

PERMANENT RESIDENCY OPTIONS

Global Support Services,
Office of Immigration Services

Employment Services, VUMC Medical Center
Human Resources

PERMANENT RESIDENCY (PERM)

Options:

- Extraordinary Ability (EB1)
- National Interest (EB2)
- Outstanding Ability (EB1)
- Special Handling (EB2)
- With Labor Certification (EB2 or EB3)



SELF-FILING FOR PERMANENT RESIDENCY

- Employment based: Extraordinary Ability
National Interest Waiver
- Vanderbilt may only provide a standard HR Employment Verification Letter



STEPS

- Labor market test – required to show that could not find a **ready, willing, and able** US worker for the position;

This does not require the department to terminate employment of the international employee if a ready, willing and able US worker is found.

This does mean that we cannot move forward with the PERM filing.

- *I-140 – initial application (average of 3-6 months, premium processing possible.*
- *I-485 – Adjustment of status, personal to employee. Approval and I-551 sent directly to employee*

****processing times vary greatly****



EXTRAORDINARY ABILITY EB1

Two steps (No DOL involvement):

- I-140 (initial application)
- I-485 (adjustment of status)

Requirements

Extraordinary achievements must have resulted in sustained national or international acclaim in the field

EXTRAORDINARY ABILITY EB1

There are two ways to meet the requirements for this category. The first is receiving a major, internationally recognized award such as a Nobel Prize. The second way is to fulfill at least three of the following ten standards:

- Receipt of a lesser nationally or internationally recognized prize for achievement in the field
- Membership in associations in alien's field that require "outstanding achievement" of their members as judged by acknowledged experts
- Material published about the alien in major trade publications or other major media
- Selection of the alien to judge others in the same or allied field
- Original contributions of importance in the alien's field
- Authorship of scholarly articles in professional/trade publications or other major media
- Display of the alien's work in exhibitions or showcases
- Performance of leading or critical role for distinguished organizations or institutions
- High salary or other remuneration in relation to others in the alien's field
- Commercial success in the performing arts



NATIONAL INTEREST WAIVER EB2

Two steps (No DOL involvement):

- I-140 (initial application)
- I-485 (adjustment of status)

No Set Requirements



NATIONAL INTEREST WAIVER EB2

The case must include evidence that the alien's admission as a permanent resident would greatly benefit the nation. USCIS considers the following when evaluating a request for a National Interest Waiver.

- The proposed employment is in an area that has substantial inherent value.
- The proposed benefit to be provided by the applicant is national in scope.
- The national benefit to be provided by the applicant outweighs the national interest in the labor certification process.



OUTSTANDING PROFESSOR OR RESEARCHER EB1

Two steps (No DOL involvement):

- I-140 (initial application)
- I-485 (adjustment of status)

Requirements

Internationally Renown

Minimum of 3 years of full time
experience beyond PhD

OUTSTANDING PROFESSOR OR RESEARCHER EB1

Substantial evidence of at least three and preferably four of the following must be provided to USCIS:

- ❑ Evidence of the receipt of major prizes or awards for outstanding achievement in the academic field
- ❑ Evidence of authorship of scholarly books or articles, in scholarly journals with international circulation in the academic field (first two pages of each publication)
- ❑ Evidence of membership in associations in the academic field which require outstanding achievements of their members
- ❑ Evidence of original scientific or scholarly research contributions to the academic field; copyrights or patents
- ❑ Evidence of published material in professional publications written by others about the foreign employee's work in the academic field
- ❑ Evidence of participation on a panel or individually as the judge of the work of others in the same or related academic field
- ❑ Evidence of oral presentations or poster presentations
- ❑ Letters from distinguished members of the academic field who can attest to the outstanding quality of the foreign employees who work and his/her international recognition



SPECIAL HANDLING

Three steps:

- Appropriate recruitment within 18 months of filing
- I-140
- I-485

Requirements

Higher education <u>teacher</u> ; primary duty is teaching	Permanent position
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LABOR CERTIFICATION

Three steps:

- PERM Labor Certification
- I-140
- I-485
- Must have a permanent position and meet the educational and work requirements at the time of the filing;
 - ***category is based on the job requirements
 - NOT the employee's credentials***
- Employee **must not pay** (except for the I-485 portion) and cannot file without sponsorship



LABOR CERTIFICATION CONT.

Basic Requirements

1. The job being offered must be a permanent position
2. The employer must prove that the alien is the only qualified applicant for the position (i.e., there are no qualified, available, and willing U.S. workers for the position).
3. The alien must meet all of the qualifications for the job (e.g., degrees, certificates, experience) at the time the Labor Certification is filed.



Job Requirements for EB2

masters degree or higher

bachelor's degree plus 5 years of progressive experience

Job Requirements for EB3

bachelor's degree or higher



LABOR CERTIFICATION PROCESS

1. Complete the Case Initiation Request for permanent residency.
2. Meet with your Immigration Program Coordinator to discuss the permanent residency process and complete the Acknowledgement Form.
3. With assistance from your immigration program coordinator and immigration counsel complete the job description according to Department of Labor standards.
4. The applicant must provide evidence of meeting the criteria in the job description in order to proceed. *The applicant may not have gained any of the necessary experience or skills while employed at Vanderbilt.*



LABOR CERTIFICATION PROCESS CONT.

5. A Prevailing Wage Determination will be submitted to the Department of Labor.
6. **Approve recruitment costs and post position in physical work site.** Your Immigration Program Coordinator will post the position on Vanderbilt Jobs if necessary.
7. **Evaluate applicants.** Evaluations will be based on job description and an evaluation spreadsheet will be provided for you.
8. Labor Certification submitted to the Department of Labor. Typical processing time is between 5 and 7 months and cannot be premium processed.



LABOR CERTIFICATION PROCESS CONT.

9. Application for permanent residency (I-140), along with the approved Labor Certification, submitted to USCIS. Processing times vary; premium processing is optional.
10. Adjustment of Status (I-485; to receive the permanent residence card) may be submitted concurrently or when the priority date becomes available.
11. The permanent residence card will be sent directly to the employee and the employee must update both HR by visiting HR Express with the original card and immigration by submitting a copy of the card.



NOTE: The Labor Certification process generally takes 12-18 months. H-1B may be extended past the 6 year limit when an employee's petition has been pending more than one year or when the employee's I-140 has been approved.



QUOTAS AND PRIORITY DATES

- **Quota** – The number of applicants from a country that can adjust
- **Priority Date**
 - Date the petition was properly filed with USCIS
 - Date the labor certification application was accepted for processing by DOL (only when a labor certification is required)



VISA BULLETIN

This is a monthly publication that establishes limits on family and employment based immigration to the US

	All Charge-ability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
<u>Employment-Based</u>					
1st	C	C	C	C	C
2nd	C	01FEB10	15FEB05	C	C
3rd	01JUN13	01MAR11	15DEC03	01JUN13	01JUN13
Other Workers	01JUN13	22JUL05	15DEC03	01JUN13	01JUN13
4th	C	C	C	C	C
Certain Religious Workers	C	C	C	C	C
5th	C	C	C	C	C
Targeted Employment Areas/ Regional Centers and Pilot Programs					



QUESTIONS?

Vanderbilt University



Vanderbilt Medical Center