

Sponsoring Employment-Based U.S. Permanent Residency for Research and Instructional Positions

What's your department's role?



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

Objectives

- 1** To provide an overview of eligibility requirements and pathways to employment-based Permanent Residency (PR) for international faculty and researchers
- 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

Types of Employment Based Pathways to PR

Extraordinary Ability
(EB1)

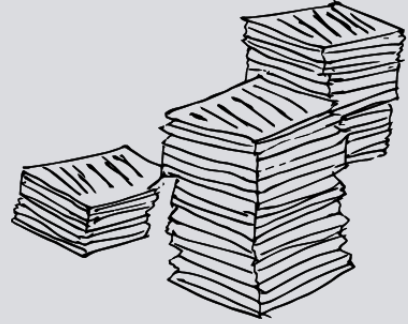
National Interest
Waiver (EB2)

Outstanding
Professor/Researcher
(EB1)

Labor Certification (“PERM” - EB2)

- **Special Handling PERM**
 - University Instructional Staff
- **Standard Process PERM**
 - Non-teaching Staff
 - (extremely rare, so will not be covered in this presentation)

General Acknowledgement



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

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

Therefore, we ask that sponsoring departments...

- rely on ISSO to provide guidance
- act promptly when given a task or when contacted about a case, as *timing is critical*

Eligibility for employment-based Permanent Residence sponsorship

Requires either:

- A full-time ongoing appointment in an Officer of Research position that requires a Ph.D. and has at least three years of future guaranteed funding
- A full-time ongoing appointment in an Officer of Instruction position which requires at least a Ph.D. or Master's degree

Other positions may be considered for permanent residence sponsorship if the position is deemed to be critical to the functioning of the department or the University

Initiating PR Sponsorship with ISSO

To address any concerns prior to initiating a PR case:

- Department can contact ISSO to discuss its own sponsorship concerns
- Department can request a phone call with ISSO/hiring department/employee to discuss employee's PR sponsorship concerns

Initiating PR Sponsorship with ISSO

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



- Permanent Residency (PR) Initial Review Form, CV, RAPS posting and offer letter
 - These materials confirm department's commitment to sponsor PR and facilitate our determination of eligibility and PR pathway(s)

EB1 Extraordinary Ability

This visa category requires outstanding achievements in the sciences, arts, education, business or athletics.

The individual must have reached the top of his or her field and must have achieved “sustained national or international acclaim”.

EB-1 Outstanding Researcher/Professor

Must demonstrate:



At least three years
experience teaching
or conducting
research



International
recognition for
outstanding academic
achievements



Position is
“permanent” or
tenure-track

EB-1 Outstanding Researcher/Professor

Documentation can include:

- Receipt of major awards/prizes for outstanding achievement in field
- Memberships in associations requiring outstanding achievement for admission
- Published materials 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 scientific journals

EB2 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 (i.e., testing the labor market to identify a minimally qualified worker)

EB2 Labor Certification (Special Handling PERM)

1 Applying for Prevailing Wage through Department of Labor (DOL)

- Can take 4+ months to receive from DOL
- Department will be guided through process on steps such as posting requirements and preparing recruitment report

2 Filing Labor Certification Application (ETA 9089)

- Can take 5-7 months if no audit
- Must be filed within 18 months of date of selection (offer letter) for Special Handling
- “Re-selection” (re-test of labor market) is needed if 18-month clock missed
 - Counter-intuitive, but required and legal
 - 18-month clock begins anew

3 Filing the I-140 Immigrant Petition for Alien Worker with the USCIS

Final Step: Employee's Filing of I-485

Form I-485 Adjustment of Status

- Unlike previous steps it is filed by employee
- ISSO may not provide guidance on employee's personal I-485
 - Attorney list can be provided (not required but strongly recommended)
- ISSO can advise on timing of the I-485 filing and further H-1B extensions
 - Concurrent filing with the I-140 may be possible
 - Timing is dependent on Visa Bulletin and visa number availability
 - H-1B can be extended beyond 6 years in limited circumstances

Outside Counsel Policy

- ISSO will evaluate what cases may need to be referred to outside counsel 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) will determine appropriate pathway(s) for employment-based PR cases, in consultation with the employee
- Any employee may self-sponsor for PR

The Goal



A person's hand is raised in the air, set against a blurred background of a classroom or meeting room. The scene is dimly lit, with a blue-tinted overlay. The hand is positioned in the upper right quadrant of the frame. The background shows the outlines of desks and other people, though they are out of focus.

Questions and Answers



Thank You!

For follow-up questions on Columbia-sponsored permanent residence please contact Liz Basile:

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