



International Students and Scholars Office

Student Academic Affairs

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Use of Outside Counsel

UCSF-Sponsored Visa Petitions

It is UCSF policy that all immigrant (employment-based) and non-immigrant petitions, labor certification applications, and labor condition applications filed by UCSF must be processed through the International Students and Scholars office (ISSO).

UCSF, through ISSO, files its own petitions and applications, as a service and benefit to the employee and department.

While it is always permissible and encouraged for an international student or scholar to retain an attorney, that attorney cannot represent the University of California's interests. UCSF does NOT authorize outside attorneys to file petitions and applications on behalf of UCSF. Only attorneys specifically contracted by the University through the Office of General Counsel are authorized to represent UCSF in immigration matters when following the administrative process supervised by ISSO.

Only an authorized person from ISSO may approve and/or sign any labor certification, employment-based preference petition, or other immigration document for which UCSF is the employer or sponsor. Neither Human Resources employees or faculty have authority to sign or approve such documents on behalf of UCSF.

UCSF has instructed the California Employment Development Department (EDD), the U.S. Department of Labor, the U.S. Department of State, and the U.S. Department of Homeland Security that only UCSF may process and file petitions and applications. UCSF has submitted written instructions to each of these agencies requesting that any applications submitted without the proper UCSF authorization should not be processed but rather forwarded to the ISSO.

Individually-Sponsored Visa Petitions (Not Employer-Dependent)

An applicant who wishes to independently submit an employment-based first-preference extraordinary ability petition (EB 1-1) or an employment-based second-preference ? advanced degree holder, national interest waiver or exceptional ability, national interest waiver ? (EB 2 with waiver of the labor certification and waiver of the permanent job offer) ? with the I-140 petition signed only by the applicant ? may retain the personal services of an attorney.

The attorney retained by the applicant may not hold himself/herself out as acting on behalf of, or with authority from UCSF and must clearly indicate that he/she represents only the applicant in any correspondence with applicable government agencies. It is the responsibility of the applicant to inform the retained attorney of these rules.

Use of Attorneys for Personal Immigration Work

If an international chooses to use an outside attorney for personal immigration work, the individual must cover all of the costs. The attorney in this case works for the individual ? not for UCSF ? in the same way that an attorney would handle court appearances to dispute traffic tickets, or estate planning.

While only attorneys contracted by UCSF may represent the University, internationals may wish to employ personal attorneys to represent their interests in immigration matters relating to the section of the forms and proceedings that apply ONLY to the individual, namely adjustment of status or consular processing.

A good immigration attorney can advise the individual about the options available and can help make the best decision depending on the individual?s circumstances. A lawyer can serve as the individual?s advocate and be willing to appeal an unfavorable decision by the U.S. Department of Homeland Security, and to go to court if necessary, to argue on behalf of the individual.

There are certain things that a lawyer cannot do for an international. A lawyer cannot file papers that are not true, or legally obtain immigration status for which the international does not qualify, or challenge the international?s ?priority date? (timeliness of adjudication), or put the international ahead of someone else in the waiting line for immigration benefits. If an attorney ?guarantees? a visa or a green card, obtain a second opinion from another attorney. Only the U.S. government can grant immigration benefits. Attorneys do not have the power to grant immigration benefits, but they can request benefits.

When appropriate, and approved by the individual, ISSO is pleased to work with attorneys. Before ISSO can release any information to an attorney, or to anyone else, the international?s written permission is required.

What Faculty Can Do

If a faculty member wishes to support an applicant for an individually-sponsored visa petition, the faculty member may write personal letters of support if requested by the applicant. While such letters may accurately reflect the faculty member?s UCSF position and affiliation, the faculty member should make it clear that the statements in the letter reflect his/her personal observations and support and that the faculty member is not speaking on behalf of the institution.

Faculty may verify current employment only for UCSF applicants who are self-petitioning for permanent residency. Faculty may not make any promise of either permanent or ongoing employment for self-petitioning applicants.

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