

## INTERNATIONAL FACULTY & SCHOLARS

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## PERMANENT RESIDENCY INFORMATION PACKET

The International Faculty & Scholars (IFS) office at The University of Arizona (UArizona) has prepared this packet of information to assist sponsoring departments and FNs at UArizona with the process of submitting a PR petition for adjudication by U.S. Citizenship & Immigration Services (USCIS).

The process is lengthy and complex, involving various state and federal government agencies. In order to ensure that everything goes smoothly, it is extremely important that you read the materials in this packet very carefully, in its entirety, and that you follow the instructions. This will avoid delays in the preparation of the petition for submission to USCIS.

Please be advised, however, that any estimated processing times referenced in this packet are subject to change without notice due to changes in the regulations and/or backlogs within a particular government agency. IFS cannot control delays of this nature and therefore cannot guarantee an adjudication date. Please see [www.uscis.gov](http://www.uscis.gov) for the most current published processing times. Moreover, IFS cannot and will not guarantee favorable adjudication of any petitions.

If you have any questions or need additional information, please call (520) 626-6289 to speak to a qualified staff member who can assist you.

## GUIDELINES FOR APPLYING FOR PERMANENT RESIDENCY

The International Faculty & Scholars (IFS) office assists departments wishing to support individuals in the permanent residency (PR) petitioning process. There are several categories which may be used to petition US Citizenship and Immigration Services (USCIS) for PR. The two (2) categories used by IFS to petition USCIS for PR for University employees are “Outstanding Professor/Researcher” and “Optional Recruitment” formerly known as “Special Handling.”

For a university department to support a foreign national (FN) in the PR process, in either of the above categories, the following criteria must be met:

- Full-time position;
- FN must have no plans to cease employment while the PR petition is pending; and
- Position must be permanent in nature. The sponsoring department must write a Department Letter of Support (template available) stating the permanent nature of the position. USCIS defines permanent as “tenured, tenure-track or for an indefinite or unlimited duration of which employee has expectation of continued employment unless there is good cause for termination.” Permanent does not mean forever.

Some departments may wish to sponsor FNs who do not hold a permanent position with the University. Such cases must be handled by one (1) of the outside immigration attorneys at the expense of either the department or the individual. Only UArizona approved attorneys are authorized to represent the University in

immigration matters. IFS will not sign documents prepared by unauthorized attorneys, nor may individual departments. Please contact IFS for list of authorized attorneys.

To ensure appropriate deadlines are met, departments should initiate the PR process as follows:

Optional Recruitment: Immediately upon the start date of the faculty employment at UArizona, but no later than eighteen (18) months from the date the selection committee chose the FN for the position.

Outstanding Professor/Researcher: After the completion of one (1) full year in H-1B status, but no later than the beginning of the FNs fifth year in H-1B status. For example, if Dr. Smith's H-1B status began 3/1/2015, begin the PR process on 3/1/2016, but no later than 3/1/2019.

To determine which category is the most appropriate, please contact IFS via email [uifs@arizona.edu](mailto:uifs@arizona.edu) or phone (626-6289).

IFS does not guarantee favorable adjudication of any petitions submitted to USCIS.

# OUTSTANDING PROFESSOR/RESEARCHER CRITERIA OVERVIEW

## **Permanent Employment:**

### Is the position permanent?

USCIS requires that the position be permanent in nature to qualify for OPR. Permanent means a “tenured, tenure-track, or for a term of indefinite or unlimited duration, and in which the employee will ordinarily have an expectation of continued employment unless there is a good cause for termination.” Permanent does not mean forever.

## **Required Experience in the Field:**

### Does the FN have at least three (3) calendar years of experience in teaching and/or research in the academic field?

Experience in teaching and/or research while working on an advanced degree is acceptable only if the FN acquired the degree and if the teaching duties were such that the FN had full responsibility for the class taught or if the research conducted has been recognized within the academic field as outstanding.

### Can the FN document the three (3) or more calendar years of teaching and/or research experience in the academic field?

FN must be able to provide letters from current and/or former employers documenting at least three (3) calendar years’ experience. Letters must include the name, title and address of the writer and a specific description of the duties performed.

## **International Renown:**

To show international recognition as outstanding in the academic field, the FN must present evidence of **at least** two (2) of the six (6) criteria listed below.

1. Documentation of receipt of major prizes and/or awards for outstanding achievement in the academic field. i.e.: Nobel Prize.
2. Documentation of memberships in associations in the academic field that require outstanding achievements of their members.
3. Published material in professional publications written by others about the FNs work in the academic field. Evidence must show the title, date and author of the material and any translations if not in English.
4. Evidence of FNs participation, either individually or in a panel, as the judge of the work of others in the same academic field or an allied academic field. Examples include reviewing articles and serving as a referee.
5. Evidence of FNs original scientific or scholarly research. Six (6) – ten (10) international expert letters attesting to FNs original scientific or scholarly research.
6. Evidence of authorship in scholarly books and internationally peer-reviewed journals in the academic field. FN will need to provide copies of excerpts of these articles and any translations if not in English.



## OUTSTANDING PROFESSOR/RESEARCHER CHECKLIST

Please submit/upload this page with the following documentation to IFS. If any evidence is in a language other than English, it must be translated. Evidence not translated will not be accepted.

- Form I-140. Portions related to you, not The University of Arizona.
- USCIS fee: **\$700**. Check made payable to “Department of Homeland Security”.
- USCIS Premium Processing fee: **\$1,440**. Check made payable to “Department of Homeland Security”. CIS has temporarily suspended this option for Form I-140.
- IFS fee: **\$4,000**. eDOC, bank check or money order made payable to “The University of Arizona.” **\*No personal checks.**
- IFS Premium Processing fee: **\$350**. eDOC, bank check or money order made payable to “The University of Arizona”. **\*No personal checks.**
- Immigration paperwork for you and all dependents (spouse and children). Include copies of I-94 (front & back), all passport pages, visa, and all previous approval notices.
- Department Letter of Support (template included).
- Must be the degree *required for the position* and the most recent/highest level degree. Must have the required degree at the time of offer if no mention was made in the advertisement of a different time. Must state specific subject area on diploma; if not, include a copy of transcripts. If not in English, must have a certified translation. *\*If your degree was awarded by an educational institution outside of the United States, you MUST submit a professional credential evaluation stating the U.S. equivalent of your degree.*
- Curriculum Vitae – spell everything out fully – *no abbreviations*.
- Three (3) calendar years’ experience letter(s). No template available.
- Six (6) – ten (10) international, not domestic, expert letters. Must include CV’s of experts. Submitted letters must be signed originals on letterhead. Templates are not provided for these letters as they should not mimic one another.
- Authorship in books or journals: copies of publication cover, first three (3) and last three (3) pages of article/publication. Highlight your name wherever it appears. You must also provide information about the journals. Satisfactory information includes submitting print-outs from the journals website stating, whether the journal is peer-reviewed, internationally circulated and the circulation frequency. Include impact factors.
- Copies of others work written about you. Same evidence as authorship required.
- Copies of citations to your work. Same evidence as authorship required. This evidence is used to highlight the importance of your publications and does not satisfy any of the 6 criteria individually.

- Evidence of participation as the judge of the work of others. Include evidence that you actually served as the judge/referee/reviewer. Invitations alone are not enough. Highlight your name wherever it appears.
- Evidence of memberships. Include copies of membership cards, payment of dues and information about the association/organization (selection criteria, tiers/categories of membership, etc.
- Evidence of awards or major prizes. Include copies of the award/prize and information about the award/prize as well as the association/organization giving the award. Highlight your name wherever it appears.



## OPTIONAL RECRUITMENT LABOR CERTIFICATION CRITERIA OVERVIEW

### **Overview:**

Optional Recruitment (OR), formerly Special Handling, is an avenue to PR for college and university professors only. There are three (3) steps in this process. Labor Certification (LC) is the first step in this process. Optional Recruitment allows an employer to recruit for a position nationally and select an employee before submitting the labor certification to the Department of Labor (DOL). By using Optional Recruitment, the employer is permitted to hire a FN if s/he is more qualified than any of the U.S. workers who applied for the position. Therefore, applicants who meet only the minimum requirements for the position may be rejected if the FN is more qualified.

Currently, DOL allows Optional Recruitment only for university teachers who engage in some actual classroom teaching and are the instructor on record. There is no specified minimum number of hours of classroom teaching. Research and other non-teaching positions do not qualify for OR.

Once IFS has attained all of the required documentation to adequately demonstrate that all DOL requirements have been met, IFS will submit the LC to DOL via the online PERM system. IFS must retain all files documenting satisfaction of the requirements in an audit file. This file must be kept at IFS for five (5) years in lieu of a possible DOL audit.

### **Time Limits:**

The LC application must be submitted to the DOL within eighteen (18) months of selection of the FN for the position. Please remember that the “notice of filing” posting must be posted in two (2) conspicuous places for ten (10) consecutive business days. Upon completion of the posting no less than thirty (30) days must pass before submission of the LC to DOL. You must allow for these time limits when considering the eighteen (18) month time limit. As such, IFS requires initiation of this process immediately upon the start date, but no later than twelve (12) months from the date of selection of the FN by the hiring committee. Please note that the date of selection is not the date of the letter of offer.

### **Process:**

Submit all required documentation through IFS’s online portal [MyGlobal](#) for review and processing within the appropriate time frame to allow for timely filing. Once the recruitment process is documented, the online request is completed, IFS can submit the application to DOL for processing. If the LC is approved by DOL, IFS will notify the department and the FN to begin the second step in this process, the I-140.

Filing of Form I-140 is the second step in the OR process. Form I-140 is filed with the USCIS California Service Center by IFS. The third and final step of the process is the filing of Form I-485 by the FN, not by IFS. Form I-485 may be filed separately or concurrently with Form I-140, with certain exceptions. FNs cannot concurrently file if an immigrant visa number is not currently available.

Visa Bulletin: <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin.html>

## OPTIONAL RECRUITMENT LABOR CERTIFICATION INITIAL DOCUMENTATION

Your employee may qualify for Optional Recruitment (OR). Optional Recruitment, formerly known as “Special Handling,” is one (1) of the avenues used to petition for Permanent Residency (PR). There are three (3) requirements for establishing eligibility. There are no exceptions to these requirements, which are set forth in the Code of Federal Regulations (CFR).

This is a particularly advantageous standard, because it allows a college or university employer to move forward with a labor certification for an individual who was determined to be the best qualified for the job. In non-college/university teaching positions the standard is whether any U.S. workers who applied for the job possessed the minimum requirements for the job, and rejection of a U.S. worker who has the minimum requirements is a ground for denying the labor certification application, even if your employee is better qualified.

### Requirements:

1. The employee must engage in actual classroom teaching. There is no minimum amount of time “in the classroom” requirement.
2. The position must have been advertised in a national, professional, printed publication (not Higherjobs.com). It must be a print ad and you must be able to provide a copy of the ad. The following language must be included in the ad.
  - a. The name of the employer and campus location;
  - b. Specific job title (Assistant, Associate, Full Professor);
  - c. Detailed accounting of duties for each title if more than one is included in the same ad;
  - d. All minimum requirements (for non-Ph.D. holders to qualify, language such as "ABD considered" or "degree must be completed by start date" or similar language must be in ad);
  - e. Specific instructions/method by which applicants can submit applications.
3. The name of the publication and the date(s) it ran must be evident on the ad itself or on the journal cover and/or electronic online ad.
4. The date the employee was selected for the position must be within the past eighteen (18) months. This is the date the search committee chose the employee for the position, not the date on the letter of offer.

If you believe that your employee qualifies for Optional Recruitment, and you wish to sponsor that employee for PR, please contact IFS to begin the online request [Optional Recruitment Labor Certification Request](#).

## OPTIONAL RECRUITMENT LABOR CERTIFICATION DEPARTMENT CHECKLIST

### Initial Documentation:

- National **print** journal advertisement, including journal name and date of publication.
- Letter from Search Committee Chair stating the date Beneficiary was selected for teaching position pursuant to a competitive recruitment and selection process. The date of selection is not the date on the letter of offer.

### Department Documentation:

Send all of the following documentation together to IFS.

- Two (2) Notice of Labor Certification Postings. Posted for ten (10) consecutive business days. Both originals must be retained by IFS. *\*IFS will provide the postings via MyGlobal request portal.*
- Verification of Notice of Labor Certification Posting
- Letter/Report from the Search Committee Chair outlining the recruitment and selection process\*, including:
  1. Composition of search committee;
  2. How applications were solicited (journal ad, UArizona website, internal postings);
  3. Description of competitive selection process, indicating:
    - a. total number of applicants and
    - b. screening process: advertising, interviewing, etc. and
    - c. elimination process describing why beneficiary is more qualified than each US worker who was available, able and willing to accept the job
  4. Statement of beneficiary's classroom teaching responsibilities; and
  5. Detailed statement attesting to the degree of the beneficiary's qualifications and achievement emphasizing that the beneficiary was more qualified than any US workers who applied for the position.
- Candidate referral form (usually an excel document) or other similar departmental form prepared for Affirmative Action
- Copy of the online UArizona human resources posting and any other "in-house" media used by department to advertise position
- Form 9089 to be completed with beneficiary. Template provided through MyGlobal, online portal.

### Department fees:

- \$4,000.** eDOC. Labor Certification costs, i.e., IFS fee ***must*** be paid by the department. *This fee is due upon acceptance of the case/request.*
- DOL Fee: DOL does not currently charge a fee for submitting a LC. However, a fee is expected to be assessed in the future, Part 2 the I-140.

Once all of the required documentation has been compiled, the Application for Permanent Employment Certification will be submitted to DOL via an Electronic Computer Program (PERM). Certification is estimated, not guaranteed, to take approximately 75-90 days from submission. Upon certification, IFS will follow up with the FN and sponsoring department to complete and gather required documentation so that IFS may prepare the I-140 petition for submission to USCIS.



**\*\*Recruitment Report for Retention template, edit as needed and print on department letterhead\*\***

[Date]

United States Department of Labor  
Atlanta National Processing Center  
Harris Tower 233  
Peachtree Street, N.E., Suite 410  
Atlanta, Georgia 30303

Dear Certifying Officer:

RE: Application for Permanent Labor Certification

This letter is submitted in support of Dr. \_\_\_\_\_'s application for permanent residency labor certification. The University of Arizona [department name] selected Dr. [Beneficiary's Last Name], a citizen of [Beneficiary's Home Country], in [month/day/year] for the position of [Beneficiary's Official University Title] as [s/he] was more qualified than any U.S. workers who were available, able and willing to accept the job.

### **I. Composition of Search Committee**

[Please include a paragraph describing the composition of the search committee].

### **II. How Applications were Solicited**

[Advertisements for the \_\_\_\_\_ position were placed in [journal or paper] and \_\_\_\_\_ website. Personal letters were sent to leaders of \_\_\_\_\_ programs, individuals in the \_\_\_\_\_ organization, and to the \_\_\_\_\_ organization.]

### **III. Description of Competitive Selection Process**

[Include 1) total number of applicants, 2) screening process: advertising, interviewing, etc. and 3) elimination process describing why Beneficiary is more qualified than **(each and) any** US workers who were available, able and willing to accept the job.]

Applications are reviewed based on the advertised "minimum" and "preferred" qualifications. The [position title] search committee reviewed a total of [number] completed applications and filled one position. One applicant was selected for interview, while [number] applicants were recommended for non-interview. The interview of Dr. \_\_\_\_\_ was done in person, resulting in an offer of hire. Dr. \_\_\_\_\_ was ranked number one for the following reasons: \_\_\_\_\_ . These credentials make Dr. \_\_\_\_\_ particularly well suited for the present teaching position in [department name]. If you require additional information, please do not hesitate to contact me.

### **IV. Statement of Beneficiaries Classroom teaching Responsibilities**

### **V. Detailed Statement Attesting to the Degree of the Beneficiary's Qualifications and Achievements Emphasizing that s/he is More Qualified Than Any US Workers who Applied for the Position**

Sincerely,

Chair, Search Committee, [Department name]

## Part 2: I-140 APPLICANT CHECKLIST BASED ON OPTIONAL RECRUITMENT LABOR CERTIFICATION

If the DOL certifies the LC application, IFS files Form I-140 with USCIS on behalf of the FN. USCIS is considering implementing a forty-five (45) day limit in which this must be submitted. Therefore, it is extremely important that IFS receive all required documentation as soon as the LC application is certified.

- Form I-140. Portions related to you, not The University of Arizona.
- USCIS fee: **\$700**. Check made payable to “Department of Homeland Security”.
- USCIS Premium Processing fee: **\$1,440**. Check made payable to “Department of Homeland Security”. CIS has temporarily suspended this option for Form I-140.
- IFS Premium Processing fee: **\$350**. eDOC, bank check or money order made payable to “The University of Arizona.” No personal checks.
- Must be the degree *required for the position* and the most recent/highest level degree. Must have the required degree at the time of offer if no mention was made in the advertisement of a different time. Must state specific subject area on diploma; if not, include a copy of transcripts. If not in English, must have a certified translation. *\*If your degree was awarded by an educational institution outside of the United States, you MUST submit a professional credential evaluation stating the U.S. equivalent of your degree.*
- Copy of Curriculum Vitae.
- Copies of Immigration Documents (Passport, Visa, Approval Notices, & copies of back and front of I-94).

Once all of the required documentation has been compiled, your EB-2 Petition will be submitted to USCIS for adjudication. You will receive tracking notification when the application is sent and when it is received by USCIS. Email notification from IFS we be sent as soon as the physical receipt noticed has arrived. At that time, the original notice may be picked up from IFS.

Visit <https://egov.uscis.gov/casestatus/landing.do> to view the **case status** of the petition.

To view USCIS’s **current processing times** visit: <https://egov.uscis.gov/processing-times/>

## ADJUSTMENT OF STATUS: THE FINAL STEP

The previous stages of the labor certification and/or immigrant petition (I-140) were processed by The University of Arizona & concerned the FNs career background and position. The final stage (I-485) is the process by which the US government collects the FNs and their dependents' personal information and history. UArizona Global's International Faculty & Scholars (IFS) office cannot act as the FNs personal representative or provide legal advice regarding their personal applications. FNs can complete the forms on their own or seek the assistance of an attorney. If the FN hires an attorney, it is important to remember that the attorney is representing the FN and not The University of Arizona. Please be advised that IFS *does not* provide guidance or advice on these self-petitions (I-485, I-131, and I-765). If asked for guidance, the FN will be referred to the comprehensive instructions that are available at [www.uscis.gov](http://www.uscis.gov) or to their attorney, if one was hired. FNs may submit these forms (I-485, I-131 & I-765) to IFS *only* when concurrently filing with Form I-140 and only for the purpose of delivery to USCIS. IFS will not submit these forms with Form I-140 if an immigrant visa is not readily available.

Visa Bulletin: <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin.html>