




**To:** Vice Presidents, Director of Athletics, Deans and Directors

**From:** Neal Smatresk, Executive Vice President and Provost 

**Subject:** Procedure for Teaching/Non-Teaching Faculty Employment Based Permanent Residency (I-140) Applications

**Date:** May 14, 2008

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*Please distribute these mandatory practices to your department and/or unit level supervisors for immediate implementation. Note:* Pursuant to UNLV policy, the hiring department/unit cannot seek reimbursement of fees from the employee.

1. The department/unit obtains and completes a "Preliminary Information Form for Employment Based Permanent Residency" (Preliminary Information Form), which can be obtained from the Office of International Students and Scholars (OISS). The department/unit completes all of parts A, B and Section 1 of part C. The Department Chair or Director/Unit head must review and sign on page 5, part C, Section 1 and page 6, part D. The Preliminary Information Form must then be sent it to OISS. MS1035.

*OISS has created a Preliminary Information Form which will assist OISS in determining the likelihood of a successful application. This form will also provide a means of verifying that the Executive Vice President and Provost, Vice President or Dean, as applicable, has given approval and has agreed to sponsor the employee in an employment based permanent residency application.*

2. Within two weeks, OISS determines whether or not the employee is eligible to apply for permanent residency. (OISS cannot guarantee that the employee will ultimately be approved for permanent residency; OISS reviews the visa/immigration history to ensure that an application for permanent residency is appropriate).

3. If OISS determines that the employee is eligible to apply for permanent residency based on the individual's history, OISS then forwards the "Preliminary Information Form" to the back to the Department Chair or Director/Unit head for final review. The Department Chair or Director/Unit head must forward the completed Preliminary Information Form to the Executive Vice President and Provost (and/or his assigned delegee), Vice President or Dean, as applicable.

4. The Executive Vice President and Provost (and/or his assigned delegee), Vice President or Dean, as applicable, consults with the applicable administrators to determine whether or not the University should proceed with the sponsorship for employment-based

permanent residency application. The decision to proceed with the permanent residency application process is dependent solely on the academic, research and educational interests of the University. The Executive Vice President and Provost (and/or his assigned delegee), Vice President or Dean, as applicable must review the Preliminary Information Form and provide his/her approval by signing on page 5, part C, Section 3 and page 6, part D.

5. If approved, the Executive Vice President and Provost (and/or his assigned delegee), Vice President or Dean, as applicable, must forward the **completed** "Preliminary Information Form" to the Office of General Counsel. The Office of General Counsel returns completed copies of the "Preliminary Information Form" to OISS. OISS forwards copies to the hiring department/unit enabling the hiring department/unit to proceed to step 6.

6. Once steps 1-5 are complete, the department/unit prepares a purchase requisition, attaching the written concurrence of the Executive Vice President and Provost (and/or his assigned delegee), Vice President or Dean, as applicable and the Office of General Counsel for the employment of a Nevada System of Higher Education ("NSHE") approved outside attorney with whom UNLV has a contract. Once the purchase requisition is reviewed and the "Commodity Approval Authority" is obtained by the Office of General Counsel, the Office of General Counsel will return the purchase requisition to Purchasing for issuance of a purchase order. The Office of General Counsel will notify the hiring department/unit and OISS that contact may be initiated with a NSHE approved outside attorney with whom UNLV has a contract. At this point, the department/unit may ask OISS for the contact information of a NSHE approved outside attorney. The department/unit may then contact the NSHE approved outside attorney. The employee may not independently file an employment based permanent residency application.

7. The Executive Vice President and Provost (and/or his assigned delegee), Vice President or Dean, as applicable, is responsible for providing all required documentation to the NSHE approved outside attorney. OISS will not review the documentation.

8. If applicable, the NSHE approved outside attorney will work with the Manager of Employment at UNLV Human Resources (currently Jen Martens) regarding recruitment issues as instructed by the attorney.

9. The NSHE approved outside attorney submits an Immigration Petition for Alien Worker (I-140) and a Notice of Appearance as Attorney or Representative (G-28) to OISS for signatures. Only OISS is authorized to sign these immigration forms on behalf of UNLV. If a Labor Certification is required, OISS must also sign the ETA 9089 form.

10. The NSHE approved outside attorney will file all necessary applications (Labor Certification Application, etc...) with the federal government. If applicable, the NSHE approved outside attorney must use the PERM account that UNLV has already established via OISS. To gain access to UNLV's PERM account, the NSHE approved outside attorney must contact OISS.

11. The NSHE approved outside attorney submits a bill to OISS. OISS approves it and forwards it to the Office of General Counsel. The Office of General Counsel approves and forwards the bill to the Executive Vice President and Provost (and/or his assigned delegee), Vice President or Dean, as applicable. Any billing irregularities will be brought to the attention of the Office of General Counsel.

12. If the I-140 is approved, the NSHE approved outside attorney will forward a copy to OISS and, if applicable, the attorney will send OISS the Labor Certification documentation.