



Division of International Student and Scholar Support
International Student Services
Immigration Services

EMPLOYMENT-BASED IMMIGRATION FOR TENURE-TRACK FACULTY CANDIDATES

PLAN AHEAD

- **F-1 Students:** Schedule dissertation defense timely & coordinate with institution's graduate school/registrar to secure degree conferral (transcript/diploma) prior to employment start date. Submit Form I-765 to U.S. Citizenship and Immigration Services (USCIS) for OPT/STEM OPT work permission in consultation with degree-granting institution's international office/DSO. For OPT STEM students, the hiring unit signs [Form I-983](#) as USC's representative.
- **J-1 Exchange Visitors:** ISSS will monitor Form DS-2019 expiration date; if subject to INA Section 212(e), the Exchange Visitor will fulfill the requirement or seek waiver.
- **Arriving from abroad?** Allow adequate time for USCIS processing times, U.S. Department of State (DOS) NIV interview scheduling, administrative processing and travel arrangements.

USCIS / H-1B TEMPORARY WORK PERMIT

- H-1B work authorization will be provided when business-necessary and when other work authorization is not available (e.g., EAD via Form I-485).
- ISSS submits USCIS Form I-129 with outside legal counsel for 3-year period (or remaining time available in H-1B status as applicable). H-1B is limited to cumulative maximum of 6 years per person, with limited exceptions.
- Casework/submission timeline varies on a case-by-case basis, depending on PhD completion (official transcript/diploma), OPT/OPT STEM expiration if applicable, and faculty member's travel plans.
- The hiring unit pays USCIS filing fees for Form I-129. Form I-907 premium processing service may be available, depending on business need (+\$2,965). USCIS processing times vary.
- It is not the responsibility of the university to manage/support H-4 dependent petitions.

USDOL / PERMANENT EMPLOYMENT CERTIFICATION

- This is a pathway to permanent resident status in the U.S.
- This process is called permanent employment certification, EB-2 PERM, faculty labor certification, and labor certification – these terms all mean the same thing.
- ISSS requests U.S. Department of Labor (DOL) Form ETA-9141 Prevailing Wage Determination via outside counsel and all search documentation from academic unit. USDOL processing times vary.
- USC's ability to facilitate this process is based solely on the recruitment and advertisement being DOL-compliant.
- If search meets DOL "faculty labor certification" criteria (20 CFR 656.18), ISSS submits DOL Form ETA-9089 via outside counsel within 18 months of initial job offer. If search does not meet these criteria, ISSS will refer faculty member for other options (see below).

- The date Form ETA-9089 submission to DOL becomes the “priority date” for subsequent procedures with USCIS as described below. DOL processing times vary.
- EB-2 is the pathway USC uses for permanent residency. EB-1B will not be used in place of EB-2 PERM.

USCIS / IMMIGRANT PETITION

- Within 6 months after DOL “certification” of Form ETA-9089, ISSS files USCIS Form I-140 (immigrant petition) via outside counsel to classify faculty member/position as “advanced degree professional” in employment-based 2nd preference category (EB-2 PERM).
- The hiring unit pays USCIS Form I-140 fee.
- USCIS Form I-907 premium processing fee is available at faculty member’s expense (+\$2,965). USCIS processing times vary.
- U.S. Department of State monthly Visa Bulletin controls availability of immigrant “slots” during federal FY. Slot availability varies seasonally by country of birth and immigrant “preference” category (e.g., EB-2).
- Faculty member may self-petition I-140 for EB-2 NIW or EB-1A classification at any time at their own expense.

U.S. PERMANENT RESIDENCE OVERVIEW FOR TENURE-TRACK FACULTY CANDIDATES

PREREQUISITES

- In most cases, ISSS files Form I-140 petition via outside counsel with USCIS to classify the position in the EB-2/advanced degree professional classification (based on DOL Permanent Employment Certification with Special Recruitment and Documentation Procedures for College and University Teachers).
- Some individuals may elect to pursue other long-term sponsorship options on a case-by-case basis (e.g., Form I-130 petition or Form I-140 petition in other preference categories, such as EB-2 NIW or EB-1A).

ADJUSTMENT (“GREEN CARD”) PROCESS

- **Faculty member and any eligible dependents living in the U.S. are responsible for applying timely to USCIS for “adjustment”** (i.e., from temporary/non-immigrant to permanent/immigrant status) as soon as an immigrant “slot” is available per the DOS monthly [Visa Bulletin](#). *Timing/eligibility for filing varies by priority date, eligibility classification, country of birth, supply/demand each federal FY, etc.*
- **Faculty member is responsible for all expenses related to the adjustment process for themselves and for any accompanying dependents** (e.g., USCIS filing fees, medical exam fees, legal fees, etc.). USC does not cover expenses related to the adjustment application process per policy [HR 1.25](#).
- **Each applicant files their own adjustment materials** (USCIS Form I-485 Application to Register Permanent Residence or Adjust Status, USCIS filing fees, Form I-797C receipt notice or Form I-797 approval notice for Form I-140 or Form I-130 petition, other supporting documents; plus Form I-765, Form I-131, and Form I-693 completed by USCIS-approved Civil Surgeon as applicable. USCIS case [processing times](#) vary.
- **Faculty member may elect to retain their own counsel at their own expense to prepare the adjustment application; alternatively, faculty member may elect to self-prepare adjustment materials** using USCIS instructions and resources, such as [my USCIS](#), [filing tips](#), [Customer Contact Center](#), and [Change of Address](#).
- **USC submits USCIS Form I-485 Supplement J Confirmation of Bona Fide Job Offer** to verify USC employment in the position certified on DOL Form ETA-9089 and USCIS Form I-140. **ISSS is employer’s authorized signatory on Form I-485 Supplement J for Part 5/Information About the Employer, Part 6/Information about the Job Offer, and Part 7/Statement, Contact Information, Certification and Signature of... the Authorized Signatory of the Business Entity Employer. Part 8 remains blank**, unless faculty member elects to retain Burr & Forman, LLP for the “adjustment” process.

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