

# LPR DEPARTMENT REQUEST PACKET

## U.S. Lawful Permanent Resident Status for Members of the Professions Holding Advanced Degrees and Aliens of Exceptional Ability in the Sciences, Arts, or Business

*(“Special Handling” cases for those in tenured/tenure-track teaching  
positions within 18 months of their initial letter of offer)*

Northern Kentucky University  
Office of International Students and Scholars (OISS)  
University Center, Room 366  
Highland Heights, KY 41099  
859-572-6517 (ph.) 859-572-6178 (fax)

# BASIC LPR INFORMATION AND FEES

## **BASIC LPR INFORMATION:**

- Any department seeking to sponsor a faculty member for Lawful Permanent Residency must obtain approval from the Provost before OISS will commence any work on behalf of the department and/or foreign national in regard to Lawful Permanent Residency. A Permanent Labor Certification and a job offer are required.
- Lawful Permanent Resident status is reserved for foreign nationals who intend to reside in the United States permanently. Such individuals may also be referred to as immigrants, green card holders, and resident aliens.
- An individual can become a Lawful Permanent Resident through a variety of avenues. There are three principal bases to qualify for LPR status: (1) Family, (2) Employment, or (3) Public/Humanitarian Policy. The Office of International Students and Scholars (OISS) at Northern Kentucky University only facilitates applications for LPR based on employment and which require the University to function as the employer sponsor/petitioner on behalf of the foreign national.
- The U.S. Immigration & Nationality Act currently limits the total number of employment-based immigrants to 140,000 per fiscal year [INA 201(d) and 203(b)]. These 140,000 slots are divided between five employment-based “preference” categories as follows:
  - (1) **FIRST Preference (EB-1):** Aliens with Extraordinary Ability, Outstanding Professors and Researchers, and Certain Multinational Executives and Managers.
  - (2) **SECOND Preference (EB-2): Members of the Professions Holding Advanced Degrees and Aliens of Exceptional Ability in the Sciences, Arts, or Business.**
  - (3) **THIRD Preference (EB-3):** Professionals and Skilled Workers (requiring two or more years of specific education, training, or experience) and Other (Unskilled) Workers.
  - (4) **FOURTH Preference (EB-4):** Certain Special Immigrants.
  - (5) **FIFTH Preference (EB-5):** Employment Creation, for immigrants who invest in a new commercial enterprise that will benefit the U.S. economy and create at least 10 full-time jobs for U.S. workers.
- This packet has been created exclusively for assisting departments with the SECOND Preference (EB-2) category for “members of the professions holding advanced degrees or aliens of exceptional ability in the sciences, arts, or business” who are in tenured/tenure-track teaching positions within 18 months of their initial letter of offer.
- Unless specifically approved by the Director, OISS, the Office of International Students and Scholars will approve, sign and submit Permanent Labor Certifications and subsequent I-140 petitions filed under the provisions of “special handling” and will assist in the filing of I-485 applications for adjustment of status.

## **BASIC FORMS AND FEES:**

The U.S. Citizenship & Immigration Services (USCIS) charges the following processing fees for LPR applications<sup>1</sup>:

- I-140 Fee: **\$475**
- I-907 Premium Processing fee (I-140 petition only): **\$1,000 (NOTE: As of July 2, 2007, Premium Processing for I-140 petitions has been suspended indefinitely. We will update this packet when it is reinstated.)**
- I-485 Fee: **\$1,010**
- Additional I-485 Fee for Dependents: **\$1,010** for dependents 14 years of age and older / **\$600** for dependents *under* 14 years of age
- Form I-765: **No fee if filed with or while I-485 is pending** (Optional. Consult with OISS Advisor.)
- Form I-131: **No fee if filed with or while I-485 is pending** (Optional. Consult with OISS Advisor.)

**ABOVE FEES MUST BE IN THE FORM OF A CHECK MADE PAYABLE TO “Department of Homeland Security”, and MUST BE SUBMITTED TO OISS, NOT DIRECTLY TO USCIS. SEPARATE CHECKS MUST BE SUBMITTED FOR EACH FEE.**

**FOR INTERNAL CHECK PROCESSING PURPOSES, USE THE SAME ADDRESS FOR ALL CHECKS:**

**USCIS Texas Service Center, 4141 N. St. Augustine Rd, Dallas, TX 75227**

**BUT SEND ALL CHECKS TO OISS.**

---

<sup>1</sup> These fees are subject to change without notice. Always check [www.uscis.gov](http://www.uscis.gov) for the most up-to-date information about USCIS fees.

# LPR PROCESS OVERVIEW

## **STEP #1**

- The foreign national and his/her faculty sponsor must determine that the position qualifies as “teaching” and that 15 months have not passed since the initial letter of offer to provide OISS sufficient time to complete the required verification process in time to meet federal requirements. In addition, the department must obtain written approval from the Provost. The University’s guidelines regarding sponsorship for U.S. Lawful Permanent Resident Status can be reviewed on the OISS web site at [oiss.nku.edu](http://oiss.nku.edu)
  - If the international clearly does *not* meet the criteria, the LPR process utilizing “special handling” provisions of the permanent labor certification cannot go forward.
  - If the international *does* meet the criteria, the international and his/her faculty sponsor should proceed to Step #2 below.

## **STEP #2**

- The foreign national AND his/her faculty sponsor and/or senior administrator in the department must meet with the Director of OISS or his/her designated representative to review the foreign national’s eligibility relevant to the University sponsorship policy, as well as the USCIS eligibility criteria, and to explain the application process in detail if the foreign national is found to be eligible for sponsorship. OISS will not proceed with the case until a face-to-face meeting or joint conference call has taken place with the foreign national AND his/her faculty sponsor and/or senior administrator in the department.

## **STEP #3**

- Work with OISS to secure approval/certification of the Permanent Labor Certification by the US Department of Labor (DOL). Upon receipt of the required documents outlined in this packet, OISS will submit the Application for Permanent Employment Certification (form ETA-9089) to DOL and will create the audit file, which DOL requires an employer to retain for five years. OISS will be the repository for these documents.

## **STEP #4**

- After the Permanent Labor Certification has been **approved/certified** by DOL, OISS will work with the department and the foreign national to prepare the Form I-140 and review the Form I-485 (if the foreign national is filing concurrently) and other related forms (e.g. Form I-765, Application for Employment Authorization, and/or Form I-131, Application for Travel Document).

## **STEP #5**

- OISS will provide the foreign national with a photocopy of the Form I-140 Receipt Notice and Approval Notice, upon receipt.
- The foreign national must provide OISS with a photocopy of the Receipts Notices for Form I-485, Form I-131 and Form I-765 (if applicable) for himself/herself, as well as for any dependents (if applicable), upon receipt.
- Upon approval, the foreign national must submit to OIS a legible photocopy of the I-551 stamp placed in his/her passport, as well as a legible photocopy of the Alien Registration Card (i.e., “green card”) once it has been received.

# LPR CHECKLIST: Special Handling

## **PART ONE: Permanent Labor Certification**

**General:** The US Department of Labor has established regulatory guidance for the filing of requests for permanent labor certification. Within this regulatory guidance, “Special Handling” provisions (20 C.F.R. § 656.18) apply only to college and university teaching positions **within 18 months of selection** of the foreign employee as a result of a competitive process. This allows for an accelerated process and is a significant advantage to both employer and employee. The application must include evidence that (1) the university has advertised the professorial position in a national journal (print) appropriate to the field and (2) the employee chosen was the most qualified applicant for the position.

### **Case-specific Policies for Positions with Teaching Responsibilities:**

- Position must be full-time.
- The position must be defined as “permanent” by the University. A permanent position is one that does not have a definite termination point defined either by a date of the completion of a project or assignment, is not seasonal or intermittent, and is not presently intended or contemplated by the employer to have some specified end date in the future. Tenure-track positions meet these criteria.
- To qualify for special handling the position must be tenure-track and include classroom teaching with registered course numbers, and the employee must be listed as the instructor of record.
- The hiring department shall be responsible for documenting that the alien selected for the job opportunity in a competitive recruitment and selection process was found to be more qualified than any of the U.S. workers who applied for the job.
- The date of the original letter of offer must have been within the last 15 months to allow OISS sufficient time to complete the required verification process in time to meet federal requirements.

**STEPS:** The international faculty member and the hiring department must work closely with the OISS to prepare all the required documentation for the Permanent Labor Certification process.

- OISS submits a request for prevailing wage determination to the Kentucky Department of Labor and Industry, which will respond with the prevailing wage to be used on the application for permanent labor certification.
- Hiring department posts Notification of the Filing of the Permanent Employment Certification at the location of employment for ten (10) consecutive business days and in any in-house media normally utilized for the recruitment of similar positions.
- Hiring official prepares the Competitive Recruitment Report, outlining in detail the complete recruitment procedures undertaken, setting forth the total number of applicants and the specific lawful job-related reasons why the foreign worker is more qualified than each U.S. worker who applied for the job. Attachments to the Competitive Recruitment Report include:
  - Copies of all advertisements for the position, to include those posted on routine in-houses media
  - Search committee report and recommendation
  - Approval by Affirmative Action Compliance
  - Original Notification of Filing of the Permanent Employment Certification, annotated with dates of posting and signed
  - Letter of Offer
  - Appointment Letter
  - *Curriculum vitae* of faculty member

- OISS will fill out ETA Form 9089 and submit it to the US Department of Labor (DOL). After submission, OISS will monitor the application and will coordinate any responses to DOL as may be required and appropriate for inquiries or audits.
- OISS will provide the original copy of the Permanent Labor Certification to the employee for use in subsequent petitions for permanent residence.
- OISS will maintain audit file and administrative files as required by the US DOL.

**Permanent Labor Certification**  
**Sample Outline for Competitive Recruitment Report**  
**Print on Letterhead**  
*(Tailor Accordingly)*

(Date)

ALC Certification Officer  
U.S. Department of Labor  
Employment and Training Administration  
Harris Tower  
233 Peachtree Street, Suite 410  
Atlanta, GA 30303

Re: Competitive Recruitment Report  
Employer: Northern Kentucky University  
Employee:

Dear Certification Officer:

This statement, and the attachments hereto, are offered as support of Northern Kentucky 's (NKU's) application for permanent labor certification related to the position of Assistant Professor held by \_\_\_\_\_ in the Department of \_\_\_\_\_.

Composition of the Search Committee

A Search Committee was established by \_\_\_\_\_, Chair (Director), Department of \_\_\_\_\_ on \_\_\_\_\_ for hiring an Assistant Professor to perform teaching and research in \_\_\_\_\_. Requirements for the position include (specifics taken from the national advertisement). Faculty committee members included Professors \_\_\_\_\_. Professor \_\_\_\_\_ chaired the committee.

Solicitation of Applications

The position was advertised nationally via various methods that ensured full coverage of the candidate market. The Department published the job announcement in the following print publications:

(Listed out, including title of the publication, edition number, and date of publication)

In addition to the above, the position was posted on the listserv and/or websites of \_\_\_\_\_. Further, the Department Chair also solicited applicants for the position by sending letters to \_\_\_\_\_ department chairs and doctoral coordinators at Ph.D. granting institutions throughout the United States. And the job was posted and listed on the NKU Employment website. The combination of the above advertisement provided extensive coverage for our search for applicants. Documentation of these recruitment efforts is attached to this letter.

Competitive Selection Process

1. There were \_\_\_\_\_ applicants who met the submission deadline of \_\_\_\_\_. The initial pool of applicants was reviewed by Professors \_\_\_\_\_ to identify candidates who would be a good fit for the position and who had appropriate academic credentials and strong letters of recommendation. This

resulted in a set of \_\_\_\_\_ candidates who were subsequently interviewed at the \_\_\_\_\_ conference, held in \_\_\_\_\_ at \_\_\_\_\_. Professors \_\_\_\_\_ conducted all interviews at the conference.

2. After the \_\_\_\_\_ interviews, the list was reduced to \_\_\_\_\_ candidates who were brought to campus to interview for the position. Each candidate came to campus to interview with the faculty and college administrators, to make a presentation of her/his dissertation/research to the department's faculty and doctoral students, and to tour the area.
3. \_\_\_\_\_ of the top candidates withdrew their candidacy for the position because they had found other employment. \_\_\_\_\_ of the candidates were eliminated by the department's faculty because they did not fit well with the Department's (School's) mission and did not interview well.
4. The Department's faculty voted unanimously in favor of offering the position to \_\_\_\_\_. She/he accepted the position of Assistant Professor as shown in the attached letter of offer. The recruitment process was approved in accordance with the Affirmative Action Compliance at Northern Kentucky University, on \_\_\_\_\_. \_\_\_\_\_ completed her/his doctoral dissertation on \_\_\_\_\_ and joined the faculty of the Department of \_\_\_\_\_ in the College of \_\_\_\_\_, Northern Kentucky University, on \_\_\_\_\_.

#### Evaluation of the Most Qualified Candidate

(Brief statement noting the reasons for selecting the candidate.)

#### Statement of Teaching Responsibilities

(Brief statement noting assigned teaching responsibilities.)

#### Attestation of the Degree of \_\_\_\_\_'s Qualifications and Achievements

To the best of my knowledge and belief, the qualifications and achievements of \_\_\_\_\_ herein, and in her/his attached curriculum vitae, are true and correct. In extending this job offer to \_\_\_\_\_, I certify that the requirements set forth in Federal regulations have been satisfied in the following ways:

- a. We have made every reasonable effort to locate qualified, willing and able United States citizens or permanent residents. We normally recruit at the prevailing wage and working conditions through advertisements and professional contacts.
- b. The wage offered is not based on commissions, bonuses, or other incentives and (is at) (exceeds) the prevailing wage as determined by the Kentucky Department of Labor and Industry.
- c. The job opportunity does not involve unlawful discrimination by race, creed, color, national origin, age, sex, religion, handicap, or citizenship.
- d. The job opportunity's terms, conditions and occupational environment are not contrary to federal state, or local law.
- e. The job opportunity is not (a) vacant because the former occupant is on strike or locked out in the course of a labor dispute involving a work stoppage and is not (b) at issue in a labor dispute involving a work stoppage.
- f. The job opportunity has been and is clearly open to any qualified U.S. worker.
- g. The U.S. workers who applied for the job opportunity were rejected for lawful job-related reasons.
- h. The job opportunity is for full-time, permanent employment for Northern Kentucky University.
- i. The requirements for the job opportunity, as advertised, represent the actual minimum requirements, and we have not hired workers with less training or experience for jobs similar to that offered in this opportunity.

- j. The job opportunity described is without unduly restrictive job requirements; the described duties are normally required for this job classification.

As evidence of the foregoing, please find the following attachments enclosed:

1. Copy of the Original advertisement (“tear sheet”) from at least one national print journal.
2. Copies of all advertisements for the position.
3. Copy of the Faculty Appointment Form
4. Affirmative Action Form (*if applicable*)
5. Official documentation of the committee making the recommendation to hire \_\_\_\_\_
6. Copy of the appointment letter to \_\_\_\_\_
7. Original notice of filing posted in the place of employment for ten (10) consecutive business days.
8. *Curriculum vitae* of \_\_\_\_\_

Sincerely yours,

(Name)  
Chair, Department (School) of \_\_\_\_\_

encl



**Sample Notice of Filing**  
**Application for Permanent Employment Certification**  
*(To Be Completed and Posted by the Hiring Department)*

Assistant Professor [tenure-track], [Discipline], in the [Department], [School], and [Campus, if applicable], Northern Kentucky University.

[Brief description from advertisement listing job duties, minimum educational qualifications, work hours (e.g., full-time), and offered wage.]

Northern Kentucky University is an Affirmative Action, Equal Opportunity Employer. Women and member of minority groups under-represented in academia are especially encouraged to apply.

This notice is posted in connection with the filing of an application for permanent alien certification

Any person may provide documentary evidence bearing on the application to the Certifying Officer at the following address:

U.S. Department of Labor  
Employment and Training Administration  
Harris Tower  
233 Peachtree Street, Suite 410  
Atlanta, Georgia 30303  
Phone: (404) 893-0101  
Fax: (404) 893-4642

**I have posted this NOTICE of FILING pertaining to a PERM Labor Certification in the following locations:**

- 1.
- 2.

This notice has been posted for **10 consecutive business days**

Date posted: \_\_\_\_\_ (date).    Date posting removed \_\_\_\_\_ (date).

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

*Members of the Professions Holding Advanced Degrees and Aliens of  
Exceptional Ability in the Sciences, Art, or Business*

**PART TWO:** Preparation of **Form I-140** (Immigration Petition for Alien Worker), with Supporting Documentation

**Original Form ETA 9089 certified by the US Department of Labor.**

**Employer Letter**

This letter is *not* an official offer of employment, but it must come from the person or persons in the department who are authorized by the University to extend an offer of employment or who otherwise have formal supervisory and/or hiring/firing authority over the foreign national. Even though the foreign national may already be working at the University, this letter is required. The letter must establish that the foreign national is employed, or will be employed, in a tenure or tenure-track teaching position. The letter must also include the title and salary for the position that the foreign national now holds or the position that he/she will hold, a detailed job description, as well as an explanation of the foreign national's qualifications for the position.

**Current Curriculum Vitae (CV).**

**Copy of the most recent audited financial report for the University**

**Check for the required USCIS fee(s) made payable to Department of Homeland Security.**

**Submit notarized copies of all education credentials (i.e., diplomas).**

The Second Preference (EB-2) category requires PROOF of an advanced degree. "Advanced degree" is defined as any academic or professional degree or foreign equivalent above the U.S. baccalaureate. In some cases, a baccalaureate plus five years of appropriate experience can be counted as a master's degree. All documents must be in English or accompanied by a notarized English translation. If you were educated outside of the United States, you must *also submit* a credential evaluation that establishes the comparability.

**PART THREE:** Preparation of Form I-485 (Application to Register Permanent Residence or Adjust Status) and Related Forms, with Supporting Documentation

(NOTE: The forms listed below must be obtained from USCIS. You can download them at the following Internet site <http://www.uscis.gov/graphics/formsfee/forms/index.htm>. This site also includes information about the filing fees for each form. Fees are also listed earlier in this request packet.)\

Form I-485 for the international and each family member, if filing for dependents as well.

Form I-693 Medical Exam and Form I-693 Supplement for the international and each family member, if filing for dependents as well. (See information at the USCIS website for a list of designated physicians in the Northern Kentucky/Cincinnati area.) [https://egov.uscis.gov/crisgwi/go?action=offices.type&OfficeLocator.office\\_type=CIV](https://egov.uscis.gov/crisgwi/go?action=offices.type&OfficeLocator.office_type=CIV)

Form G-325A (Biographic Information) for the international and each family member, if filing for dependents as well.

Two photos that meet USCIS specifications. These specifications were changed, effective August 2, 2004. To view the specifications, go to: <http://www.travel.state.gov/passport/pptphotos/index.html>. Include the name, Social Security Number, and I-94 number on the back of each photo.

Photocopy of all passports held while in the United States (introductory page(s) and any and all stamped pages).

- Photocopy of birth certificate for the international and each family member, if filing for dependents as well (with translation if not in English).
- Photocopy of marriage certificate and/or divorce certificate (if applicable) for the international and each family member, if filing for dependents as well (with translation if not in English).
- Photocopy of approval (Form I-797) of Form I-140 (Immigrant Petition for Alien Worker). *This is not applicable if filing I-140 and I-485 concurrently.*
- For prior J-1 Exchange Visitors who were subject to the “two-year home country physical presence requirement” [INA 212(e)], a photocopy of the approval of a waiver of that requirement (Form I-612).
- Photocopy for the international and each family member, if filing for dependents as well, of both sides of the Form I-94 and evidence of having maintained an uninterrupted nonimmigrant status at all times while in the United States (e.g., photocopies of I-20s, IAP-66s, DS-2019s, I-797s, etc.).
- For internationals who have held F-1 or J-1 *student* status, a photocopy of academic transcripts for the entire period of study in the United States.
- Check(s) for the USCIS filing fees made payable to the Department of Homeland Security

OPTIONAL FORMS<sup>2</sup>

- Form I-765** Application for Employment Authorization  
Including two photos that meet USCIS specifications. These specifications were changed, effective August 2, 2004. To view the specifications, go to: <http://www.travel.state.gov/passport/pptphotos/index.html>. Include the name, Social Security Number, and I-94 number on the back of each photo.
- Form I-131** Application for Travel Document  
Including two photos that meet USCIS specifications. These specifications were changed, effective August 2, 2004. To view the specifications, go to: <http://www.travel.state.gov/passport/pptphotos/index.html>. Include the name, Social Security Number, and I-94 number on the back of each photo.

**THE APPLICANT(S) MUST SUBMIT TWO SETS OF ALL MATERIALS TO OISS.  
OISS WILL NOT MAKE PHOTOCOPIES.**

**IMPORTANT NOTE:** To minimize any potential delays or problems with the LPR application, it is important that the international and his/her department follow the instructions in this packet and on all immigration forms.

<sup>2</sup> Internationals in O-1 status, or any nonimmigrant status other than H or L, are *required* to apply for Employment Authorization using Form I-765 and for Advanced Parole using Form I-131. **It is *not* optional for those individuals.**

## Sample Outline of Employer Letter

The letter should be addressed to:

**U.S. Citizenship & Immigration Services**  
**Texas Service Center**  
**4141 North St. Augustine Road**  
**Dallas, TX 75227**

Do **not** send the letter directly to USCIS. The letter must be submitted by the foreign national and/or his/her department to OISS for inclusion with all other application materials for mailing to USCIS. The letter should contain the elements included in the sample letter below:

- I am writing this letter in support of the US Lawful Permanent Resident petition for [NAME OF FOREIGN NATIONAL].
- He/she has worked at Northern Kentucky University since [DATE OF HIRE] as a [POSITION TITLE].
  - **FOR TENURE/TENURE-STREAM POSITIONS** – Be sure to include language in this letter that makes clear this is a tenure/tenure-stream positions.
- The minimum requirements for this position are [DEGREE LEVEL] in [DISCIPLINE OR FIELD OF STUDY] or related field, and [#] year(s) of research experience in the field of [DISCIPLINE OR FIELD OF STUDY].
- [NAME OF FOREIGN NATIONAL]'s current annual salary is [\$].
- His/her job duties include [BRIEFLY DESCRIBE THE NATURE OF THE POSITION, INCLUDING MAJOR RESPONSIBILTIES AND DUTIES].