

## LAWFUL PERMANENT RESIDENCY

A Lawful Permanent Resident (LPR) is a person who has been lawfully accorded the privilege of residing in the United States as an immigrant. An individual who is lawfully admitted to the United States as an immigrant is commonly referred to by different terms, including: immigrant, permanent resident, lawful permanent resident, and green card holder.

An individual can become a lawful permanent resident through a variety of avenues. There are three principal bases for qualifying for lawful permanent residence:

**Family:** This category requires a close family who is a citizen or lawful permanent resident to petition on behalf of the alien member.

**Employment-based:** This category relates to the kind of work that the non-immigrant will be engaged in, and often (though not always)\* require a U.S. employer petition on behalf of the non-immigrant.

**Public or humanitarian policy:** This category has been developed to meet the needs of refugees as well as public goals such as diversity.

### Wayne State University's LPR Policies and Procedures

Departments wishing to sponsor someone for lawful permanent residency based on permanent Wayne State University employment must go through a multi-step process. **The Office of International Students and Scholars must coordinate all employment-based permanent residency petitions. Departments cannot hire outside attorneys to petition for Wayne State University employment-based LPR. *In cases of EB-1 Extraordinary Ability and EB-2 National Interest Waiver category, an individual has an option of hiring his/her own immigration attorney\**. Wayne State University's General Counsel has approved immigration attorneys to handle permanent residency cases on behalf of the University.**

To begin the process, departments must complete the PR: Initial Review Form ([www.oiss.wayne.edu](http://www.oiss.wayne.edu)) and submit it to the Office of International Students and Scholars, 42 W. Warren, Suite 416. OISS will guide you through the entire process.

For additional information please contact our office at (313) 577 3422 should you have any questions.

*\* Please see chart of [Essential Features of the LPR Options](#) to review categories.*

## ESSENTIAL FEATURES OF EMPLOYMENT-BASED PERMANENT RESIDENCE OPTIONS

Quick Reference	Options for employment-based permanent residence		
	Type of Individual	Job offer Requirement	Labor Certification Requirement (via PERM*)
EB-1 Extraordinary Ability	Individual who is one of the small percentage who have risen to the very top of the field of endeavor, as shown by sustained national or international acclaim and recognized achievements	None: individual can self-petition. Alien must prove, however that he or she will continue to work in the area of expertise.	None
EB-1 Outstanding Professor or Researcher	Professor or researcher who is recognized internationally as outstanding in the academic field, and who has at least 3 years of teaching or research experience in the field	Must have offer of a tenured or tenure-track position at WSU or permanent research position	None
EB-2 Advanced degree holder	An individual holding a degree above a bachelor's degree, which is required for the job offered	Must have offer of a permanent full-time position which requires an advanced degree or equivalent	Labor certification required; special handling procedures available to university teachers
	With National Interest Waiver.... <b>No job offer</b> or labor certification is required if it is established that an exemption to those requirements would be in the national interest.		
EB-2 Exceptional Ability in the Science, Arts, or Business	An individual with at least 10 years of experience in the field with expertise significantly above that ordinarily encountered in the sciences, arts, or business	Must have offer of a permanent full-time position	Labor certification required
	With National interest waiver.... <b>No job offer</b> or labor certification is required if it is established that an exemption to those requirements would be in the national interest		

**For more information, please contact an OISS scholar advisor at (313) 577-3422.**

The WSU General Counsel has appointed the Office of International Students and Scholars (OISS) to be the only WSU office to file any (WSU) employment-related applications/petitions with U.S. Immigration or any other U.S. government agencies. Thus, **hiring an outside attorney by an employee or a department is not permitted.** Please contact an OISS scholar advisor to begin the permanent residency process for your foreign national employee as early as possible.

\* **PERM** (the Program Electronic Review Management system) is a new way of filing a permanent labor certification application with the Department of Labor (DOL) to sponsor permanent residency (PR) for foreign national employees. Filing a labor certification is the first step of the three-step PR process.

By filing a labor certification, the employer is asking for a finding by DOL that there are no qualified, willing, able, and available U.S. workers to do the job that the employer is offering to a foreign national and that the

employment of an alien will not adversely affect the wages and working conditions of similarly employed U.S. workers.

All labor certifications filed with DOL on or after March 28, 2005 must be filed (by the employer) meeting the PERM recruitment requirements. PERM has two tracks: Faculty Special Handling option for university teachers; and standard option for non-teaching faculty and professionals.

Filing a PERM application is a very complicated and complex process, thus please consult with OISS for each individual case as rules and regulations change often. In addition, individual efforts by an employee or department might not meet the PERM requirement. Then, all previous recruiting efforts have been wasted and might not be used for the filing under PERM. Thus, please consult with an OISS scholar advisor in advance.

## PERMANENT RESIDENCY: INITIAL REVIEW

### TO BE COMPLETED BY THE FOREIGN NATIONAL'S SUPERVISOR OR DEPARTMENT CHAIR.

OISS understands that you are interested in pursuing lawful permanent residency status for the employee named below. Before OISS sends you the materials to begin this process and arrange an appointment to meet with an immigration attorney, our office needs to evaluate the suitability of the position being offered for the University sponsorship. Thus, please complete this form and send it to OISS.

1. Name of foreign national: \_\_\_\_\_ Date of Birth: \_\_\_\_\_
2. Sponsoring department: \_\_\_\_\_

3. Position title being offered to the foreign national: \_\_\_\_\_  
*\* Please remember that permanent residency takes two to five years to complete. The position should be the position the foreign national will fill two to five years from now. An official description of this position should be attached to or enclosed with this form.*

4. List the exact date that the Foreign National was offered the position: \_\_\_\_\_

5. Did you run a print ad for this position in a national professional journal?  
 No  Yes If yes, please provide a copy of the ad with this document.

6. Is this a permanent position?  Yes  No

**If not**, how long do you anticipate that the foreign national will fill the offered position?

\_\_\_\_\_

**If the position is not permanent**, is the lack of permanency based on funding or other factors?

\_\_\_\_\_

7. Funding source for the position: \_\_\_\_\_ Expiration date: \_\_\_\_\_  
e.g. general fund, NIH grants, etc.

8. Will the department be paying for the filing and legal costs of PR sponsorship?  Yes  No

*\* The sponsoring department must pay for the processing of the PR application. The foreign national cannot pay or reimburse any expenses associated with the PR proceedings.*

9. Has your department had layoffs in the last 6 months?  Yes  No

10. Position reports to: Name \_\_\_\_\_ Title \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

11. Administrative Contact: Name \_\_\_\_\_ Title \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

### IMPORTANT INFORMATION -- PLEASE READ BELOW INFORMATION

*Please submit the Initial Review form to OISS. A detailed position description, WSU job posting and the Employer Declaration Statement must be attached with this document. This form will not be reviewed without a copy of the full position description and declaration. Within 5 - 10 business days of the date the form is received, OISS will contact you with further guidance. Thank you.*

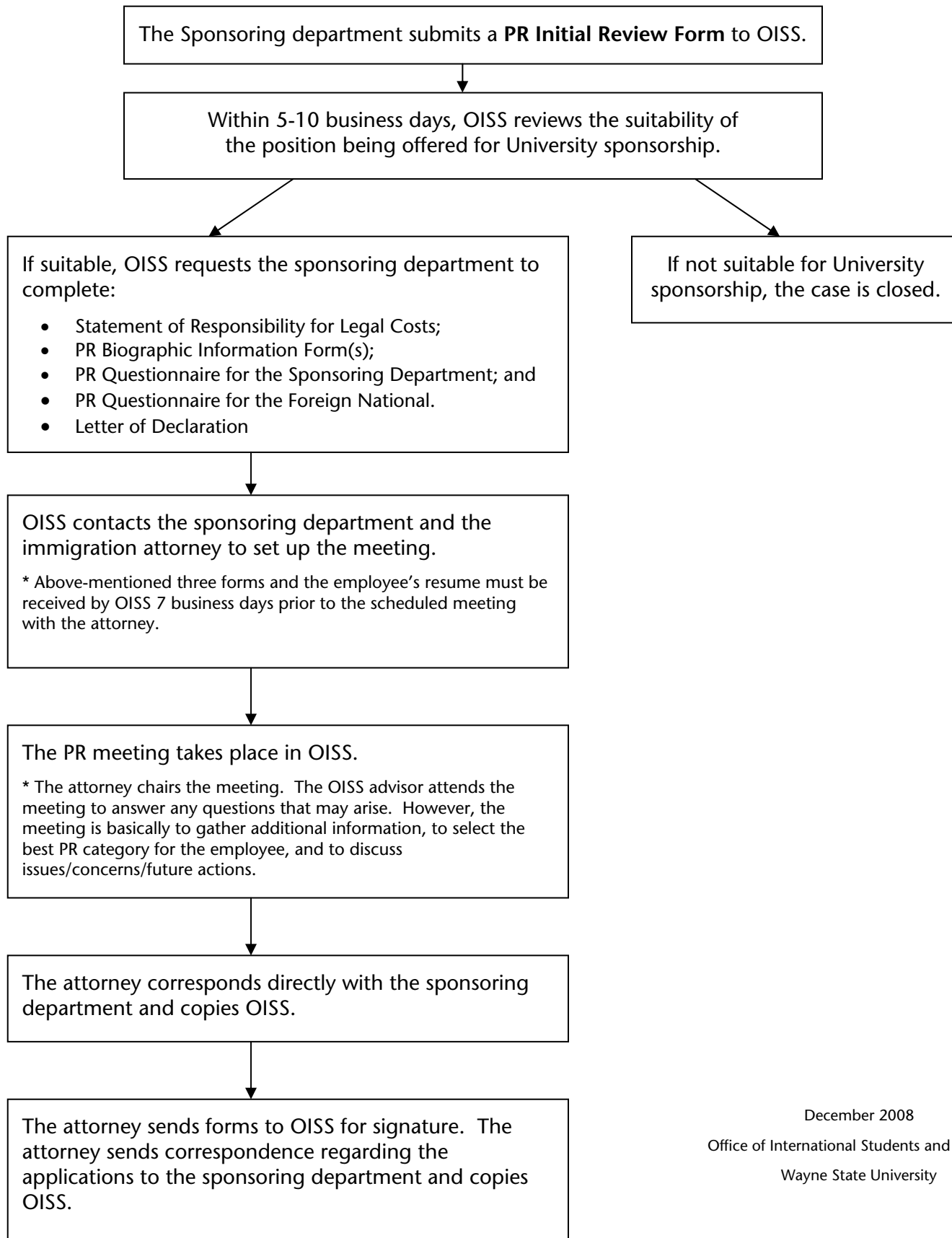
For OISS Internal Use

Approved

Denied

Reason: \_\_\_\_\_

## OISS PERMANENT RESIDENCY PROCESS



December 2008

Office of International Students and Scholars

Wayne State University

**OUTSIDE LEGAL COUNSEL FOR IMMIGRATION MATTERS: SUMMARY OF FEES**  
**Effective Date: February 15, 2005**

<b><u>Immigrant Visa Petitions Requiring Labor Certification</u></b>	<b><u>Attorney Fees</u></b>
Permanent Employment Certification	\$2200
Special Faculty Handling Permanent Employment Certification	\$1400
Immigration Visa Petition (Form I-140) - separate from the Alien Employment Certification	\$350
<b><u>Immigrant Visa Petitions NOT Requiring Labor Certification</u></b>	
Outstanding Professor/Researcher Immigrant Visa Petition (Form I-140)	\$2,200 – 3,500
National Interest Waiver Immigrant Visa Petition (Form I-140)	\$2,200 – 3,500
Extraordinary Ability Immigrant Visa Petition (Form I-140)	\$2,200 – 3,500
<b><u>Adjustment of Status</u></b>	
Adjustment of Status (Form I-485)	\$1,400
If ineligible for Adjustment of Status, or Visa Processing Abroad necessary	\$1,200
Employment Authorization (Form I-765) <i>or</i> Application for Travel Document (Form I-131) subsequent to filing Adjustment of Status	\$350 for 1st \$150 for each addtl
Adjustment of Status Applications for Eligible Dependents	
14 years of age or older	\$500
Younger than 14 years of age	\$300
<b><u>O-1 Extraordinary Petitions (I-129)</u></b>	\$2,200
<b><u>Special Legal Services</u></b>	
Special services in addition to those listed above will be provided at an hourly rate	\$200

***NOTE: Please note that pursuant to University Policy 2004-6, only the Office of the General Counsel is authorized to engage counsel in immigration proceedings.***

## Employer Declaration Template

### Department Letterhead

By endorsing below, I HEREBY CERTIFY the following conditions of employment:

1. The offered wage equals or exceeds the prevailing wage and I will pay at least the prevailing wage.
2. The wage is not based upon commissions, bonuses or other incentives, unless I guarantee a wage paid on a weekly, bi-weekly, or monthly basis that equals or exceeds the prevailing wage.
3. I have enough funds available to pay the wage or salary offered to the alien.
4. I will be able to place the alien on the payroll on or before the date of the alien's proposed entrance into the U.S.
5. The job opportunity does not involve unlawful discrimination by race, creed, color, national origin, age, sex, religion, handicap or citizenship.
6. The job opportunity is not:
  - a. Vacant because the former occupant is on strike or is being locked out in the course of a labor dispute involving a work stoppage; or
  - b. At issue in a labor dispute involving a work stoppage.
7. The job opportunity's terms, conditions, and occupational environment are not contrary to Federal, state, or local law.
8. The job opportunity has been and is clearly open to any U.S. worker
9. The U.S. workers who applied for the job opportunity were rejected for lawful job-related reasons
10. The job opportunity is for full-time, permanent employment for an employer other than the alien.

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Signature of Dean or Chair of Department

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Date