

INTERNATIONAL FACULTY & SCHOLARS

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APPLYING FOR PERMANENT RESIDENCY

Initial Request to Apply for Permanent Residency:

In order to initiate a request to begin the PR application, you must first read the PR Information Packet, which is found at global.arizona.edu/international-faculty. After you have read the PR Information Packet and have decided which of the two categories you may qualify for, please contact IFS for a consultation. If you do not qualify for one of the two categories that IFS processes, you will need to consult a UA approved attorney in order to proceed with seeking PR.

If you are interested in applying for Employment-based Permanent Residency, you should begin the process no later than the beginning of your 5th year in H-1B status. If you decide to begin the Permanent Residency (PR) application process after your 5th year has begun, you may be referred to one of the five approved outside attorneys. Any Employment-based PR petition that lists The University of Arizona as the Petitioner must be processed by IFS or a UA approved outside attorneys. If you chose to apply for non-Employment-based PR you are free to choose any attorney that you like as The University of Arizona is not listed as the Petitioner.

6 year Maximum in H-1B Status:

As you know, H-1B status is limited to 6 years. After you have used your 6 years in H-1B status you are no longer eligible for an extension of your H-1B status and therefore no longer eligible to work. There are very few exceptions to this federal rule. These exceptions are:

1. Your PR Petition (Form I-140) has been pending for 365 days or more. This is why USCIS must receive your I-140 no later than the last day of your 5th year in H-1B status. For example, if you were granted H-1B status from 06/01/2001 through 05/31/2004 and then 06/01/2004 through 05/31/2007, USCIS must receive your Form I-140 no later than 05/31/2006.
2. The Immigrant Visa Bulletin (<https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin.html>) is not current. This means that you are not eligible to file Form I-485 (Adjustment of Status) and Form I-765 (Work Authorization/EAD Card).
3. You have spent time outside of the United States while you were in H-1B status. If you can document this with passport stamps, plane ticket receipts, etc., you can recapture that time and extend your H-1B by the number of days you were outside of the United States.
4. Return home for 1 full year, no less than 365 days, which restarts the 6 year clock, and then apply for H-1B status to enter and work in the United States.

Please remember that USCIS does not currently expedite PR petitions or EAD applications. It is your responsibility to make timely arrangements for the completion of your 6 years in H-1B status. Please contact IFS at 520-626-6289 if you have any questions or concerns.