Navigating the Maze
U.S. Permanent Resident Sponsorships for UGA International Employees

Office of Global Engagement
Immigration Services (IS)
Obtaining LPR is a matter of eligibility. There are **4 main routes to LPR**:

- **Family Based**: 226,000 visas per year
- **Employment Based**: 140,000 per year
- **Visa Lottery**: 55,000 per year
- **Humanitarian (refugees and Asylees)**: 10,000 per year
Employment Sponsorship

Outstanding Professor/Researcher (EB1)

PERM for College/University Teacher (EB2)

PERM for Standard Process (EB-2 (Non-teaching) and EB3)

Labor Certification
Eligible Faculty (with teaching duties)

- Assistant, Associate or Full Professor
- Lecturer, Academic Professional with teaching duties
- Extension or Research faculty with teaching duties
- Position must be full-time employment
- Position should require an advanced degree, and the person must have that required degree
- Employee must be personally eligible for U.S. permanent resident status
Eligible Researchers and Staff (no teaching duties) (with teaching duties)

- Research Scientists and Academic Professionals
- Extension or Research faculty with NO teaching duties
- Other Staff or IT positions
- Position should require an advanced degree, and the person must have that required degree
- Any required work experience or training must have been gained BEFORE the person was hired at UGA, OR must have been achieved at UGA in a substantially different position.
- Employee must be personally eligible for U.S. permanent resident status
Department Commitments

- Position must be full-time employment
- Position should require an advanced degree, and the person must have that required degree
- Department must intend to hire permanently or indefinitely
- Department must agree to pay for sponsorship, and assist with required paperwork
- Employee must be personally eligible for U.S. permanent residency
Categories of Filing - Options

• EB-1b – Outstanding Professor or Researcher
  • Must prove:
    • Three years experience teaching or conducting research
    • Offer of “permanent” or tenure-track position at a U.S. College or University
    • Recognized internationally as a scholar or teacher who is outstanding in a specific academic area
    • Evidence needs to be provided in support of the petition

• EB-2 – Labor Certification
  • Must prove:
    • compliant advertising – varies for teaching and non-teaching positions
    • best qualified candidate hired for teaching positions
    • No minimally qualified applicants for non-teaching positions
EB-1b (aka OPR) – Must show evidence in at least two of the following categories

- (A) major prizes or awards for outstanding achievement
- (B) membership in associations in the academic field which require outstanding achievements in the academic field;
- (C) Published material in professional publications written by others about the alien's work in the academic field.
- (D) participation as the judge of the work of others
- (E) original scientific or scholarly research contributions to the academic field;
- (F) authorship of scholarly books or articles (in scholarly journals with international circulation) in the academic field.
Submit Sponsorship request in Compass

Employee works with our office to assemble all required evidence, and 6 to 8 peer support letters form others in the academic field considered outstanding.

We request several brief template letters and filing fee checks from the department

File I-140 Employer Petition with USCIS

Once approved, if not backlogged, employee can file his / her application for the green card, called the I-485 application, or “Adjustment of Status”
## Costs / Benefits to Filing EB-1 instead of EB-2

<table>
<thead>
<tr>
<th>Costs</th>
<th>Benefits</th>
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<tr>
<td>• A good deal of work in assembling and reviewing documentation</td>
<td>• Category not usually backlogged for immigrant visa issuance OR shorter backlogs</td>
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<td>• Subjective decision on the part of U.S. CIS</td>
<td>• No minimum wage to meet</td>
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<td>• No Labor certification required from DOL</td>
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EB-2 Process
1. Apply for DoL prevailing wage
2. Teaching: prove ad was placed in online or print national or international journal for a minimum of 30 days
3. Non-teaching: prove all required ads were placed, and no minimally qualified U.S. workers were found.
4. Document evaluation of all applicants
5. Document in recruitment report to Immigration Services office why your candidate is best qualified (teaching) OR that there were no minimally qualified U.S. workers (non-teaching)
6. Retain all documentation pertaining to the search for five years. (10 years in compliance with USG requirements)
7. File “PERM” application with DoL (online)
EB-2 Teaching

- Must advertise in a national or international journal appropriate to the field.
- Online is ok – if posted for a minimum of 30 days
- Have to prove our international employee is the best qualified applicant.

EB-2 Non-teaching

- Extensive, unusual advertising (done by HR)
- Have to prove no MINIMALLY qualified U.S. applicants
- What is “minimally qualified?"
- What is a U.S. applicant?

Teaching vs. Non-teaching
Required Advertising – Non-Teaching Positions

- Much of the process handled by Human Resources
- 30-day job posting with the GA Dept. of Labor
- Two print advertisements – Sunday newspapers
- Provide internal notice of job opening
- 3 additional venues
  - Job fair
  - Employer website
  - Trade Journal
  - Private Employment firm
  - Employee referral program
  - Campus placement office
  - Local/ethnic newspaper
  - Radio/TV ads
...The bad news-
EB-2 Teaching positions

- If the ad placed does not have all the clear minimum required qualifications listed – OR
- If more than 18 months from date of offer OR
- If hired international did not meet all minimum ad requirements
- Then we must re-advertise and re-recruit.
- This is called a “labor market test” by the Dept. of Labor
...The bad news – EB-2 Non-teaching positions...

- DoL requires very specific advertising for non-teaching PERM applications.
- **Unless you contact our office **before** you advertise, it is highly likely that you will have to conduct a “Labor Market Test” if we are to move forward with the green card application**
- This involves placing new ads, and conducting a new recruitment, after you have made your hire.
- We must be able to prove, through the new recruitment, that there were no minimally qualified U.S. workers who applied.
Labor Market Test: Standard Recruitment Process

- Human Resources places these ads, but the department must pay all advertising costs.
- Employee cannot pay for costs of advertising, or legal fees.
- If no minimally qualified US workers are available to accept the job then LC application can be filed.
- Employee cannot be involved in the PERM process, defining the advertising, or evaluating applicants in the recruitment process.
First Step: Prevailing Wage

- First step, evaluate ad posted, and degree and credential requirements
- File Prevailing Wage application online; determination obtained from the Department of Labor;
- Can take 8 – 16 weeks or more to receive
- Employer is required to offer 100% of prevailing wage as salary at the time the person applies for the green card
Second Step: Internal Posting Requirement

- Employer must post a notice of the job opportunity at the worksite for 10 consecutive business days. IS will send this to the sponsoring Department and HR.

- IS will email the department the posting and will notify the department when to remove it and obtain department head signature.

- IS must receive the original signed posting back to place in the DoL audit file.
Third Step: Labor Certification (PERM)

- Program Electronic Review Management System
- DOL attestation-based Labor Certification (LC) application to prove an employer cannot find qualified U.S. workers to fill an open position
- Requires very strict adherence to DOL standards for advertising and recruiting
- Occasionally a “re-recruitment” is required, due to problems with initial advertising. (counter-intuitive)
- Can take 5 – 7 months (as of fall 2021)
Paperwork
EB-2 Teaching: Preparing Recruitment Reports

- Three documents needed – we supply templates/samples
  - Search committee recommendation confirmation
  - Statement of alien qualifications
  - Re-selection letter if re-advertised

- All of this must occur within 18 months of the job offer date.
EB-2 Non-Teaching: Preparing Recruitment Reports

- One document needed – we supply template
  - Recruitment Report

- All of this must occur within 6 months of the start of advertising.
EB-2 Non-Teaching – Pre-advertising

- If you think you have a significant likelihood of hiring an international, please contact us to request assistance with ad content and advertising before you begin the search.

- If you make a hire without using the additional recruitment venues, and adhering to the required timeline of 6 months, you will likely need to re-advertise and re-recruit, before we can file the Labor Certification.
Now what....
After Labor Cert approval, or assembling all EB-1 Evidence and Support letters, the employer can file the I-140 petition with the Dept. of Homeland Security.

This petition states that:

- we want to hire the foreign national permanently, AND

EITHER

- DOL has approved our hiring and recruitment OR
- He has outstanding ability in the academic field, and has achieved international acclaim.

Time to approve: 2 weeks, or 5 to 7 months.

The date the labor cert was filed, OR the date the I-140 was filed, is the employee’s “Priority Date”

What, you ask, is a Priority Date???
Priority Date (PD) and Immigrant Visa Backlogs

- PD determines when a person is eligible to apply for a green card.
- If employee is not “backlogged” he or she can also file personal application (I-485 form) for the green card “concurrently” with our I-140. Internationals cannot file concurrently unless there is a visa number available (see Visa Bulletin)
  - [Link to Visa Bulletin](#)
- Filing of the employer’s I-140 does not give the employee any legal status in the U.S., nor any work eligibility. Vital to have and to maintain an underlying work visa status (usually an H-1B) until the green card is approved
- H-1B status currently can be extended beyond 6 years if we have an approved I-140, or if 365 days have elapsed beyond the priority date.
# Visa backlogs

**Visa Bulletin for September 2021**

Published by the U.S. Department of State

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<tr>
<th>Employment-based</th>
<th>All Chargeability Areas Except Those Listed</th>
<th>CHINA-mainland born</th>
<th>EL SALVADOR</th>
<th>GUATEMALA</th>
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Filing Costs (2021-2022)

• All advertising costs, if required (~$1,300)
• Internal IS “cost recovery fee”: $2,470 - $2,684 depending on type of case filed. (fee for service, not approval);
• DHS filing fee I-140 application: $700.
• DHS premium processing I-907 application if time is short: $2,500.

Personal cost to employee for green card application – I-485:
• $1,225. Additional $1,225 for spouse and each child over 14.
• Medical Exams – about $300 each (not covered by insurance)
• $574. for AoS application packet assembly (per packet)
Requesting Sponsorship from Immigration Services

- Request access to our “Compass” online portal:
  - http://compass.uga.edu
  - Click on Administrative Services, and login using your UGA MyID
  - Complete and submit the request form for access.
  - We will be in touch (usually) within one business day to grant you access to the online request forms

- E-form requests for PR sponsorship in Compass
  - Accuracy and consistency
  - Internal Fee payment – charged upon form submission

- Managing expectations
Compass account screenshot

Departmental Services

Lists
- My Current Cases
- My Closed Cases
- My Department's Current Cases
- My Department's Employees & Scholars

Tasks
- Add New Person
- Update Your Information
- B-1 Visa Support Letter Request
- H-1B Application for a New Employee
- H-1B Extension for an Employee
- IEP Request
- J-1 Scholar Application (new or previously started)
- J-1 Scholar Extension (new or previously started)
- J-1 Student-Intern Application
- O-1 Sponsorship Request
- OGE Out-of-State Tuition Waiver Nomination
- OGE Tuition Waiver Renomination
- Permanent Residency
- Permanent Residency
- TN Sponsorship Offer Letter
The goal....
IS Contact Information

- Immigration Services
- Office of Global Engagement
- 1324 South Lumpkin Street
- Athens, GA 30602

- (706) 542-2900
- Fax: (706) 583-0106
- immigration@uga.edu
- Immigration Services website