

Stephen F. Austin State University

Green Card Immigration Support for Tenure Track Faculty

Procedures and Timeline

The two primary avenues for green card sponsorship through employment with Stephen F. Austin State University (SFA):

- **Program Electronic Review Management (PERM) via Special Handling:**
 - SFA will initiate the PERM process
 - Ford Murray (FM) would send questionnaires to gather the pertinent information from the employee as well as SFA
 - FM would draft the Prevailing Wage worksheet (PERM Profile) for review and signature by SFA and the employee
 - Prevailing Wage would be submitted to the US Department of Labor (DOL)
 - Once Prevailing Wage is issued, SFA would conduct DOL-required recruitment under FM's guidance
 - Upon completion of recruitment and DOL-mandated 30-day quiet **period, FM would draft the PERM application for review by SFA** and employee
 - Once PERM application is approved by all parties, the PERM would be filed with the US DOL
 - Upon Certification of the PERM by the DOL, FM would then initiate the I-140 Petition with SFA and employee
 - The I-140 Petition would be drafted for review by SFA
 - Once signed and returned, the I-140 would be filed with the U.S. Citizenship and Immigration Services (USCIS)
 - Upon approval of the I-140 and confirmation that the priority date is current, the employee can begin the I-485 process (FM can assist with this process at the employee's cost)

- **EB-1B Outstanding Professor**
 - This process allows a qualified employee to skip PERM and move directly to the I-140 process through the USCIS – the employee must demonstrate international recognition for outstanding achievements in a particular academic field. The employee must have at least three years of experience in teaching or research in that academic area, and the employee must be entering the United States in order to pursue tenure or tenure track teaching at SFA
 - Additionally, the employee must demonstrate at least two of the six listed criteria:
 1. Evidence of receipt of major prizes or awards for outstanding achievement
 2. Evidence of membership in associations that require their members to demonstrate outstanding achievement

3. Evidence of published material in professional publications written by others about the alien's work in the academic field
 4. Evidence of participation, either on a panel or individually, as a judge of the work of others in the same or allied academic field
 5. Evidence of original scientific or scholarly research contributions in the field
 6. Evidence of authorship of scholarly books or articles (in scholarly journals with international circulation) in the field
- If qualified, FM would send questionnaires to the employee and SFA
 - FM would then work with the employee to document and prepare the evidence required for the EB-1B
 - The EB-1 would then be drafted and reviewed by SFA and the employee
 - Once finalized, SFA would sign the EB-1B and return to FM
 - FM would file the EB-1B with the USCIS
 - Upon approval of the I-140 and confirmation that the priority date is current, the employee can begin the I-485 process (FM can assist with this process at the employee's cost)

Approximate Timeline

- PERM – if no advertisements are required, it can take about 18 months to complete the PERM process. If advertisements are required, it can take about 20-22 months to complete the PERM process.
- I-140 – once the PERM is certified, we can then file the I-140 with the USCIS. This must be filed within 6 months of the certification as the PERM will expire beyond that date. Once filed, the USCIS is taking about 4-6 months to adjudicate. The I-140 can be premium processed but you would only do this if the individual needed the I-140 to obtain an H-1B extension beyond the 6-year limit or had a spouse who wanted to apply for an H-4 EAD (work authorization).
- I-485 (actual green card application) – once the individual has a pending or approved I-140 AND once the individual's priority date is current in the visa bulletin (often times there is a waiting period and, for some, this can be substantial), we can then file the I-485 with the USCIS. Once filed, assuming the priority date remains current during the entire process, the I-485 can take about 8-12 months to be adjudicated.