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

What’s your department’s role at Morningside and Manhattanville?

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

- 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 Residency 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 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
  - No Staff Associates (Best route for Staff Associates: J-1 > H-1B)
  - No Postdoctoral positions (Temporary in nature)

- A full-time ongoing appointment in an Officer of Instruction position which requires at least a Ph.D. or Master’s degree
If you anticipate highly qualified foreign national applicants for a position, contact ISSO prior to placing the ad. Here’s why:

ISSO can review ad content and placement to facilitate a smooth PR process.

Guidance will cover topics impacting subsequent PR sponsorship:
- Accuracy and consistency in defining job description
- The impact of including minimum requirements or preferences on educational levels and previous employment experience
- The location of the job ads and the duration of postings
- A review of “Recruitment Guidance” in the PR section of our website
To address any concerns prior to initiating a PR case:

- Department can contact ISSO to discuss any sponsorship concerns
- Department can initiate a preliminary discussion with ISSO/hiring department/employee to discuss employee’s PR sponsorship concerns

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

- Permanent Residency (PR) Initial Review Form, CV, RAPS posting
  - These materials confirm department’s commitment to sponsor PR and facilitate our determination of eligibility and PR pathway(s)
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
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).
PERM program (Program Electronic Review Management) is a U.S. Department of Labor (DOL) process requiring a good faith test of the U.S. labor market to determine the selected candidate is the “most qualified”.

Must be filed within 18-months of offer letter, irrespective of start date.

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 4 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 3-6 months (processing time subject to change) if no audit
  - 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
EB-2 Special Handling PERM

If 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

Prior to ISSO filing the I-140 with USCIS, the department will provide checks for the filing fees:

- I-140 > $700
- Premium Processing > $1440
  (not all PR categories are eligible)

*Filing fees subject to change*
Final Step: Employee’s Filing of I-485
Form 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.
Initiating employment-based Permanent Residency means the hiring department is prepared to cover these fees:

- Advertising costs (for re-selection PERM only)
- All employment-based attorney costs (for PERM only)
  - Fee payment related to Form I-485 for employee/family can be a courtesy, but not required
- Form I-140 filing fee; Premium processing fee (if applicable)
Questions?
Thank you!

Jane Acton  
(212) 854-6356  
ja378@columbia.edu

Liz Basile  
(212) 853-1414  
ekb2151@columbia.edu

Ximena Corley  
(212) 854-6359  
mjc2247@columbia.edu

Colleen Weiss  
(212) 853-1415  
cmw2214@columbia.edu

Gabriel Saravalli-Burchfield  
(212) 853-1749  
gss2152@columbia.edu