

Permanent Residence and Visa Sponsorship Updates - Spring 2024

 COLUMBIA | ISSO
International Students & Scholars Office

Agenda

Visa Sponsorship Updates and Reminders:

- H-1B: Eligibility, Processing Times, Fees
- H-1B vs. J-1 Factors to Consider

Permanent Residence Sponsorship:

- Officers of Instruction
- Officers of Research

J-1 vs. H-1B: Differences to Consider

J-1 sponsorship:

- allows changes in funding source
- allows honorarium payment for outside lectures
- J-2 spouse can apply for employment authorization
- faster visa sponsorship process
- does not require specific degree field for the job

Premium Processing is now available to change status to J-1 while remaining inside the U.S.:

Premium Processing fee: \$1,965 (30-days)

Form I-539 Fee: \$470

This is now an option for positions that do not meet DOL wage levels for H-1B sponsorship or when J-1 sponsorship is preferred.

H-1B visa sponsorship is employer-specific and used for specialty occupations meeting salary requirements set by Dept. of Labor.

“Dual Intent”: H-1B visa holder may pursue permanent residence while maintaining H-1B status and preserving the ability to travel internationally.

Must be used for tenure-track positions.

H-1B Processing Timeline

Submit complete H-1B sponsorship/extension requests 3-6 months in advance.

H-1B filing cannot be immediate, as many factors impact the timing:

- J-1 waiver – 212e issues
- Employee's international travel plans
- Department of Labor step & related wage issues
- Incomplete documentation / ordering checks
 - *Note: New USCIS fee amounts are on ISSO website*

H-1B Sponsorship: ISSO Processing

ISSO does the following once H-1B packet has been delivered:

- 360-Review of job duties, degree field, current visa status, travel plans
- Department of Labor (DOL) Certification
 - very often a two-week process step to comply with DOL wage requirements
- FedEx H-1B petition to USCIS, which also includes:
 - Premium Processing (\$2,805) for USCIS action on case within 15-Business days
 - H-4 change of status/extension documentation, if applicable (USCIS fee is now \$470)
- USCIS may respond with a Request for Evidence (RFE) which will delay overall processing
- USCIS sends I-797 Approval to ISSO in hard copy by USPS mail; ISSO cannot predict receipt date
- I-797 Approval: Pickup at ISSO or sent FedEx (using dept's account) as per department guidance

H-1B Sponsorship “Late Fee”

A \$500 H-1B “Late Fee” is charged to the department unless all documentation (incl. checks) is sent to ISSO at least 60 days in advance of the requested H-1B start date.

This fee is almost entirely avoidable for new hires.

Waived for new hires if all documentation is received within 60-days from offer letter date, when J-1 sponsorship is not possible

Entirely avoidable for extensions and changes of visa status for current employees

Late H-1B sponsorship (sent within the 60-day window) poses serious problems:

- Delay in employment start date or an interruption in employment/salary/benefits
- ISSO must “drop everything and triage”; thus other timely filed cases with ISSO are impacted
- It leaves each step in the process with intense time pressure, which is unrealistic given the many H-1B steps in sponsorship
- Employee’s international travel plans are impacted; ISSO has limited ability to accommodate existing or anticipated travel plans due to urgent need to file

Employment-Based PR Sponsorship Eligibility

Columbia's PR sponsorship normally requires:

Full-time ongoing Officer of Instruction or Officer of Research position requiring an advanced degree and 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)

Employment Based Pathways to PR

ISSO delivers presentations covering each of the following types of Employment-Based PR Sponsorship:



Outstanding
Professor
Researcher
(EB1)



Special Handling
PERM for
Instructional Staff
(EB2)



National Interest
Waiver
(EB2)

Initiating PR Sponsorship with ISSO

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

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



This step will 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 the 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 submission, ISSO will provide you with the recommended filing strategy.

Your department will then have two weeks to decide whether to proceed.

Permanent Residence Sponsorship Fee

In-house filing: 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 (attorney fees will be incurred)
- 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

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
- 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 case initiated within 60 days of initial offer letter

(act ASAP for new tenure-track faculty and lecturers!)

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 fee: \$715

Prem. Proc. fee of \$2,805 may be paid by either department or employee

Q & A

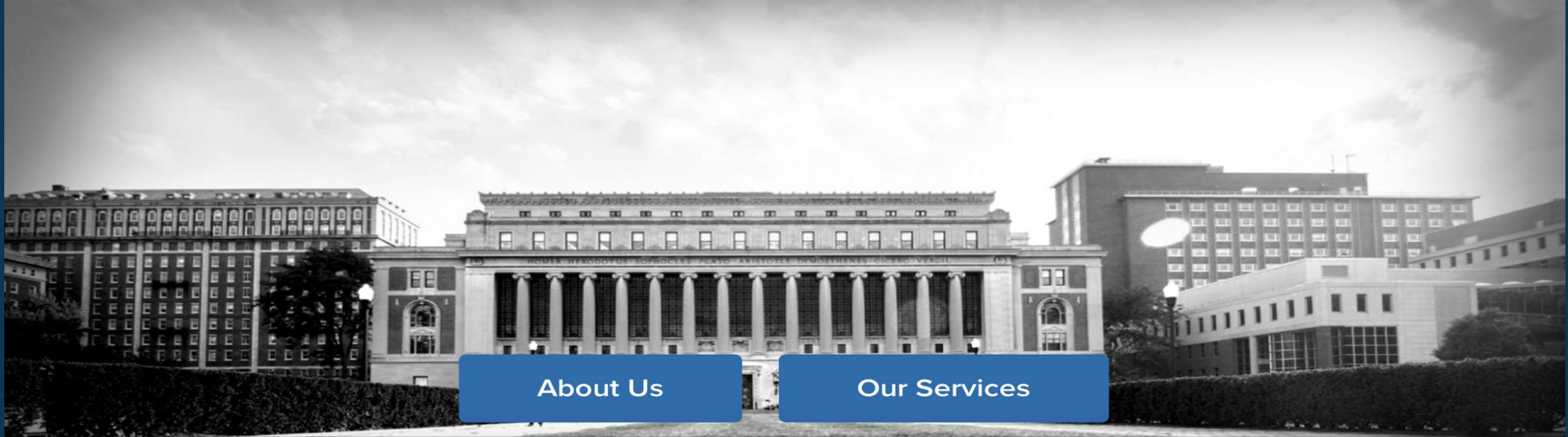
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