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Office of International Services

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UIC Sponsorship of Permanent Immigrant Visas and Consular Processing

I. General Policy

The University of Illinois at Chicago will sponsor employment-based immigrant visa petitions ("green cards") for foreign nationals who have appointments at the University, in conformity with the guidelines set forth below. Both the UIC appointment and visa assistance will be focused on institutional need. UIC reserves its right to provide employment-based immigrant visa assistance on discretionary basis.

UIC will consider sponsorship for tenured, tenured track, or clinical discipline track appointments. In addition, Academic Professional positions (non-tenure track and non-teaching) will be considered for immigrant visa sponsorship only when the appointment titles are either Research Assistant Professor or Research Associate Professor and they meet the special circumstances as described below in section B of the criteria. Under exceptional circumstances the Dean's office in collaboration with the Office of International Services may make limited exceptions to this policy. Exceptional circumstances are considered to exist when long-term services of an employee are deemed to be in the best interest of the University and would serve to further the University's mission.

No UIC department or individual should promise current or prospective employees that the University will obtain permanent residence on their behalf. The decision to file such an application must be made by the appropriate hiring authority in consultation with OIS. The "green card" process is lengthy, involving up to three government agencies, and the final decision to grant permanent residence must be made at the United States Citizenship and Immigration Service (USCIS). It is never a certainty that permanent residency will be approved, and therefore should not be promised as an enticement benefit for employment.

All costs associated with filing of the employer-based immigrant petition (I-140) will be paid by the sponsoring department. Under no circumstances should the foreign national be asked to reimburse the "sponsoring department". Note, it is the beneficiary's responsibility and at their own expense, to file the necessary documents for adjustment (I-485) or consular processing.

The Office of International Services is the sole authority for filing employment-based immigrant petitions, and any other employment-based petitions on behalf of UIC. Any employment-based petition submitted without prior authorization and signature of a designated representative of the Office of International Services may result in a request by UIC to the government for official withdrawal of the petition. The role of OIS is limited to those aspects of the document preparation and submission that are directly related to the University's interests and related to the University's interests and responsibilities as an employer.

II. Definition of employment-based preference categories

United States immigration laws provide for three employment-based "preference" categories applicable to work at UIC. The purpose of these categories is to make possible sponsorship of employment for foreign nationals by the U.S. employers on a permanent basis. These categories define what must be presented by a sponsoring employer such as UIC to the United States Citizenship and Immigration Services (USCIS) in order to obtain approval of employment-based immigrant petitions. The OIS will meet with the foreign national sponsoring UIC department representatives in order to evaluate the individual's qualifications and the job to be filled, and thereby determine which of the three categories will be used to pursue the employment-based immigrant visa. The three available preference categories are:

- First preference (EB-1): Individuals of "extraordinary ability" or "outstanding" professors or researchers
- Second preference (EB-2): Holders of advanced degrees or individuals of "exceptional ability" (at least 10 years of experience in the field) in the sciences, arts or business
- Third preference (EB-3): Professionals (individuals who hold at least a bachelor's degree in the specific field of endeavor

III. Overview of immigrant visa application process

An employment-based immigrant visa petition (green card) involves at least a two-part process:

- The first part requires the employer to submit to the USCIS an immigrant petition(I-140) requesting approval under a particular employment-related preference category.
- The second part is either (a) an adjustment of status application (I-485) that is processed within the United States, or (b) an immigrant visa application submitted to a designated U.S. Consulate or Embassy abroad (sometimes referred to as "consular processing")

IV Criteria for the immigrant visa application process

The Office of International Services will use the following criteria when evaluating requests for employment-based immigrant visa sponsorship:

- **A. Individuals of extraordinary ability or outstanding professor or researcher (First Preference)**
 - 1. The candidate must be uniquely qualified to fill an identified institutional need.
 - 2. The educational and experiential qualifications of the individual must be directly related to the field of employment.
 - 3. The position offered must be "permanent" as defined by the U.S. immigration law-term of employment is of indefinite duration, with the expectation on the part of both employer and employee to extend or renew appointment/employment agreement upon any expiration date. At UIC, tenure, tenure-track, clinical tenure-track qualify as permanent. Appointments as postdoctoral fellows, visiting research specialists, visiting senior research specialist are considered temporary in nature and do not qualify for UIC employment-based immigrant visa sponsorship.
 - 4. Adequate funding (at least 5 years) must exist to support long term employment.
- **B. Holders of advanced degrees or individuals of exceptional ability in the sciences, arts or business (Second Preference)**

Criteria 1,2,3 and 4 above, plus:

 - 5. The sponsorship must have a high likelihood of success in meeting both the U. S. Department of Labor's certification process and the minimum USCIS criteria for the particular employment-based preference category.
 - 6. Documentation that rigorous recruitment efforts (as defined by the Department of Labor-i.e. printed advertisements, job announcements, etc.) were made to fill the position but that UIC was unable to attract a qualified U.S. citizen or permanent resident to fill the position, resulting in issuance of "labor certification" by the U.S. Department of Labor (if applicable). Note, for new tenured, tenure-track, or clinical discipline appointments which have teaching responsibilities, the selection process needs to have taken place within the last 18 months.
 - 7. Documentation that the foreign national has been in the position (non teaching and non-tenure track appointments only) for a minimum of 12 consecutive months prior to the time of requesting consideration for "green card" sponsorship.
- **C. Professional (Third Preference)**

Criteria 1, 2, 3 ,4, 5, 6 and 7 above, plus:

 - 8. Demonstrated exceptional job performance by the candidate.

Note, all Second Preference and Third Preference cases require an additional stage in the green card process known as the labor certification application. OIS will file the required application in the

U.S. Department of Labor's PERM system as part of the immigrant visa process. However, approval of labor certification must occur prior to filing of the I-140 immigrant visa petition.

V. Procedure for immigrant visa application process

• A. Department's Responsibilities

- 1. Identify international employee for sponsorship
- 2. Seek consultation with the Office of International Services to determine feasibility and appropriate category
- 3. Submit internal request form to the Office of International Services
- 4. Agree to assist the Office of International Services during the permanent residency process (submission of supporting documents, advertisements, etc.)

• B. Office of International Services' Responsibilities

- 1. Advise departments of feasibility and appropriate category
- 2. Review internal request form to determine if it is complete
- 3. Submit completed form with OIS recommendation to the appropriate Dean's office for their review and recommendation
- 4. Notify the department of the Dean's decision
- 5. Complete and submit all appropriate documentation as required by law as it relates to the appropriate employment-based preference categories.

• C. Dean's Responsibilities

- 1. Review internal request form received from OIS
- 2. Make final determination on UIC sponsorship
- 3. Review cases submitted for exception to the policy
- 4. Collaborate with OIS and Academic HR to determine if case merits an exception
- 5. Submit final recommendation on exception cases to OIS.

VI. Download Forms

The forms are in Microsoft Word format. You will be asked to log in with your UIC NetID and password for security purposes.

Non-Teaching: [Introduction](#) | [Form](#)

Teaching: [Introduction](#) | [Form](#)

Outstanding Researcher/Professor: [Introduction](#) | [Form](#)

Approved by:

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