

EMPLOYMENT-BASED GREEN CARD SPONSORSHIP AT GEORGETOWN UNIVERSITY

GEORGETOWN UNIVERSITY SPONSORSHIP POLICY

Georgetown University sponsors certain faculty, researchers and staff for Permanent Residency. The following criteria must be met for an individual to be sponsored:

1. The position must be permanent in nature and must be full time. (*Students, postdoctoral fellows, visiting scholars, visiting faculty, temporary and part-time employees are not eligible for sponsorship*)
2. The individual must already be employed in this permanent position. Pending promotions must actually be finalized before the paperwork will be processed.
3. The individual must have been employed by Georgetown for at least one year. This one-year waiting period is not required by federal immigration laws; it is a University policy. This requirement is waived for tenure-track positions.
4. The Department must intend to employ the individual for at least three more years. Funding for the position for a three year period must be guaranteed. The green card sponsorship process may take at least three years, and the job should be available to the applicant at the end of this process.
5. The approval of the Department Chair, supervisor, and Department Administrator must be obtained. Although general information regarding green card procedures and categories may be discussed beforehand, the Office of International Programs (OIP) will not initiate Georgetown-sponsored permanent residency applications until approval is received from the Department.

Please note that Human Resources and/or Faculty policies with regard to employment apply, and nothing in this policy implies otherwise.

All paperwork related to Georgetown-sponsored permanent residency must go through OIP to ensure accuracy and consistency of University information that is sent to the U.S. Federal Government. The international applicant or University department may choose to hire an attorney to file the paperwork. However, all paperwork must be sent to the U.S Government by OIP. Immigration paperwork signed by faculty supervisors or principal investigators without approval from both OIP and the Department Chair is not considered valid documentation.

ALTERNATIVES TO GEORGETOWN SPONSORSHIP

If an employee does not qualify for Georgetown sponsorship, s/he may be able to self-petition under the Alien of Extraordinary Ability or National Interest Waiver categories as these categories do not require a job offer.

INITIATING SPONSORSHIP PROCEDURES

The employee and his/her supervisor should meet with the Director of International Student and Scholar Services in OIP to discuss the process and determine the best possible strategy in applying for permanent residency. During this meeting it will be determined which employment-based green card classification will be pursued.

Once the employment-based green card classification that will be pursued is determined, the appropriate forms should be completed. Forms and instructions are available at <http://oip.georgetown.edu/iss/forms.htm>.

EMPLOYMENT-BASED CATEGORIES

There are five employment-based green card categories, each requiring different degrees of documentation and paperwork. Employees sponsored through Georgetown University fall under three of the categories:

1. EB-1 Priority Workers (Those who qualify for this category do not need to go through the Labor Certification process.)
 - Alien of Extraordinary Ability
 - Outstanding Professors and Researchers

These two classifications are for individuals who have made significant original contributions to their field and who are nationally/internationally recognized.

2. EB-2 Advanced Degree Professionals and People with Exceptional Ability (This category requires Labor Certification and the job must require an advanced degree. Labor Certification may be waived in some cases of national interest.)
3. EB-3 Skilled Workers, Professionals, and Other Workers (Labor Certification is required. This is used for positions that require a Bachelor's degree.)

THE SPONSORSHIP PROCESS

There are two or three steps in applying for permanent residency, depending on the classification being requested.

1. Labor Certification is a process designed to establish to the satisfaction of the U.S. Department of Labor (DOL) that the permanent employment of a foreign national will not take away a job from a *minimally* qualified U.S. worker. This process involves placing advertisements as well as the evaluation of these responses. This process alone may take 6-12 months.

If a minimally qualified U.S. citizen or permanent resident responds to one of the advertisements, the Labor Certification will not be filed and, without Labor Certification, s/he will not be eligible for Permanent Residency.

This step may be bypassed if filing under the Outstanding Professor and Researcher, Alien of Extraordinary Ability or National Interest Waiver categories.

2. OIP files an I-140 Immigrant Petition with U.S. Citizenship & Immigration Services (USCIS) requesting to classify the employee in one of the employment-based green card categories. If the classification being sought requires Labor Certification, this petition may not be filed until Labor Certification has been approved.
3. The employee and his/her dependents file I-485 Adjustment of Status applications with USCIS. In some cases, the Adjustment of Status application may be filed concurrently with the immigrant petition. In other cases, there may be a long wait before the employee can file their adjustment of status application. The priority date (the date the labor certification application was filed or if exempt from the labor certification, the date the I-140 petition was filed) and the employment-based preference category determine this.

The State Department publishes a monthly Visa Bulletin indicating who is eligible to adjust status (see http://travel.state.gov/visa/frvi/bulletin/bulletin_1360.html).

PROCESSING TIMES

The processing time for permanent residency varies. Priority Workers may finish the process in 1.5 years while the other classifications can take at least 3 years.

This handout is intended to provide basic, general information only and should not be used as a substitute for professional advice from qualified immigration specialists.