Permanent Residency Options, and Sponsorship Policies

Sara Jones, sara.jones@pitt.edu
Brianna Allen, brianna.allen@pitt.edu
Categories

Employment-Based categories

- EB-1a Alien of Extraordinary Ability
- EB-1b Outstanding Professor/Researcher
  - PERM: Non-teaching
  - PERM: Teaching – filed within 18-months of offer
  - NIW: National Interest Waiver

Non Employment-Based categories

- Diversity Lottery
- Family-based petitions
## Costs

<table>
<thead>
<tr>
<th>Service</th>
<th>EB-1b</th>
<th>EB-2 PERM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Labor Certification</td>
<td>--</td>
<td>$1,000 - $1,500*</td>
</tr>
<tr>
<td>I-140 Immigration Visa Petition filing fee</td>
<td>$700*</td>
<td>$700*</td>
</tr>
<tr>
<td>I-140/Labor Cert Attorney Fees</td>
<td>$1,500*</td>
<td>$3,000 - $5,000*</td>
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<tr>
<td>I-485 Adjustment of Status application(s) filing fee</td>
<td>$1,225 – each adult $750 – each child</td>
<td>$1,225 – each adult $750 – each child</td>
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<tr>
<td>I-485 Attorney Fees</td>
<td>$1,500 – employee $300 – each dependent</td>
<td>$1,500 – employee $300 – each dependent</td>
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</tbody>
</table>

* Customarily paid by employer

Keep in mind...
- All costs related to labor certification must – by law – be paid by employer
- Filing fees can change, subject to USCIS
- Complex RFE’s may add $1,000 to the case
- Estimates are based on fee schedule from one of three possible law firms
EB-1b vs. EB-2 PERM

EB-1b
- More difficult to qualify – based on caliber of work
- Burden of document collection falls to employee
- No labor certification required

EB-2 PERM
- More expensive than EB-1b
- Easier to qualify for with advanced degree
- Can take longer than EB-1b (additional 6-9 months, roughly)
- Fair amount of work for departments during labor certification process
- Good for teaching positions, if original job search fulfills DOL requirements
Considerations

- Will you support specific types of positions over others?
- Will you provide a dollar amount of support, or all costs up to a certain part in the overall green card process?
- Does an employee need to be employed for a certain amount of time before you will support them?
- Will you use green card sponsorship as a recruiting tool?
Typical Immigration Pathways

- F-1 OPT (12/36 months max)
- J-1 (5 years max)

or

- H-1B (6 years max)

→ Permanent Residency

- Sponsorship may be affected by what their status is at the time of hire (e.g. already in year 3 of H-1B status at previous institution)

- Many institutions view PR as a standard business expense of hiring international faculty and staff
Questions?