

The University of Mississippi



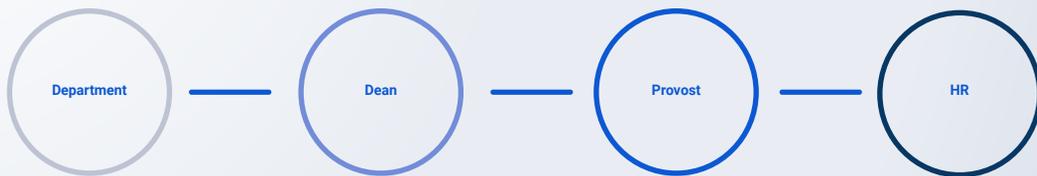
Permanent Residency Sponsorship

This presentation is an overview of the permanent residency sponsorship process. We will cover getting approval to sponsor an international faculty or staff member, documentation requirements, the permanent residency consultation, cost and payment, timeline, the most common process of getting permanent residency, and some special considerations.

Sponsorship Approval



Typically the process is initiated by the beneficiary, but departments can be proactive and initiate the process themselves. Either way, the approval mechanism is the same.



Approval begins with the department, moves up to the school, then the provost, and ends with HR. If a department wishes to sponsor someone, the position must be full-time and permanent. Now, just to clarify, permanent does not necessarily mean tenured. It means that the intention is to employ the person indefinitely, barring a legal reason to terminate the employment. Additionally, if the funding source is from grants or outside funds, which the university cannot guarantee, they may not approve the sponsorship. Human Resources will check to ensure that the position the beneficiary is in qualifies for sponsorship. Once HR approves the request, they will contact the Office of International Programs and we will move forward.



The University of Mississippi

Interoffice Memorandum

DEPARTMENT OF HUMAN RESOURCES

Paul B. Johnson, East
University, MS 38677

Phone: (662) 915-7431 Fax: (662) 915-5836

TO: Mr. Clay Jones, Director of Human Resources
FROM:
DATE:
SUBJECT: HR Approval for US Lawful Permanent Residence

Employee's name, job title, length of employment.

Reason/reasons for supporting petition. (See attached letter)

Department Approval: Approve Disapprove

Print Name _____ Date _____

Title (Chair, Director) Department

(After department approval, please forward to Dean's Office)

Dean's Approval: Approve Disapprove

Print Name _____ Date _____

Title (Dean) School

(After Dean's approval, please forward to Provost's Office)

Provost's Approval: Approve Disapprove

Print Name _____ Date _____

Provost and Vice Chancellor Academic Affairs

(After Provost's approval, please forward to Human Resources)

SAMPLE SUPPORT LETTER FROM DEPARTMENT/ PETITIONER
NECESSARY FOR ALL PR CASES

USCIS
ATTN: AOS
2501 S. State Highway 121 Business
Suite 400
Lewisville, TX 75067

To Whom It May Concern:

The University of Mississippi wishes to support Permanent Residency on behalf of Dr. Anne Nurmi, a Finnish national, to serve as Assistant Professor in the School of Engineering, Department of Electrical Engineering. This is a permanent position with the University of Mississippi.

The Petitioner

The University of Mississippi was established in 1848 and has 2,355 employees and an operating budget of \$1.69 billion. The Department of Electrical Engineering has an undergraduate and graduate program which is active in externally funded research projects and industrial consulting.

The Beneficiary

Dr. Nurmi graduated from the University of Iowa in August of 1991 with a Ph.D. in Electrical Engineering. She has specialized in advanced electrodynamics. Her research in this field has resulted in presentations of her research at international conferences in Geneva, 1990 and Chicago, 1991. Documentation of this research is enclosed.

Dr. Nurmi's credentials make her particularly well-suited for the current research project of vehicular antenna systems funded by the National Science Foundation.

Terms of Employment

Dr. Nurmi is currently employed as an Assistant Professor of Electrical Engineering, which is a permanent position. She will be compensated at a rate of \$50,000 per year.

Sincerely,

Name and Title of Department Chair



There are only two things needed to gain HR approval. This interoffice memo showing the approval chain and this letter of support that describes the employee, the position, length of employment, and reasons for supporting the petition. This is a sample letter that is included in the Permanent Residency packet you can get from me or from our website. It is important to note that the Provost's office will not process the memo unless the signatures are done in hand. They will not accept typed names.

Biographical Data



Once HR approves the request and contacts me, I will reach out to both the beneficiary and the department to gather some documents and information. From the beneficiary, I need the biographical data form.

What is needed?

- Personal and visa history
- Dependent Information
- Position Information
- Supporting Documents
 - CV
 - Immigration Documents
 - Diploma
 - Offer Letter
 - I-94
 - Passport

Permanent Residency Petition Biographical Data and Document Checklist

Scholar Information		Family Information	
Surname (Family/Last Name)	Given Name (First name)	Surname (Family/Last Name)	Given Name (First name)
Email Address	Date of Birth	Email Address	Date of Birth
Cell Phone Number	Work Phone Number	Cell Phone Number (For Emergency Only)	
Residential Address		Country of Citizenship	Visa status
Scholar Job and Visa Information		Child 1	
Current Salary	Current Job title	Surname (Family/Last Name)	Given Name (First name)
Start Date of Employment	Overseas Address (Date if applicable)	Country of Citizenship	Visa status
Current Non-Immigrant Status	Date of Birth		
Have you ever held a visa?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Child 2	
		Surname (Family/Last Name)	Given Name (First name)
		Country of Citizenship	Visa status
		Date of Birth	
		Child 3	
		Surname (Family/Last Name)	Given Name (First name)
		Country of Citizenship	Visa status
		Date of Birth	
I have the personal information that may reference this FR application (i.e. marriage to a U.S. citizen/Permanent Resident/Non-citizen in the FR process) (FR Petitioner address)			
Do you have any family who will be included in the permanent residency petition?		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Document Checklist		Surname (Family/Last Name)	Given Name (First name)
<input type="checkbox"/> Passport Biographic Page	<input type="checkbox"/> Current I-94	Country of Citizenship	Visa status
<input type="checkbox"/> I-18 Approval Notice*	<input type="checkbox"/> Diploma		
<input type="checkbox"/> Prior I-20s*	<input type="checkbox"/> Current CV		
<input type="checkbox"/> Prior DS-2019s and visa stamps*	<input type="checkbox"/> Offer Letter	Date of Birth	
*Applicable		No visa stamp without status, if necessary	
*Applicable		Documents should be in PDF form and submitted to immof@olemiss.edu	

Form updated 9/27/2018



From the beneficiary, we need their personal and visa history, dependent information, current position information, cv, immigration documents, diploma, copy of the original job offer letter, most recent I-94, and a copy of the passport. Depending on the visa history of the beneficiary and dependents, they may need to provide additional documents, but since this presentation is targeted towards departments, I won't go into detail about that.

Legal Fees Agreement



While the beneficiary is preparing their documents, the department will be working on the first part of the legal fees agreement.

Permanent Residency Petition Departmental Information and Legal Fees Agreement 

Department Information <small>(to be completed prior to consultation with immigration attorney)</small>	
Department Name	Employee Being Sponsored
Supervisor Name	Supervisor Email and Contact Phone Number
<p>Document Checklist</p> <p><input type="checkbox"/> Job Description and Requirements</p> <p><input type="checkbox"/> Job Advertisements <small>(showing dates and national publication)</small></p>	<p>"In submitting this form, I agree to provide the documents and support letter(s) that are required for the University to file for labor certification/ permanent resident status for the international employee identified above.</p> <p>Department Chair/Unit Director Signature _____ Date _____</p>



Keep in mind, at this point, the department only needs to complete the top portion of the legal fees agreement. Anything below that dotted line can be completed at the time of the consultation.

PR Consultation



Which brings us to the consultation. Unless there are extenuating circumstances, all permanent residency consultations will take place in my office in Martindale Hall as a conference call with the immigration attorney David Ware. The beneficiary and department chair will meet in my office for the call. One frequently asked question by both beneficiaries and departments is whether another attorney may be used. For example, if someone has already begun the process and already has an attorney. The university is not allowed to use any law firm other than Ware Immigration for permanent residency petitions. We cannot make any payments to any other firms.

Legal Fees Agreement <small>(to be completed during consultation with immigration attorney)</small>																																						
<p>By signing this agreement, The Department is authorizing the Office of Procurement to pay to Ware Immigration the legal and associated fees for the permanent residency petition for the Employee listed on this document, whom The Department has agreed to sponsor. The Department is legally bound to pay for any expenses related to the Special Handling Labor Certification (SHLC) (outlined in the Fee Schedule, attached). The Department may also cover additional expenses at their discretion. Costs for which The Department is legally obligated are marked (on the Fee Schedule) with an asterisk (*). Additional fees (e.g. FedEx shipping) related to the SHLC will also be borne by the department.</p> <p>The Department will work directly with the attorney to provide the necessary documentation and information so that the appropriate fees and expenses are charged to the appropriate party. All payments to Ware Immigration must be approved through the State Attorney General's Office prior to disbursement. This process is facilitated by UM's Office of General Counsel. Once approved by the State Attorney General, the funds will automatically be deducted by UM's Office of Procurement from the accounts provided on this sheet.</p>																																						
<p>University Account Numbers These account numbers are for the legally required legal and associated fees for the SHLC only.</p>		<p>If the department is providing additional funding beyond the legal requirement, please indicate the amount below</p>																																				
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Signature	Signature	Signature																																				
<p>This document must be signed by the account signatory for any university account number provided.</p>																																						

form updated 8/21/2019



At the conference call, we will complete the bottom half of the legal fees agreement. University Account number(s) will need to be provided for the legally required fees. Additionally, if any supplemental funding will be provided by the department or through the faculty member's research/overhead funds, the amount of funding and the account number(s) must be provided. Any special instructions will be noted in that small notes section.

Beneath that is the record of the consultation including who was present, when it was, and any important case notes. Once the consultation is complete and the account information filled in, the department, the beneficiary, and the OIP representative will all sign the agreement. This agreement is then sent to David Ware, his accountant, the Office of General Counsel, the Office of Procurement, the department, and the

beneficiary.

Legal Fees Agreement <small>(to be completed during consultation with immigration attorney)</small>			
<p>By signing this agreement, The Department is authorizing the Office of Procurement to pay to Ware Immigration the legal and associated fees for the permanent residency petition for the Employee listed on this document, whom The Department has agreed to sponsor. The Department is legally bound to pay for any expenses related to the Special Handling Labor Certification (SHLC) (outlined in the Fee Schedule, attached). The Department may also cover additional expenses at their discretion. Costs for which The Department is legally obligated are marked (on the Fee Schedule) with an asterisk (*). Additional fees (e.g. FedEx shipping) related to the SHLC will also be borne by the department.</p> <p>The Department will work directly with the attorney to provide the necessary documentation and information so that the appropriate fees and expenses are charged to the appropriate party. All payments to Ware Immigration must be approved through the State Attorney General's Office prior to disbursement. This process is facilitated by UM's Office of General Counsel. Once approved by the State Attorney General, the funds will automatically be deducted by UM's Office of Procurement from the accounts provided on this sheet.</p>			
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\$			
Primary	Secondary	Supplemental Funding Amount	Supplemental Funding Account
Notes:			

Department Chair/Unit Director	Sponsored Employee	International Programs Representative
Signature	Signature	Signature
This document <i>must</i> be signed by the account signatory for any university account number provided.		

form updated 8/21/2019



It is important to note that the document must be signed by the account signatory for any university account number provided.



So at this point, you're probably wondering what kind of fees the department has just agreed to pay. Well, it depends.

Permanent Residency Petition Fee Schedule 2019 - 2020



	Faculty	Non-Faculty	Outstanding Professor/ Research
Special Handling Labor Certification*	\$2000*	\$4000*	n/a
Readvertisement/supervised recruitment (if necessary)*	\$500* (+ advertisement cost)	\$2500* (+ advertisement cost)	n/a
Audit Fee (if audited)*	\$500 - \$1500*	\$500 - \$1500*	n/a
I-140†	\$2500†	\$2500†	\$6000†
I-485 (and related) handled with I-140†	\$2000†	\$2000†	\$2000†
Standalone I-485	\$2500	\$2500	\$2500
Dependent filed with I-140	\$750	\$750	\$750
Standalone I-485 for Dependents	\$1000 - \$1500	\$1000 - \$1500	\$1000 - \$1500
Additional fees (e.g. FedEx) related to the SHLC will be charged to the Department.			
*†Filing Fees: I-140 \$700; I-485 \$1140 plus \$85 for Biometrics			



Here is the most recent fee schedule. As you can see there are three different columns for the type of position. By a wide margin, the faculty column is the most common. Non-faculty would be for any non-teaching position at the university, including researchers. The third column is typically reserved for those who are subject to country caps, which we'll discuss later.

The fees here are divided into two sections, those which the department is required by law to pay and those which are not. Any item with an asterisk, the department is required to pay by law. That is non-negotiable. These are all fees associated with the Special Handling Labor Certification (the first big hurdle in the pr process). Only one of these is actually guaranteed, however. Readvertisement (also called a test of the labor market) may not be necessary. Additionally, audits

are rare and will not likely need to be covered. So, depending on the situation, departments could be paying as little as approximately \$2100 (the extra amount is due to fedex fees associated with the labor certification process). That being said, most departments end up having to readvertise.

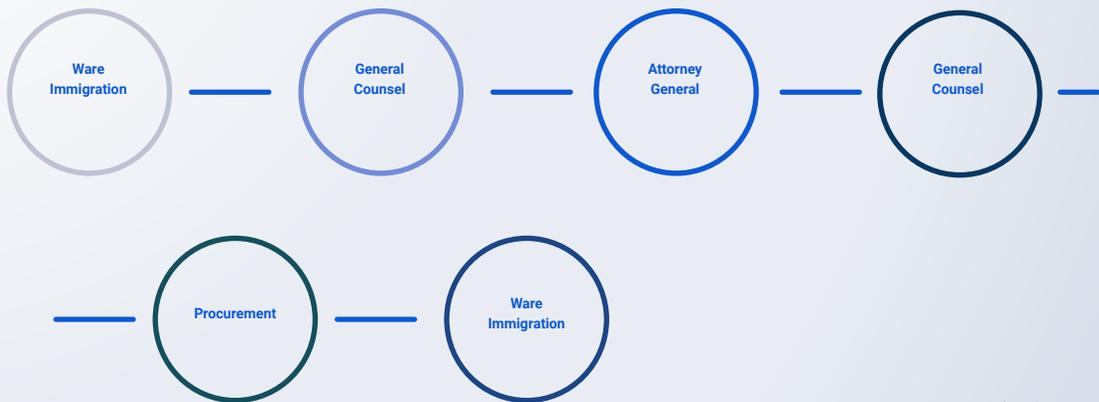
Additionally, most departments have a set amount beyond this minimum, that they are willing to pay.

So let's talk briefly about readvertisement. This does not mean that you need to hire someone new or that you may lose the person you're trying to sponsor. In fact, at no point is HR involved in this portion. This is a Department of Labor requirement to ensure that there are no qualified and available US citizens or permanent residents for that position. To help ensure that, Ware Immigration, who will actually handle the job ad, will place it in the print-only version of the Chronicle of Higher Education, which no one reads. Additionally, in order to apply, applications have to be physically mailed in, further discouraging applications. And, yes, I know, it is rather cruel to advertise a job that doesn't exist, but that is what the Department of Labor requires. Once the ad has run, the department pens a letter stating that no one applied and the beneficiary is the only qualified and available person. We have to do this for almost every case and only twice have applications been received (only one per case). It has never caused an issue.

Payment



Payment is more complicated than you'd think...or not.



The process starts when Ware Immigration sends an invoice to our Office of General Counsel. General Counsel then reviews it to ensure that it is correct and sends it to the Attorney General. The Attorney General must then review and approve it and send it back to General Counsel. General Counsel passes it on to Procurement who will automatically process payment to Ware Immigration. The signed legal fees agreement gives procurement the authority to automatically make the payment from the accounts and for the amounts specified without any additional input from the department. This was a required change due to severe delinquency of payment on the part of certain departments.

Timeline



So how long does this actually take?

Permanent Residency Petition Fee Schedule 2019 - 2020



	Faculty	Non-Faculty	Outstanding Professor/ Research
Special Handling Labor Certification*	\$2000*	\$4000*	n/a
Readvertisement/supervised recruitment (if necessary)*	\$500* (+ advertisement cost)	\$2500* (+ advertisement cost)	n/a
Audit Fee (if audited)*	\$500 - \$1500*	\$500 - \$1500*	n/a
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Additional fees (e.g. FedEx) related to the SHLC will be charged to the Department.			
*†Filing Fees: I-140 \$700; I-485 \$1140 plus \$85 for Biometrics			



Well, it depends on which type of sponsorship it is. The faculty and non-faculty positions are what are known as EB-2B. The Outstanding Professor Researcher is known as EB-1B and has a much higher burden of proof. The quick answer is that EB-2B takes around 18 - 24 months for most cases. EB-1 can be as short as about 7 months, or much longer, depending on the specific situation. Typically it takes over a year.

The Process



So we're going to go over what the process would look like for the most common scenario: teaching faculty.

	Prevailing Wage Determination	Labor Certification	I-140 (Employer Petition)	I-485 (Adjustment of Status)
	About 3.5 months	About 3.5 months	3.5 to 6 months	5 to 10.5 months
Prevailing Wage Determination / Readvertisement				
Labor Certification				
I-140 / Premium Process				
I-485				



The PR process for this type is broken down into 4 steps: Prevailing Wage Determination, Special Handling Labor Certification, the I-140 Employer Petition, and the I-485 Adjustment of Status.

As you can see, the prevailing wage determination is taking about 3.5 months currently. If there is a necessary readvertisement, then that would typically happen concurrently with the wage determination. This is the same type of wage determination that is done for H-1Bs, but much more detailed and it must be filed through the Department of Labor. Unlike with H-1B, there is no in-house option.

Once we receive a favorable wage (i.e. a wage that is at or below the current salary or within range of a reasonable salary increase), we move on to the Special Handling Labor Certification. Once filed, these are taking currently about 3.5

months to get approved.

Once approved, the I-140 can be prepared and filed. It has a current processing time of 3.5 to 6 months. You'll notice that there is premium processing available at this step. In some cases it's necessary, in most it is for the comfort of the department or beneficiary. It reduces the processing time to 15 days. It is not recommended to do this for EB-1B cases unless absolutely necessary. Premium processing only speeds up this step and none of the others--though there have been cases when filed concurrently with the I-485, the processing for the I-485 did increase as well, but it is not guaranteed and should not be relied upon. Additionally, many cases cannot or should not be filed concurrently. This is a determination made by the attorney based upon what is most likely to get approval. The primary reason the I-485 cannot be filed concurrently is due to a waiting list.

Filing v Final



There are two dates that are important when it comes to the I-485. The filing date and the Final Action Date.

Date for Filing

Employment-based	All Chargeability Areas Except Those Listed	CHINA-mainland born	EL SALVADOR GUATEMALA HONDURAS	INDIA	MEXICO	PHILIPPINES
1st	01JUL19	01SEP17	01JUL19	15MAR17	01JUL19	01JUL19
2nd	C	01AUG16	C	01JUL09	C	C

Final Action Date

Employment-based	All Chargeability Areas Except Those Listed	CHINA-mainland born	EL SALVADOR GUATEMALA HONDURAS	INDIA	MEXICO	PHILIPPINES	VIETNAM
1st	01JUN18	01FEB17	01JUN18	01JAN15	01JUN18	01JUN18	01JUN18
2nd	C	15MAR15	C	13MAY09	C	C	C



The date for filing is the date when a beneficiary may actually submit their I-485 petition. This chart is from what's called the Visa Bulletin. It's updated every month. What everyone wants to see is the "C". "C" means "current" and it means that anyone in that category may file at any time. You can see though that for all EB-1 as well as those from China and India for EB-2 have dates. These are the priority dates for filing. Priority dates are established when the Labor Certification is filed. As you can see, those from India in the EB-2 category have it the worst. Currently, they may only file their I-485 if their priority date was prior to July 1st, 2009. For this reason, most Indian nationals (and Chinese nationals who are currently looking at an approximate 3 year wait) will try to go for EB-1. This wait, is after all of the previous process has already finished.

The final action dates are the cases that are actually being adjudicated by USCIS. Again, as you can see, even if you have already filed as an Indian national, you still have a 4 year wait.

Until then?



So what do we do until then? We keep them as H-1B. Typically H-1Bs only get six years, but if we start the permanent residency process soon enough, then we can extend beyond that six years indefinitely until they are eligible to file for adjustment of status. Because of this timely filing issue, the permanent residency process should begin no later than the fourth year. That being said, it is cheaper in the long run to sponsor them earlier. Each H-1B extension is currently costing close to \$2000--which if you remember is the base cost for the department in a standard case. Moreover, sponsoring earlier reduces the likelihood of having to readvertise (which adds an additional \approx \$900 to the cost of the permanent residency sponsorship).

EAD →



PR →



At a certain point, those in the PR process can apply for an EAD (Employment Authorization Document). We recommend doing this, of course, but we also require that the H-1B be maintained. This is because if something happens in the PR case and it is denied, if there is no H-1B to fall back on, they have to leave within an extremely limited time frame, putting both the faculty member and the university in precarious positions.

Once the PR card is obtained, it looks like this. For EB cases, they are granted for 10 years. Which means the department is done with immigration related activities for that person.

Questions?



There are two dates that are important when it comes to the I-485. The filing date and the Final Action Date.