



Office of International Education (OIE)
Immigration Services (IS)
1324 South Lumpkin St., Athens, GA 30602-5407
immigration@uga.edu
(706) 542-2900 fax: (706) 583-0106

Initiating the Permanent Residency (PR) Sponsorship Process

If a UGA department or office plans to hire, or has hired, a non-U.S. citizen in a permanent position, the department may contact the IS office to discuss permanent residency sponsorship. Our office will assist the hiring department to determine the best way to process a request for permanent residency for an international employee.

Your PR sponsorship request must be submitted through our online department services portal, called “iStart”. You can request access to the iStart portal as follows:

- Navigate your browser to <https://istart.uga.edu>.
- Click on “Administrative Services for University Departments” in the lower left corner of the screen.
- Click on “Departmental Services” in the left-hand menu.
- Click on “Departmental Access Request” in the sub-menu.
- Fill out all the fields on the request form; mark the checkbox after reading the statement, and then click “Request Access” at the bottom of the screen. We will usually approve access the same day you request it.

Once the PR sponsorship e-form group is submitted, we will evaluate the position and the employee’s background for eligibility, and decide on the best category of filing. We will then contact you to begin the process.

The department representative will act as a liaison to our office and will serve as the primary point of contact as we guide the sponsoring Department through the various procedures required by the Department of Labor and US Citizenship & Immigration Services (USCIS).

If the international employee already has an immigrant petition filed or approved, our office will determine if an additional UGA sponsorship is required.

Please note: These procedures are specific to the process used to file petitions through sponsorship by the University of Georgia. Information contained herein should not be considered valid for people filing applications that are **NOT** University sponsored. Immigration Services is the only office on campus to have signature authority for any federal documents related to permanent residency. The State’s Attorney General has prohibited the filing of any UGA sponsorships by outside counsel.

Background Information on the PR Process

There are three paths to applying for PR based upon employment at the University of Georgia. Each process has its own set of qualifications, procedures, and documentation requirements. The PR process must be initiated by the employing department. Effective July 1, 2007 all requests for PR must comply with the University of Georgia, Immigration Services Policies and Guidelines Governing International Scholars, Researchers, Faculty and Staff. Click here to access this policy statement: http://international.uga.edu/IS/information_for_sponsoring_uga_departments/

Sponsorship approval is based on an offer of permanent and full time employment.

The three paths that are available to international employees at UGA are:

1. **Outstanding Professor/Researcher (EB-1 category)** – available for individuals with a long record or publication, research, conference participation and recognition by other experts in the field. Applications are filed directly with USCIS.
2. **Department of Labor (DoL) “PERM” application for individuals with teaching responsibilities (EB-2 category)** The three qualifying requirements for this process are:
 - *The individual have some percentage of teaching responsibilities.*
 - *The advertisement for the position must have appeared in a PRINT ad in the Chronicle of Higher Education or in an online national or international appropriate professional journal for a period of at least 30 days.*
 - *The application must be submitted to DoL within 18 months of the date of job offer.*
- **Department of Labor Perm Processing for positions that do not have teaching responsibilities (EB-2 or EB-3 category).** These may include positions that require only a bachelors or master’s degree. This process is the most time consuming of the three because it will require a true “Labor Market Test”, meaning that the position will have to be advertised in a number of ways including twice in the Athens Banner Herald, Sunday editions, an open job ad with the Georgia State Dept. of Labor, and additional advertising from a select list of approved ways. The department will need to interview any individuals who are citizens or permanent residents who have the minimum qualifications for the position. If the international employee is found to be the only qualified candidate, the PR sponsorship can move forward. Our office will provide detailed and close guidance during this process.

Required Steps:

The PR Process entails two or three separate stages, depending on the category of sponsorship. EB-1 sponsorships require only the last two steps listed below, and EB-2 and EB-3 categories require all three steps. Note that the third and final step – the “adjustment of status” application, or the Consular application for the immigrant visa, is the personal application of the employee, and is not managed or filed by IS.

The three steps are:

- 1) Department of Labor Prevailing Wage and PERM applications
- 2) USCIS I-140 immigrant petition
- 3) USCIS I-485 Adjustment of Status” application form within the U.S.

OR

Department of State Consular application for the immigrant visa from outside the U.S.

Work Eligibility and Timeframe:

Most international employees will be hired at UGA and initially sponsored for a non-immigrant work visa such as an H-1B. While the PR application is being assembled, filed, and is pending with the government, our office will work with the sponsoring department to maintain and extend the underlying H-1B work status as needed until the PR application is approved and the “green card” is issued. In order to continue to extend the H-1B visa status, the filing of the labor certification must happen before the start of the sixth year of H-1B status.

For EB-2 cases that DO NOT require teaching duties, the department may need to re-advertise the employee’s position and review all applications submitted for the position in order to meet Department of Labor requirements. If a qualified U.S. worker is found through this recruitment, the PR sponsorship cannot continue. The re-advertisement process is strictly controlled by the Department of Labor, and you will receive specific instructions on the type and content of ads that will need to be placed. ***If your department is not willing to undergo this re-advertising process you must inform our office immediately*.**

The I-140 case can be premium processed, reducing the timeframe for approval to 2 weeks, however this requires an additional government filing fee of \$1,225.

PERM cases requiring Dept. of Labor applications and possibly re-advertising and re-recruitment: (EB-2 and EB-3)

- Dept. Of Labor steps: 8 to 12 months
- USCIS I-140 step: 4 months
- I-485 adjustment of status application (by the employee, not IS): 9 months
- Total time: 22 to 29 months
- Premium processing would reduce the time to perhaps 16 - 21 months

Outstanding Professor or Researcher: (EB-1)

- Assembling and receiving an approval on the I-140 application: 5 to 8 months (this depends largely on how long it takes the employee to assemble all evidence)
- Receiving approval of the I-485, and receipt of the “green card”: 9 months
- Total time: 11 months to 18 months
- Premium processing would reduce the time to perhaps 4 to 5 months

These time estimates are general in nature, and in effect as of summer 2016. They can change without notice based on government processing times, and DO NOT take into account delays that are common due to the following factors:

- Immigrant visa backlogs for certain categories and for employees with certain citizenships. These delays can exceed several years. Generally citizens of India and China are backlogged. As of summer 2016, Indian nationals are backlogged 12 years, and Chinese nationals are backlogged 6 years.
- Security clearance delays on the part of the government. These delays can exceed 6 to 12 months
- Delays in receiving required information from the sponsoring department or international employee

Costs:

Departmental Cost

The internal Immigration Services fee payable by the hiring department is \$2,237. The Dept. of Homeland Security (DHS) filing fee for the immigrant petition is \$700. If you wish to “premium process” the immigrant petition with the government, there is an additional DHS fee of \$1,225. Premium processing guarantees a response from the government (though not an approval), within 15 days.

The sponsoring department’s total cost for the green card sponsorship should be between \$2,937 and \$4,162, plus any required advertising costs. Ad costs can total 900 to \$1,500.

Employee Cost:

Once our immigrant petition is approved, the international employee would have to file his or her personal adjustment of status application for the green card. The government filing fee for this application is \$1,225. (per family member), payable by the international employee, unless the employee has negotiated otherwise with the hiring department. The fee to have our office complete and assemble the I-485 forms for the employee is \$520. This is optional, however, as the employee may hire their own attorney to file these forms. If he or she hired an immigration attorney to help with this portion of the case, it might cost \$2,000 to \$3,000 in legal fees, again payable by the employee. Federal law allows employers to pay these costs, however UGA policies and or grant funding restrictions may prevent this.

Fee Waivers and Refunds:

Immigration Services, as a Cost Recovery Program, charges fees for services relating to international employee visa sponsorships. These fees are charged to hiring or sponsoring departments, and must be paid before any sponsorship paperwork can be sent out by IS to international employees or to any government agency. The fees are charged specifically for processing of the sponsorship paperwork, and not for the case approval. There is no way to guarantee government approval of any case filed, or of an individual’s visa application. In certain circumstances, IS fees may be waived by the Associate Provost.

In certain circumstances fees may be refunded by IS to the sponsoring department.

In order for a fee refund to be approved, the following conditions must be met:

- 1) No work is processed by our office on the case in question.
- 2) The request for refund must occur in the same fiscal year in which the fee was paid, and prior to May 15th to allow for processing time.

Questions on fee refunds should be directed to rcatmur@uga.edu.