

Sponsoring Employment-Based U.S. Permanent Residence

Spring 2024 Updates



A presentation by
The International Students
and Scholars Office (ISSO)

 COLUMBIA | ISSO
International Students & Scholars Office

Objectives

- 1 To provide an overview of eligibility requirements and pathways to employment-based Permanent Residence (PR)
- 2 To explain your department's role during the PR sponsorship process
- 3 To highlight factors to consider (timing, costs, obligations) prior to initiating a PR case with ISSO

Employment Based Pathways to PR



Outstanding
Professor/
Researcher (EB1)



National Interest
Waiver (EB2)



Special Handling PERM
(EB2)
For Instructional Staff

General Acknowledgement



Before we begin, we acknowledge that.....

the Permanent Residence process can be confusing, expensive, and counter-intuitive.

Therefore, we ask that sponsoring departments...

- rely on ISSO and the University's outside immigration counsel to provide guidance
- not try to 'understand' or alter the guidance
- act promptly when given a task or when contacted about a case, *as timing is critical*

Eligibility Requirements

Eligibility for Columbia University's Permanent Residence (PR) sponsorship normally requires either:

- A full-time ongoing appointment in an Officer of Research position that requires an advanced degree and has at least three-years of future guaranteed funding
 - No Staff Associates (may consider self-sponsorship)
 - No Postdoctoral positions (temporary in nature, may consider self-sponsorship)
- A full-time ongoing appointment in an Officer of Instruction position which requires at least a Ph.D. or Master's degree

Initiating PR Sponsorship with ISSO

To initiate PR sponsorship, submit these items to isso-pr@columbia.edu

- Permanent Residency (PR) Initial Review Form (Updated version: March 1st, 2024)
- Updated CV
- Academic Search and Recruiting (ASR) / Interfolio posting
- Initial offer letter



These materials confirm department's commitment to sponsor PR and facilitate our determination of eligibility and PR pathway(s).

PR Initial Review Form

Form Update: March 1st, 2024

By signing this form, the sponsoring department confirms its understanding that:

- the position offered is full-time with a reasonable expectation of funding for at least 3 years
- a successful outcome is not guaranteed and no such guarantees have been made to the employee
- if the case can be handled in-house, ISSO will determine the PR category and provide relevant information
- ISSO may recommend the case be handled by authorized outside counsel; Legal fees will be incurred

Within two weeks of receiving all the requested documentation, ISSO will provide the department of the recommended filing strategy.

ISSO PR Fee

- the department will have two weeks to decide whether to proceed with in-house filing, at which time a \$2,000 ISSO fee will be charged
 - chart-string must be provided on the PR form when submitted to ISSO
 - ISSO fee will not be charged if referred to outside counsel
 - ISSO fee cannot be charged back to employee
 - *for tenure-track faculty only*: fee will be waived if PR Form is initiated within 60 days from the date of initial offer letter. - Timing is critical in such cases, in order to qualify for Special Handling PERM

EB-1 Outstanding Researcher/Professor

Must prove:

- At least three years experience teaching or conducting research
- International recognition for outstanding academic achievements
- Position is “permanent” or tenure-track

Documentation of at least two of the following must be provided:

- Receipt of major awards/prizes for outstanding achievement in field
- Memberships in associations requiring outstanding achievement for admission
- Published material in professional journals about employee's work in the field
- Experience judging the work of others in same/related field
- Original scholarly and/or scientific contributions of major significance
- Authorship of scholarly books or articles in international professional journals

EB-2 National Interest Waiver

The following must be demonstrated:

The individual is working in an area or field of substantial intrinsic merit

The proposed impact/benefit of the work is national in scope, even if the employment itself is limited to a geographic area

The national benefits are so significant that they outweigh the national interests inherent in the labor certification process (ie. testing the labor market to identify a minimally qualified worker)

EB-2 Special Handling PERM

The Special Handling PERM program (Program Electronic Review Management) is a U.S. Department of Labor (DOL) which allows universities that have conducted a competitive recruitment campaign to file based on that past recruitment.

Refer to “Recruitment Guidance” in the PR section of our website for more information

Must be filed within 18 months of offer letter, irrespective of start date or current employment at Columbia.

There are a number of preliminary steps to be taken prior to filing, so it is essential to initiate PR sponsorship when offer is accepted.

EB-2 Special Handling PERM

ISSO files Prevailing Wage with Department of Labor (DOL)

- May take DOL up to 6-9 months to issue determination
- During this time, ISSO will work with department to gather additional documentation such as evidence of posting requirements and preparation of recruitment report

Filing PERM once all documentation has been provided

- Can take DOL 12+ months (processing time subject to change) if no audit

EB-2 Special Handling PERM

If SH PERM is not filed within 18-months of date of offer letter, “Re-selection” (re-test of labor market) will be required.



- Counter-intuitive, but required and legal
- 18-month clock begins anew

I-140 Immigrant Visa Petition

Form I-140: \$700

Premium
Processing:
\$2,805 *

*Premium Processing increase as of 2/26/2024

Final Step: Employee's Filing of I-485

Adjustment of Status

Unlike previous steps it is filed by employee and may include family members

ISSO may not advise on the employee's personal I-485. Attorney list can be provided (attorney representation not required, but strongly recommended)

Outside Counsel Policy

- Only the Seltzer Firm is authorized by OGC to represent the University in regard to employment-based permanent residence cases
- ISSO determines who will handle an employment-based PR case based on a variety of factors, such as:
 - Employee's immigration history, professional accomplishments, research field
 - Remaining time left for further non-immigrant visa sponsorship
 - Duration of time that has elapsed since candidate was selected
- ISSO (and outside counsel if applicable) determines appropriate pathway(s) for employment-based PR cases (not the employee)
- Employee can always self-sponsor for PR

Fee Policy and Filing Costs

Initiating employment-based Permanent Residency means the hiring department is prepared to cover these fees:



ISSO In-house Fee - \$2,000

- Waived for tenure-track faculty if PR Form is initiated within 60 days of initial offer letter
- Only if handled in-house



All employment-based attorney costs (PERM only)

- Department is not required to pay fees related to Form I-485 for employee/family



Form I-140 filing fee; Premium processing fee (may be paid by either department or employee)

Questions?

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<https://isso.columbia.edu/content/sponsoring-permanent-residency>



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