

PERMANENT RESIDENCY REQUEST FORMS & INSTRUCTIONS

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.

EMPLOYMENT-BASED CATEGORIES

Georgetown uses four categories to seek permanent residency for its employees: Alien of Extraordinary Ability, Outstanding Professor or Researcher, National Interest Waiver and Labor Certification. The following pages go into detail about eligibility and requirements for each category. The Labor Certification process is discussed in another OIP handout, “Georgetown University Labor Certification Instructions and Forms for Teaching/Non-Teaching Positions.”

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).

CRITERIA for EXTRAORDINARY ABILITY/EB-1(A)

Aliens of Extraordinary Ability in the sciences, arts, education, business, or athletics: The individual must demonstrate sustained national or international acclaim, have achievements that have been recognized in the field of expertise and prospectively be of substantial benefit to the United States.

THE EMPLOYEE MUST PROVIDE:

- A. Evidence of a one-time achievement (a major, internationally recognized award), OR documentation of at least three of the following:
- 1) Receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor;
 - 2) Membership in associations in the field which require outstanding achievements of their members, as judged by recognized national or international experts;
 - 3) Published material about the employee in professional or major trade publications or major media relating to his/her work in the field. Such evidence should include the title, date, and author of the material and any necessary translation;
 - 4) Participation, either individually or on a panel, as a judge of the work of others in the same or an allied field;
 - 5) Original scientific, scholarly, artistic, athletic, or business-related contributions of major significance in the field;
 - 6) Authorship of scholarly articles in the field, in professional or other major trade publications or other major media;
 - 7) Display of the employee's work in the field at artistic exhibitions or showcases;
 - 8) Evidence that the employee has performed in a leading or critical role for organizations or establishments that have distinguished reputations;
 - 9) Evidence that the employee has commanded a high salary or other high remuneration for services;
 - 10) Evidence of commercial successes in the performing arts.

If the above standards do not readily apply, you may submit comparable evidence to establish the employee's eligibility.

- B. At least five letters of recommendation from senior people in the field attesting to the employee's significant contributions to and international reputation in the field. These letters should come from a variety of sources. Most of these letters should be from people outside Georgetown University. Letters from outside the United States and from senior people in U.S. Government and industry are very helpful. Please contact OIP for a sample. The letters should include:
- 1) The position and standing in the field of the writer (include the writer's CV or biographical sketch);
 - 2) How the writer knows of the employee's work;
 - 3) How the employee's work has made significant or outstanding contributions to the field;
 - 4) References to the employee's international reputation as evidenced by presentations at international conferences, publications in international journals, memberships in selective international associations or societies, and/or receipt of international prizes or awards;
 - 5) References or descriptions as to how the employee may benefit the United States in the future; and
 - 6) A statement which refers to the employee as a person of "extraordinary ability in the field of _____."
- C. Diplomas, certificates, licenses, etc. to prove qualifications.
- D. A copy of the employee's appointment/offer letter containing the title, salary, and term of appointment.

THE GU FACULTY ADVISOR MUST PROVIDE:

A summary letter of the employee's achievements, potential for continued international activity and recognition and how the individual will benefit the United States. Please see B above for what should be included in this letter.

CRITERIA FOR OUTSTANDING PROFESSORS/RESEARCHERS/EB-1(B)

Outstanding Professor/Researcher: The individual must be internationally recognized, must have a minimum of three years of experience in teaching or research and must have been offered a tenured or tenure-track position or a long term research position comparable to tenure-track.

THE EMPLOYEE MUST PROVIDE:

- A. Evidence that the professor or researcher is recognized internationally as outstanding in the academic field. Such evidence should consist of at least two of the following:
- 1) Receipt of major international prizes or awards for outstanding achievement in the academic field;
 - 2) Membership in associations in the academic field, which require outstanding achievements of their members;
 - 3) Published material in professional publications written by others about the employee's work. Such material should include the title, date, and author of the material and any necessary translation;
 - 4) Participation, either individually or on a panel, as the judge of the work of others in the same, or an allied academic field;
 - 5) Original scientific or scholarly research contributions to the academic field;
 - 6) Authorship of scholarly books or articles in scholarly journals with international circulation in the academic field. (If publications are very long, you may submit just the title pages.)
- B. Evidence that the employee has at least three years of experience in teaching and/or research in the academic field. Experience in teaching and/or research while working on an advanced degree will only be acceptable if the employee has acquired the degree and if the teaching duties were such that s/he had full responsibility for the class taught or if the research conducted toward the degree has been recognized within the academic field as outstanding. Evidence of teaching and/or research experience should be in the form of letter(s) from current or former employer(s) and should include the name, address, title of the writer, and a specific description of the duties performed by the employee.
- C. At least five letters of recommendation from senior people in the field attesting to the employee's significant contributions to and international reputation in the field. These letters should come from a variety of sources. Most of these letters should be from people outside Georgetown University. Letters from outside the United States and from senior people in U.S. Government and industry are helpful. Please contact OIP for a sample. The letters should include:
- 1) The position and standing in the field of the writer (include the writer's CV or biographical sketch);
 - 2) How the writer knows of the employee's work;
 - 3) How the employee's work has made significant or outstanding contributions to the field;
 - 4) References to the employee's outstanding reputation as evidenced by presentations at national or international conferences, publications in national or international juried journals, membership in selective associations or societies, and/or receipt of prizes or awards;
 - 5) References or descriptions as to how the employee may benefit the United States in the future;
 - 6) A statement which refers to the employee as an "outstanding professor in the field of ____" or as an "outstanding researcher in the field of _____."
- D. Diplomas, certificates, licenses, etc. to prove qualifications.
- E. A copy of the employee's appointment/offer letter containing the title, salary, and term of appointment.

THE GU FACULTY ADVISOR MUST PROVIDE:

- A. If not tenured or tenure-track, a letter signed by the Chair offering the employee a permanent research position in the employee's academic field. USCIS regulations state that "[p]ermanent, in reference to a research position, means either 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 good cause for termination." Please contact OIP for a sample.
- B. A summary letter describing the employee's outstanding achievements, recognition in the field, and future potential for outstanding contributions. Please see C above for what should be included in this letter.

CRITERIA FOR NATIONAL INTEREST WAIVER/EB-2

National Interest Waiver of the Labor Certification Requirement: Employees of exceptional ability in the sciences, arts, or business whose presence and activities in the United States are in the national interest.

THE EMPLOYEE MUST PROVIDE:

- A. Evidence that the employee has an advanced degree OR evidence of exceptional ability in the sciences, arts, or business consisting of at least three of the following:
- 1) An official academic record showing that the employee has a degree, diploma, certificate, or similar award from a college, university, school, or other institution of learning relating to the area of exceptional ability;
 - 2) Evidence in the form of letter(s) from current or former employer(s) showing that the employee has at least 10 years of full-time experience in the occupation for which s/he is being sought;
 - 3) A license to practice or certification for a particular profession or occupation;
 - 4) Evidence that the employee has commanded a salary, or other remuneration for services, which demonstrates exceptional ability;
 - 5) Evidence of membership in professional associations which have elective or selective membership;
 - 6) Evidence of recognition for achievements and significant contributions to the industry or field by peers, governmental entities, or professional or business organization. See the criteria under Aliens of Extraordinary Ability and Outstanding Professor/Researcher for kinds of documents to show this recognition.
 - 7) If the above standards do not readily apply, you may submit comparable evidence to establish the employee's eligibility.
- B. Evidence that the employee is seeking employment in an area of substantial intrinsic merit. The employment must be important to the national interests of the United States. Additionally, the benefits of the employment should be immediately apparent to the national interests of the United States.
- C. Evidence that the benefits of the proposed employment will be national in scope. The employment may be limited to a particular geographical area. However, the petitioner must establish benefit to more than a particular region of the country. Moreover, there should be little or no adverse impact on the interests of other regions of the country.
- D. While the national interest waiver hinges on prospective benefit, it must be clearly established that the employee's past record justifies projections of future benefit to the nation. Subjective assurances that the employee will, in the future, serve the national interest will not suffice to establish prospective benefit.
- 1) Evidence related to the employee's ability to perform the duties of the proposed employment position. The employee must make a showing significantly above that necessary to prove the "prospective national benefit" required of all employees seeking to qualify as "exceptional" (defined as "a degree of expertise significantly above that ordinarily encountered in the sciences, arts, or business.")
 - 2) Evidence to demonstrate that the national interest would be adversely affected if a labor certification were required. We must demonstrate that it would be contrary to the national interest to potentially deprive the employer of the employee's services by making the position available to U.S. workers.
 - 3) Evidence that the employee is not seeking a national interest waiver based on a shortage of qualified workers in the given field.
 - 4) Evidence that the employee has a past record of specific prior achievement with some degree of influence on his/her field as a whole. We must prove that the employee's ability to serve the national interest to a substantially greater extent than the majority of his/her colleagues.
 - 5) A detailed statement from the employee that describes, in plain English, the significance of the employee's accomplishments in the field, supported by corroborative, independent documentary evidence.
 - 6) Evidence to establish that the employee's skills and background are unique and innovative and serve the national interest (and could not be articulated on a labor certification application).

- E. At least five letters of recommendation from senior people in the field attesting to the employee's significant contributions to, and international reputation in, the field. These letters should come from a variety of sources. Most of these letters should be from people outside Georgetown University, outside the United States, and from senior people in U.S. Government and/or industry. Please contact OIP for a sample. The letters should include:
- 1) The position and standing in the field of the writer (include the writer's CV or biographical sketch);
 - 2) How the writer knows of the employee's work;
 - 3) How the employee's work has made significant or outstanding contributions to the field (see the criteria under Aliens of Extraordinary Ability and Outstanding Professor/Researcher);
 - 4) References to the employee's international reputation as evidenced by presentations at international conferences, publications in international journals, memberships in selective international associations or societies, and/or receipt of international prizes or awards;
 - 5) References or descriptions as to how the employee may benefit the United States in the future;
 - 6) References to evidence submitted under Section D above; and
 - 7) A statement which confirms that "Dr./Prof. X's work is in the national interest, will contribute significantly to the body of knowledge in the field of ____, and will potentially benefit U.S. business/health care and the national economy."
- B. Diplomas, certificates, licenses, etc. to prove qualifications.
- C. A copy of the employee's appointment/offer letter containing the title, salary, and term of appointment.

THE GU FACULTY ADVISOR MUST PROVIDE:

A summary letter discussing the work and its current and future applications, both academically and in the private sector. The letter should describe the work, how it affects the field of study, its potential for broader applications, how the employee is essential or intimately connected to the work, and what effect this work will have on the United States and its people.

Department Portion

Please note: If Labor Certification is being pursued, you should complete the Georgetown University Labor Certification Forms *instead of* these forms.

Employer/Faculty Advisor Information

Name: _____ Title: _____
 Department: _____ Telephone: _____
 Email Address: _____ Fax: _____
 Name of Department Administrator Contact Person: _____

Information about the International Employee/Position

Family Name: _____ Given Name: _____
 Start Date: _____

If employed for less than one year, explain why the employee should be exempt from the one-year requirement:

Official Position Title: _____

Brief Job Description:

Annual Salary: _____ Is the Position Full-Time: Yes No

Is the position funded for the next three years? Yes No (explain below)

Does the individual supervise anyone: Yes No

Do you wish to sponsor this individual for permanent residency: Yes No

Permanent Residency Category You Wish OIP to Pursue

- Extraordinary Ability in the Sciences, Arts, Education, Business, or Athletics
 Outstanding Professor/Researcher
 Advanced Degree Holder with National Interest Waiver

Required Signatures

 Signature of Department/Personnel Administrator

 Date

 Signature of faculty Advisor/Superior

 Date

 Signature of Department Chair

 Date

Employee Portion

Family Name: _____

First Name: _____ Middle Name(s): _____

Other names, alternate spellings used or corrections to name (please explain):
_____Date of Birth: _____ Gender: Female Male
(Month/Day/Year)

City/Province of Birth: _____ Country of Birth: _____

Country of Permanent Residence: _____ U.S. Social Security #: _____

Current Mailing Address: _____

Home Telephone: _____ Work Telephone: _____

Fax: _____ Email Address: _____

Date of Most Recent Arrival in the United States: _____ (Month/Day/Year)

A # (if any): _____ I-94 #: _____

Current Immigration Status: _____ Expiration Date: _____

Has an immigrant petition ever been filed on your behalf? No Yes (explain below)Are you in exclusion or deportation proceedings? No Yes (explain below)

Please Indicate Where You Would Like to Obtain Your Green Card

 inside the United States through U.S. Citizenship & Immigration Services (USCIS) outside the United States at the following American Consulate:

City: _____

Country: _____

If you are not permitted to apply for adjustment of status in the United States and must apply at a consular post abroad, where is the nearest U.S. consular post in your home country?

City: _____

Country: _____

Address in Your Home Country: _____

Will family members immigrate with you? No Yes, please complete the **Family Information** page.

Signature: _____ Date: _____

Checklist for Submission to OIP

- Request form
- ETA-750 Part B (only for Natl. Interest Waiver petitions - <http://www.foreignlaborcert.doleta.gov/pdf/eta750b1.pdf>)
- CV/Resume
- Educational documentation
- Appointment/offer letter
- Department of Homeland Security
- Letter of support from supervisor
- Recommendation letters
- Evidence to support petition
- Copy of passport and I-94 card (front & back)
- Check for \$475 payable to

Family Information

Family Name: _____

Given Name: _____

Date of Birth: _____
(Month/Day/Year)

Gender: [] Female [] Male

Country of Birth: _____

Relationship to you (check one):
[] husband [] son
[] wife [] daughter

Current address, if different from yours:

Family Name: _____

Given Name: _____

Date of Birth: _____
(Month/Day/Year)

Gender: [] Female [] Male

Country of Birth: _____

Relationship to you (check one):
[] husband [] son
[] wife [] daughter

Current address, if different from yours:

Family Name: _____

Given Name: _____

Date of Birth: _____
(Month/Day/Year)

Gender: [] Female [] Male

Country of Birth: _____

Relationship to you (check one):
[] husband [] son
[] wife [] daughter

Current address, if different from yours:

Family Name: _____

Given Name: _____

Date of Birth: _____
(Month/Day/Year)

Gender: [] Female [] Male

Country of Birth: _____

Relationship to you (check one):
[] husband [] son
[] wife [] daughter

Current address, if different from yours:

Employee Document Certification

This certification is prepared in compliance with U.S. Citizenship & Immigration Services (USCIS) regulations relating to the verification of documents.

NOTE: In general, adults should certify their own documents. Parents may complete certifications for children.

Name of person whose documents are being certified: _____

Date of birth (month/day/year): _____

Country of birth: _____

COPIES OF DOCUMENTS SUBMITTED ARE EXACT PHOTOCOPIES OF UNALTERED ORIGINAL DOCUMENTS AND I UNDERSTAND THAT I MAY BE REQUIRED TO SUBMIT ORIGINAL DOCUMENTS TO AN IMMIGRATION OR CONSULAR OFFICIAL AT A LATER DATE.

Signature of person certifying: _____

Full name of person certifying: _____

Date signed: _____