

# MAJOR STEPS IN OBTAINING PERMANENT RESIDENCE



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The OISS provides assistance for departments wishing to procure permanent residence for international faculty who qualify for the Employment Based first preference category (EB1), "Outstanding Professors and Researchers." There are essentially two steps in the process. The first step, the I-140 petition, involves establishing that the professor or researcher is "internationally recognized for his/her contributions to his/her field." The second step involves applying for adjustment of status to permanent residency for the international scholar/researcher and his/her family. It is currently taking more than two years to get the "green card," or permanent residence.

## ***STEP I - Establishing Qualifications for Immigrant Status***

- International faculty who qualify for immigrant status on the basis of their profession or occupation establish that qualification by filing Form I-140 and supporting documents (see checklist).
- Form I-140 is signed by the employer, who is actually the petitioner; the OISS represents the employer in these petitions.
- Form I-140 is filed at the Department of Homeland Security Regional Service Center.
- Form I-140 petitions can be filed jointly with an application for adjustment of status to permanent residence (step II).

## ***STEP II - Adjustment of Status to Permanent Residence***

- The Form I-485 is filed with supporting documents (see checklist) for the international scholar/researcher and each member of his/her family; this can be filed with the I-140 petition or after the I-140 is approved.
- The international faculty/researcher is entitled to apply for employment authorization at the time of filing for permanent residence status; this may not be necessary if the H-1B visa status is valid. Family members may also apply for work authorization. The form I-765 is used for this purpose.
- It is wise to ensure that your status allows you to work for at least a year prior to applying for permanent resident status.
- After applying for adjustment of status to permanent residence, do not travel outside unless you have a valid H-1B visa and/or have applied for and received Advance Parole.
- At the successful completion of the process, your passport will be stamped, allowing you to travel outside the U.S. The green card will arrive a few months later.