H-1B holder may also have immigrant intent.

F-1 and J-1 status/visas do not allow immigrant intent. It is possible to pursue the green card application while being in F or J status, but the process may require legal counsel assistance.

An Appointee with additional questions is encouraged to inquire of the UCD SISS office at SISSscholar@ucdavis.edu.

How does ANR know who the international appointees are and their work authorization timeframes?

In the job offer letter, appointees are advised to contact AHR if they are not US citizens or permanent residents. AHR maintains a record of work authorization-related information for non-resident appointees.

Is there a role for the appointee's supervisor in this process?

Yes. The process is closely facilitated by non-UC legal counsel. The contracted law firm's staff member assigned to the UC ANR case will make direct contact with, and seek input from, the appointee, supervisor, AHR analyst, ANR Associate Vice President or designee, for forms completion, letters, position description, position advertisement, approval, etc.

Is legal counsel necessary for an appointee to apply for his/her own green card?

The process is technical, complex and time-consuming. For these and other reasons, an appointee is encouraged to download a list of Certified Legal Specialists for Immigration and Nationality Law found at this SISS office web site: <https://siss.ucdavis.edu/government-legal-resources>

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Will the appointee’s definite term status have any bearing on the ANR decision to sponsor a green card application?

No. An appointee’s trajectory through a definite to indefinite term appointment is a separate path from the green card application process. However, if the appointee is in a non-career track appointment due to soft-funding, the Associate Vice President will need to work with the funding partner to determine eligibility for a green card.

Will changes to my position description create any cause for concern related to this process?

Changes under consideration to the appointee’s position, such as, although not limited to work location or job duties, should be communicated to the AHR unit before they are implemented. Changes could affect the process, information flow, processing timeline, fees paid (to SISS, outside legal counsel, and/or the USCIS), USCIS response and response time, AHR will convey any such anticipated changes to SISS. It is recommended that any necessary changes to appointee’s position description be implemented prior to the start of the green card application process, or after the green card is acquired.

Will the appointee incur a financial cost related to this process?

The Appointee is responsible for paying for their own fees (to file the Form I-485), their dependents’ fees and Form I-539 Application to Extend/Change Non-immigrant Status filing. There may be other fees for which the appointee could be obliged to pay.

Will the appointee be asked or obligated to reimburse the University for any or all filing fees paid by the University?

20CFR 656.12(b) prohibits the University from accepting reimbursement from appointee for fees paid by the University when the employer sponsors the green card application. UCD SISS office and UC ANR shall comply with this and all relevant regulations.

Why would an appointee initiate and finance their own green card application process?

An appointee may wish to pursue permanent resident status on his/her own behalf if, for example, UC ANR’s timeline for initiating the green card request does not accommodate the appointee’s own timeline or if they are otherwise ineligible for UC ANR sponsorship.

What resources are available to research cost and process for applying for my own green card without UC ANR financial support?

Appointees may find usefulness in the following web sites <https://siss.ucdavis.edu/government-legal-resources>, <http://siss.ucdavis.edu/contact.html> or US Department of Homeland Security site <https://www.uscis.gov/>