University of Virginia

Green Card Processing
for
International Faculty and Staff

Presented By
Human Resources
Compliance and Immigration Services

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Different Routes to Obtaining Permanent Residence Status

- Family
- Employment
- Public or Humanitarian
- Diversity Immigrant Visa Lottery (DV)
Steps to Initiate Review of LPR Sponsorship

- Contact HR/CIS as early as possible.
- Send resume to HR/CIS for review.
- HR/CIS assesses the viability of the case for processing.
- If approved, HR/CIS assists the department and the foreign national with the process.
Process for Obtaining Approval for UVA LPR Sponsorship

- A department requesting to sponsor a foreign national employee will submit a green card packet as found on the HR/CIS website, and signed by the Chair, Dean, or hiring official to HR/CIS.

- Not all positions at The University of Virginia will be sponsored for U.S. Legal Permanent Residency.

- A department should not promise to a prospective or current employee that the University will sponsor them for U.S. Permanent Residency unless options have been discussed with HR/CIS, and approval has been obtained through the hiring official in the department.
Process for Obtaining Approval for UVA LPR Sponsorship

- An individual employee cannot initiate the request for institutional sponsorship for U.S. Legal Permanent Residence.

- An individual employee or department may not hire an outside attorney to prepare and/or sign any immigration documents on behalf of The University of Virginia.

- Requests to hire outside counsel will be approved or denied by HR/CIS.

- Pursuant to the Department of Labor regulations, sponsoring departments cannot require or allow a foreign national to pay employer/university related attorneys fees.
Employment Based LPR Petitions Through HR/CIS

- First Preference (EB1): Priority Workers’
  1. Persons of Extraordinary Ability
  2. *Outstanding Professors or Researchers*
  3. Certain Multinational Executives/Managers

- Second Preference (EB2):
  
  *Professionals holding advanced degrees and persons of exceptional ability in the sciences, arts, and business.*
First Preference (EB-1b) Outstanding Professor or Researcher

- “Internationally recognized as outstanding in a specific field and have a minimum of three years research or teaching experience”
- **Must** have an offer of tenured, tenure-track earning or “permanent” position.
Qualifying Documentation (EB-1b)

1. Major national or international prizes
2. Membership in exclusive professional associations
3. Published material about the foreign national’s work (citations)
4. Evidence of participation as a judge of the work of others
5. Evidence of original scientific or scholarly research contributions (recommendation letters)
6. Evidence of authorship of scholarly articles (publications)
How Much is Enough?

- USCIS regulations specify that evidence must be submitted in at least two of the six criteria.
- The broader, more diverse, and more convincing the evidence is, the more likely the petition will be approved.
The PR process for EB-1b

FIRST STEP:
- File the USCIS Form I-140, Immigrant petition.
- 15 day calendar decision via premium processing is now available.
- Normal processing times frequently fluctuate but may take over 12 months.

SECOND STEP:
- Concurrent filing of USCIS Form I-485, application to adjust status to permanent resident.
- Currently taking around 12 to 14 months to process.
Delays in the Filing of Adjustment of Status Application for Certain Nationalities

- The permanent residence visa numbers available for each country is limited.

- Numbers available to citizens from China and India have run out, resulting in long delays.

- This does not impact the employers ability to file the immigrant petition.
Second Preference (EB-2) Holders of Advanced Degrees

- Advanced degree is defined as any U.S. academic or professional degree or foreign degree equivalent degree above a bachelor's degree.

- The job offer must require an advanced degree as a minimum requirement.
The PR process for EB2

FIRST STEP:
- File Labor Certification electronically to the U.S. Department of Labor. May take 12 months.

SECOND STEP:
- File the USCIS Form I-140, Immigrant petition. No premium processing available. Normal processing may take over 12 months.

THIRD STEP:
- Concurrent filing of the USCIS Form I-485, application to adjust status to permanent resident, if possible.
- Currently taking around 12 to 14 months to process.
Applications submitted online.

Documentation not submitted to DOL but kept on file for random audits.

Employer must pay 100% of prevailing wage.
Foreign Labor Certification under the PERM regulations

- Special Categories Including Applications for College or University teachers

- HR/CIS mostly files labor certification applications for Advanced Degree Professionals (EB2) with formal classroom teaching responsibilities (College or University Teachers).
General PERM Requirements

- Employment in the U.S.
- Permanent Position (professional or tenure track positions at UVA)
- Full-time
- Bona fide job opportunity
- Offer prevailing wages and working conditions
- Position must be advertised in a hard copy professional publication
Requirements for College or University Teacher LC Applications

- Some classroom teaching responsibilities
- “Best qualified candidate”
  (Standard process = no other “minimally qualified” US Citizens or PR Candidates)
- Recruitment process must occur not more than 18 months prior to filing labor certification (From UVA job offer letter date)
*Get HR/CIS involved as soon as possible. Document every step of the advertising/interview process
Permanent Residency Applications

EB-1 or EB-2, which to file?

- Depends on multiple factors.
- Discuss options with HR/CIS.
- Please be aware that Department of Labor and Immigration laws frequently change.
Q & A

Thank You For Attending!

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