



The University of Pittsburgh
Office of International Services

Guidelines Regarding Sponsorship for U.S. Lawful Permanent Resident Status

The Office of International Services (OIS) is the only agent authorized to represent the University with regard to the hiring of nonimmigrant aliens for all schools, departments and administrative offices. This includes the authority to submit employment-based adjustment of status petitions to the U.S. Citizenship & Immigration Services (USCIS) on behalf of foreign nationals seeking U.S. Lawful Permanent Resident (LPR) status.

There are certain employment-based permanent residency petitions that require a job offer letter to be submitted from, or on behalf of, the University. Pursuant to University guidelines and policies, as well as Federal government regulations and requirements, OIS has the authority to accept or decline the filing of such petitions that require a job offer letter. There are other employment-based petitions that do not require a job offer letter or employer sponsorship. With regard to these cases, the foreign national may choose to submit a petition on his/her own and/or with the assistance of an attorney, without any employer sponsor. However, even in these cases that do not require an employer sponsor, it is extremely important that OIS is aware of the filing since it may have serious implications on the international's status within the United States.

The OIS **MUST approve, sign, and submit the petition to USCIS for the following preference categories and must process them in-house unless OIS authorizes an outside attorney to assist**¹:

- **EB-1(B)**: Outstanding researchers and professors who are internationally recognized, have a minimum of three years of experience, and have been offered a tenured, tenure-track, or long-term research position comparable to tenure-track at a university or research institution. No labor certification is required. A job offer IS REQUIRED.
- **EB-2**: Members of the professions holding advanced degrees or 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. A Permanent Labor Certification and a job offer ARE REQUIRED. *OIS will provide this service for teaching faculty within 18 months of the initial letter of offer (a "special handling" case).* For all other cases, an immigration attorney must process the Permanent Labor Certification. OIS is unable to provide this service.
- **EB-3**: Skilled workers, professionals, and other workers. Professionals who do not hold advanced degrees, but who hold licenses, certificates, or other professional qualifications. A Permanent Labor Certification and a job offer ARE REQUIRED. An immigration attorney must process the Permanent Labor Certification. OIS is unable to provide this service.

The OIS **MUST be informed of an international's filing for any of the following preference categories, but OIS is not responsible for the filing of the petition with USCIS since no employer sponsor is required. If an employer sponsor is used to add merit to the case, however, and the "University of Pittsburgh" will be listed as the petitioner on the Form I-140, then OIS must authorize outside counsel to represent the University:**

- **EB-1(A)**: Persons of extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and who will prospectively be of substantial benefit to the United States. No labor certification is required. A job offer is NOT required.

¹ If the department, school, administrative office or foreign national is authorized by OIS to retain the services of an outside immigration attorney, OIS must sign any formal documentation as the official representative of the University. Other faculty members and/or staff members are not authorized to sign on behalf of the University. See www.ois.pitt.edu/pdf/OutsideImmigrationCounselGuidelines.pdf for additional details.

- **EB-1(C):** Multi-national executives and managers who have been employed outside of the United States for at least one year within the three years immediately preceding entry into the U.S. and are or will be employed in an executive or managerial capacity for that same employer or its subsidiary, branch, or affiliate in the U.S.
- **EB-2 (National Interest Waiver):** Aliens of exceptional ability in the sciences, arts, or business whose presence and activities in the U.S. are in the national interest. A job offer is NOT required and the labor certification is waived.

Criteria for Immigration Sponsorship by the University of Pittsburgh

Pursuant to OIS guidelines, the following criteria must be met in order to establish eligibility for sponsorship for U.S. Lawful Permanent Resident status:

- **Staff:** Staff members must hold a permanent position at the University and must have been employed at the University of Pittsburgh in H-1B or O-1 visa classification for at least two years in order to be eligible for sponsorship by the University. There are no exceptions to this for staff members.
- **Faculty:** Faculty members and/or research scholars must hold the rank of Research Associate or higher and must have been employed at the University of Pittsburgh in H-1B or O-1 visa classification for two years. Tenured or tenure-stream faculty members are exempt from this requirement.

Exceptions to the above criteria are considered for extraordinary circumstances on a case-by-case basis by the Director of OIS. A request for an exception must be submitted to the Director of OIS from the Dean, Department Chairperson, or other top-ranking official in the school, department, or administrative unit.

General Application Procedures

The following steps must be followed in order to be considered for sponsorship for U.S. Lawful Permanent Resident status by the University of Pittsburgh:

1. The department seeking to sponsor the foreign national must contact the OIS to schedule an appointment between the foreign national, the faculty sponsor and/or department administrator, and an OIS staff member.
2. Upon review of the foreign national's credentials and the University criteria for sponsorship, the OIS staff member will make a determination regarding whether or not the foreign national meets University and Federal guidelines for sponsorship. In extraordinary cases, the Director of OIS may be required to make a final determination.
3. If the OIS staff member determines that the foreign national does NOT meet University and Federal guidelines for sponsorship, the OIS staff member will notify the faculty sponsor and/or department administrator in writing and recommend other options.
4. If the OIS staff member determines that the foreign national does meet University and Federal guidelines for sponsorship, the OIS staff member will notify the faculty sponsor and/or department administrator in writing and include a statement regarding which LPR preference category is most appropriate.
5. Following a favorable determination, the sponsoring department and the foreign national may begin gathering and submitting all required forms and documentation pursuant to the preference category in which he/she will be applying.

For more detailed information, please see the Request Packets for U.S. Lawful Permanent Resident Status (LPR) available at www.ois.pitt.edu/forms.html.