



U.S. Lawful Permanent Resident Status for Outstanding Professors and Researchers Request Packet

GREETINGS!

International Student & Scholar Services (International Services) at Georgia State University has prepared this packet of information to assist hiring departments with the process of preparing an application for U.S. Lawful Permanent Resident (LPR) status for adjudication by the U.S. Citizenship & Immigration Services (USCIS) for foreign national employees.

The process is lengthy and complex, potentially involving various state and federal government agencies. In order to ensure that everything goes smoothly, it is extremely important that you read the materials in this packet very carefully and that you follow the instructions. This will avoid delays in the processing of your case.

Please be advised, however, that any estimated processing times referenced in this packet are subject to change without notice due to changes in the regulations/laws and/or due to backlogs within a particular government agency. International Services cannot control delays of this nature.

If you have any questions or need additional information, please call the Scholar Advisor at 404.463.9073.

COMMONLY USED ACRONYMS OR ABBREVIATIONS IN THE LPR REQUEST PACKET

INA	Immigration & Nationality Act
INTERNATIONAL SERVICES	International Student & Scholar Services
LPR	Lawful Permanent Resident
USCIS	U.S. Citizenship & Immigration Services

BASIC LPR INFORMATION

BASIC LPR INFORMATION:

- Lawful Permanent Resident status is reserved for foreign nationals who intend to reside in the United States permanently. Such individuals may also be referred to as immigrants, green card holders, and numerous other labels. These terms may be used interchangeably throughout this packet.
- An individual can become a Lawful Permanent Resident through a variety of avenues. There are three principal bases to qualify for LPR status: (1) Family, (2) Employment, or (3) Public/Humanitarian Policy. International Services at Georgia State University only facilitates applications for LPR based on employment and which require the University to function as the employer sponsor/petitioner on behalf of the foreign national.
- The U.S. Immigration & Nationality Act currently limits the total number of employment-based immigrants to 140,000 per fiscal year [INA 201(d) and 203(b)]. These 140,000 slots are divided between five employment-based “preference” categories. International Services must approve, sign, and submit petition for the following preferences:
 - EB-1** Outstanding Professors and Researchers who are recognized internationally as outstanding in their academic field, and who have at least three years of teaching or research experience in the field and have been offered a tenured, tenure-track, or long-term research position comparable to tenure-track. This is the main LPR category processed by International Services.
 - EB-2** Members of the Professions Holding Advanced Degrees and Aliens of Exceptional Ability in the Sciences, Arts, or Business. Advanced degree is defined as any academic or professional degree or foreign equivalent above the U.S. baccalaureate. In some cases, a baccalaureate plus five years of appropriate experience can be counted as a master’s degree.
 - EB-3** Professionals and Skilled Workers holding licenses, certificates, or other professional qualifications.

BASIC FORMS AND FEES: The U.S. Citizenship & Immigration Services (USCIS) charges the following processing fees for LPR applications*:

I-140 Fee: \$195

I-485 Fee: \$325

Additional I-485 Fee for Dependents: \$315 for dependents 14 years of age and older / \$215 for dependents under 14 years of age

Fingerprint Fee (filed with Form I-485): \$70 for each family member 14-70 years of age

Form I-765: \$180 (Optional. Consult with Scholar Advisor)

Form I-131: \$170 (Optional. Consult with Scholar Advisor)

International Services charges the following processing fees to the hiring department or the employee for cost recovery for each LPR petition:

I-140 Fee with Labor Certification: \$1200

I-140 Fee without Labor Certification: \$800

I-485 Fee: \$500

I-485 Fee for each family member: \$100

Enclosed in this packet are instructions for payments in Spectrum. International Services will not send a petition to USCIS until payment is made for cost recovery and a Journal Entry number is received.

* These fees are subject to change without notice. Always check with the Scholar Advisor for the most up-to-date information about USCIS fees.

LPR PROCESS OVERVIEW

STEP #1: The international and their faculty sponsor must check with the Scholar Advisor regarding sponsorship for U.S. Lawful Permanent Resident Status to determine if they meet the criteria.

- If the international clearly does not meet the criteria, the LPR process cannot go forward. (**NOTE:** An appeal may be made to the Director of International Services by a Dean, Department Chairperson, or other top-ranking official in the department requesting an exception to the policy. Please be aware, however, that exceptions are very rare and are only made for extraordinary circumstances on a case-by-case basis. Exceptions are limited to those cases that are of utmost importance and urgency to the continued academic and research efforts of the University, particularly cases in which other means of securing and/or continuing employment authorization have been exhausted.)
- If the international does meet the criteria, the international and his/her faculty sponsor should proceed to Step #2 below.

STEP #2: The international and/or faculty sponsor must make an appointment to meet with the Scholar Advisor to review the international's eligibility pursuant to University policy, as well as the requirements of USCIS, and to explain the application process in detail if the international is found to be eligible for sponsorship.

STEP #3: The sponsoring department and the international gather and submit all required application materials (see the comprehensive checklist included in this Request Packet).

STEP #4: International Services will analyze and organize all application materials, prepare the Form I-140, review the Form I-485 and related forms (if the international is filing concurrently). In addition, International Services will review the Form I-765 Application for Employment Authorization and/or the Form I-131 Application for Travel Document (if applicable). With all documentation received from the applicant and the department, including a Journal Entry number for payment of the cost recovery fee, International Services can submit the application to USCIS. (**NOTE:** the sponsoring department will pay for express mailing of the petition via FedEx)

STEP #5: International Services will provide the international with a photocopy of the Form I-140 Receipt Notice and Approval Notice, upon receipt.

- The international must provide International Services with a photocopy of the Form I-485 Receipt Notice for himself/herself, as well as for any dependents (if applicable), upon receipt.
- Upon approval, the international must submit to International Services a legible photocopy of the I-551 stamp placed in his/her passport, as well as a legible photocopy of the Alien Registration Card (i.e., "green card") once it has been received by the international.

IMPORTANT NOTE: To minimize any potential delays or problems with the LPR application, it is important that the international and their department follow the instructions in this packet and on all immigration forms.

LPR CHECKLIST

Outstanding Professor or Research Category

The international and their department must work closely with the Scholar Advisor to prepare all the required documentation for the LPR application process, which is complex and lengthy.

PART ONE: Preparation of Form I-140 (Immigration Petition for Alien Worker), with Supporting Documentation

The EB-1 Outstanding Professor or Researcher category is reserved for professors or researchers who are recognized internationally as outstanding in their academic field, and who have at least three years of teaching or research experience in the field. To qualify for LPR via this category, the alien must have an offer of a tenure or tenure-track teaching position or permanent research position. In addition, immigration regulations specify that the international must present evidence in at least two of the following categories [8 CFR 204.5(i)(3)(i)]:

- Receipt of major prizes or awards for outstanding achievement in the academic field

HINT: These are awards that are prestigious, although they do not have to be quite the caliber of a Nobel or Pulitzer Prize. It may be necessary to explain the significance of these prizes and awards. In general, please be aware that the awarding of a “postdoctoral fellowship” is not considered to be nationally or internationally prestigious enough to qualify as acceptable evidence. Student awards, unless nationally or internationally recognized, should not be included. Grant awards may be included, depending upon the international’s role in obtaining the grant.

- Membership in associations in the academic field, which require outstanding achievements.

HINT: USCIS is looking for memberships that are above and beyond the “run-of-the-mill, pay-your-dues-and-you’re-a-member” sort of memberships. The regulations clearly state that the organizations should “require outstanding achievements of their members,” as judged by experts. Leadership positions in professional associations are especially helpful.

- Published material in professional publications written by others about the alien’s work in the academic field.

HINT: Complete copies of articles, reviews, etc. about the individual’s work should be submitted. Citation listings alone do not constitute the level of proof required to meet this criterion.

- Evidence of the alien’s participation as the judge of the work of others in the same or an allied academic field.

HINT: A “judge” of the work of others can include serving as a reviewer for a professional journal, judging papers, etc. Evidence of this can be provided in several ways. Individuals knowledgeable about the circumstances could write letters attesting to

this fact. Alternatively, copies of letters asking the individual to judge an event or a paper or thanking them for doing this can be submitted.

- Evidence of the alien's original scientific or scholarly research contributions to the academic field.

HINT: Documentation of this can take many forms. Copies of patents or other recognition of a contribution or achievement can also be included with the petition. Letters from experts in the field are essential for helping to document this.

- Evidence of the alien's authorship of scholarly books or articles (in scholarly journals with international circulation) in the academic field.

HINT: Copies of articles should be included, although if the alien has a long list of publications, a list with complete citations and copies of some representative samples would suffice. The quality and distribution of the publication does make a difference since the regulation requires the publication to have "international circulation in the field."

In addition to evidence in at least two of the aforementioned categories, the international must submit the following:

- Letters from recognized experts in the field.

HINT: The cornerstone of the entire petition for Outstanding Professor or Researcher category is the opinion of experts in the field. It is crucial to obtain expert opinions from objective, established people in the field. The letters should be as detailed as possible and come from individuals representing as varied a group as possible (e.g., academic institutions in the U.S. and/or abroad, government institutions in the U.S. and/or abroad, the business community in the U.S. and/or abroad, professional associations in the U.S. and/or abroad, etc.). Please be aware that since the Outstanding Professor or Researcher category is for internationals who are recognized internationally as outstanding in their field, letters describing only the accomplishments made at the beginning of the international's career, as well as letters describing potential (but not yet realized) contributions will carry less weight and may even harm the petition. OIS recommends obtaining five to six letters. The letters must be on official letterhead/stationary that clearly identifies the institutional affiliation of the author. See later in this Request Packet for an outline to share with recommenders to help guide them in writing these crucial letters.

- Documentation establishing at least three years of teaching and/or research experience.

HINT: This documentation should include letters from current and former employers and should include the name, address, and title of the writer, as well as a detailed description of the duties performed. Please be aware that experience in teaching or research while working on an advanced degree will only be acceptable if the alien has acquired the degree, and if the teaching duties were such that he/she had full responsibility for the class taught or if the research conducted toward the degree has been recognized within the academic field as outstanding.

- Job offer letter.

HINT: This letter must come from the person or persons in the department who are authorized by the University to extend an offer of employment. Even though you may already be working at the University, this letter is required. The letter must establish that you are employed, or will be employed, in a tenure or tenure-track teaching position or permanent research position. Please note that the regulatory definition of “permanent” employment as a researcher takes into account the fact that research funding is often in the form of grants and other “soft” money. “Permanent,” 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” [8 CFR 204.5(i)(2)]. The letter must also include the title and salary of the position offered, a detailed job description, as well as an explanation of how the international qualifies for the position.

- Current CV, including notarized copies of all education credentials (i.e., diplomas).

HINT: All documents must be in English or accompanied by a notarized English translation. If you were educated outside of the United States, you must also submit a credential evaluation that establishes the comparability of your educational level to that within the U.S. The Scholar Advisor can provide additional information regarding this requirement.

- Check(s) for the required USCIS fee(s) made payable to USCIS.

IMPORTANT NOTE: To minimize any potential delays or problems with the LPR application, it is important that the international and his/her department follow the instructions in this packet and on all immigration forms.

PART TWO: Preparation of Form I-485 *Application to Register Permanent Residence or Adjust Status* and Related Forms, with Supporting Documentation

NOTE: The forms listed below must be obtained from USCIS. You can download them at the following Internet site: <http://uscis.gov/graphics/formsfee/forms/index.htm>. This site also includes information about the filing fees for each form. Fees are also listed earlier in this request packet.

- Form I-485 for the international and each family member, if filing for dependents as well.
- Form I-693 *Medical Examination of Aliens Seeking Adjustment of Status* and Form I-693 Supplement for the international and each family member, if filing for dependents as well. (See information in this Request Packet for a listing of USCIS designated physicians in the Atlanta area.)
- Form G-325A *Biographic Information* for the international and each family member, if filing for dependents as well.
- Form I-864 *Affidavit of Support*, notarized and completed by the principal applicant for spouse and each child.
- Two photos of the international and each family member, if filing for dependents as well, which meet USCIS specifications. Include the name, Social Security Number, and I-94 number on the back of each photo.
- Photocopy of all passports held while in the United States (introductory page(s) and any and all stamped pages).
- Photocopy of birth certificate for the international and each family member, if filing for dependents as well (with translation if not in English).
- Photocopy of marriage certificate and/or divorce certificate (if applicable) for the international and each family member, if filing for dependents as well (with translation, if not in English).
- Photocopy of approval (Form I-797) of Form I-140 (Immigrant Petition for Alien Worker). This is not applicable if filing I-140 and I-485 concurrently.
- For prior J-1 Exchange Visitors who were subject to the “two-year home country physical presence requirement” [INA 212(e)], a photocopy of the approval of a waiver of that requirement (Form I-612).
- Photocopy for the international and each family member, if filing for dependents as well, of both sides of the Form I-94 and evidence of having maintained an uninterrupted nonimmigrant status at all times while in the United States (e.g., photocopies of I-20s, IAP-66s, DS-2019s, I-797s, etc.).
- For internationals who have held F-1 or J-1 student status, a photocopy of academic transcripts for the entire period of study in the United States.

OPTIONAL FORMS*

- Form I-765 *Application for Employment Authorization*, with additional check in the amount of \$180 payable to USCIS.
- Form I-131 *Application for Travel Document*, with additional check in the amount of \$170 payable to USCIS.

* Internationals in O-1 status, or any nonimmigrant status other than H or L, are required to apply for Employment Authorization using Form I-765 and for Advanced Parole using Form I-131. It is not optional for those individuals.

Sample Outline of LPR Recommendation Letter
Required from Experts in the Alien's Academic Field

The letter should be addressed to:

U.S. Citizenship & Immigration Services
Texas Service Center
Mesquite, TX 75185-1488

Do not send the letter directly to USCIS. The letter must be submitted by the international to International Services for inclusion with all other application materials for mailing to USCIS.

The letter should follow the outline below:

1. Opening Paragraph

"I am writing this letter in support of the Georgia State University's application for U.S. Lawful Permanent Resident status on behalf of [INSERT NAME] in the Outstanding Professor or Researcher category."

2. Paragraph #1

Information regarding the writer, including current position, background, and accomplishments. (NOTE: It is helpful if the writer provides a copy of his/her CV along with the recommendation letter.

3. Paragraph #2

An explanation of how the writer knows the applicant.

4. Paragraph #3

Documentation regarding how the applicant qualifies for LPR status based on the Outstanding Professor or Researcher category. The letter must help establish that the applicant meets the following criteria:

- a. International recognition in the field;
- b. Three years of teaching or research experience in the field;
- c. Evidence of meritorious achievements (a minimum of two of the following is required for approval of the petition):
 1. Receipt of major prizes or awards;
 2. Membership in associations in the academic field, which require outstanding achievements;
 3. Published material in professional publications written by others about the alien's work in the academic field;
 4. Evidence of the applicant's participation as a judge of the work of others in the same or allied academic field;
 5. Evidence of the applicant's original scientific or scholarly research contributions to the academic field;
 6. Evidence of the alien's authorship of scholarly books or articles (in scholarly journals with international circulation) in the academic field.

5. Closing Paragraph

USCIS Designated Physicians in the Atlanta Area

How do I find a designated civil surgeon in my area?

To obtain the names and telephone numbers of the designated civil surgeons in your area, please call USCIS' National Customer Service Center at 1 (800)375-5283. After you have selected English or Spanish as your language of choice for the message, choose #2 for medical examinations from the list of six automated options. You will need to key in your zip code. Have a pen and pencil ready to write down the list of civil surgeons.

PAYMENT INSTRUCTIONS

(LPR Petition)

IMMEDIATE ATTENTION REQUESTED. THIS IS NOT AN INVOICE

In order to avoid any delays in sending the LPR petition to the U.S. Citizenship & Immigration Services (USCIS) for adjudication, and consistent with revised International Services policies and procedures, the department must provide evidence of payment of the cost recovery fee before International Services will send the completed petition to USCIS.

DEPARTMENT INSTRUCTIONS: Please provide a Journal Entry number in the space provided below and return to International Services with all other application materials. Receipt of the Journal Entry number will be provided at the same time the petition is sent to USCIS. International Services will not send the petition to USCIS unless payment has been confirmed in Spectrum.

BENEFICIARY INSTRUCTIONS: If payment is being provided by the Beneficiary instead of the Department, please pay the Cashier in Accounting Services at 400 Sparks Hall. Once payment has been made, attach the receipt with the Journal Entry number to the application materials.

If you have any questions, please do not hesitate to contact the Scholar Advisor at 404.463.9073.

Journal Entry #:

Department:

Type of Petition:

Administrative Recovery Cost:

Beneficiary:

Department Contact Name:

Contact Phone/Fax:

PLEASE SUBMIT ALL LPR APPLICATION MATERIALS TO:

Saundra Grimes, Scholar Advisor
International Student & Scholar Services
P.O. Box 3987 Georgia State University
30 Gilmer Street SE
Atlanta, GA 30302-3987
Telephone: 404.463.9073
Facsimile: 404.463.9077

For package deliveries:
Georgia State University
Sparks Hall – Room 252
30 Gilmer Street SE
Atlanta, GA 30302-3987