



The University of Pittsburgh
Office of International Services

Guidelines Regarding Sponsorship for U.S. Lawful Permanent Resident Status

The Office of International Services (OIS) is the only agent authorized to represent the University of Pittsburgh with regard to applications or petitions filed with the U.S. Department of Labor and U.S. Citizenship and Immigration Services to secure employment authorization for any nonimmigrant employee of the University. This includes certain categories of employment-based permanent residency which require a U.S. employer to petition on behalf of the employee.

Pursuant to University guidelines and policies, as well as Federal government regulations and requirements, OIS has the authority to accept or decline the filing of such petitions that require employer sponsorship. There are other employment-based petitions that allow an individual to self-petition. With regard to these cases, the foreign national may choose to submit a petition on his/her own behalf and/or with the assistance of an attorney, without any employer sponsor. However, even in these cases that do not require an employer sponsor, it is extremely important that OIS is aware of the filing since it may have implications on the international's status within the United States.

The OIS **MUST approve, sign, and submit the petition to USCIS for the following preference categories and must process them in-house unless OIS authorizes an outside attorney to assist¹:**

- **EB-1(B): Outstanding researchers and professors.** This category is appropriate for those who are internationally recognized, have a minimum of three years of experience, and have been offered a tenure-track faculty position or permanent research position. No labor certification is required.
- **EB-2: Members of the professions holding advanced degrees or aliens of exceptional ability in the sciences, arts, or business.** "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. A Permanent Labor Certification and a job offer are required. Tenure-track teaching faculty may be eligible for a simplified labor certification process ("special handling") if the recruitment process meets Department of Labor requirements and the labor certification can be submitted within 18 months of the initial offer of employment. Permanent Labor Certifications are processed by one of the University's approved immigration attorneys after consultation with OIS.
- **EB-3: Skilled workers, professionals, and other workers.** Professionals who do not hold advanced degrees, but who hold licenses, certificates, or other professional qualifications. A Permanent Labor Certification and a job offer are required. EB-3 cases will be referred to one of the University's approved immigration attorneys after consultation with OIS.

As mentioned above, OIS must be informed of an international's filing under any other category of permanent residency as this may impact their current nonimmigrant status and eligibility for certain benefits. If an employer sponsor is used to add merit to the case, however, and the "University of Pittsburgh" will be listed as the petitioner on the Form I-140, then OIS must authorize outside counsel to represent the University in the following categories:

- **EB-1(A): Persons of extraordinary ability in the sciences, arts, education, business, or athletics** who have demonstrated sustained national or international acclaim and who will prospectively be of substantial benefit to the United States. No labor certification is required. A job offer is NOT required.

¹ If the department, school, administrative office or foreign national is authorized by OIS to retain the services of an outside immigration attorney, OIS must sign any formal documentation as the official representative of the University. Other faculty members and/or staff members are not authorized to sign on behalf of the University.

- **EB-2 (National Interest Waiver): Aliens of exceptional ability in the sciences, arts, or business** whose presence and activities in the U.S. are in the national interest. A job offer is NOT required and the labor certification is waived.

Criteria for Immigration Sponsorship by the University of Pittsburgh

In order to be sponsored for permanent residency by the University of Pittsburgh, a foreign national must have been employed by the University for at least **two years in H-1B status**. An exception to the two-year requirement is made for tenure-track faculty members. Exceptions for other employees are considered on a case-by-case basis upon formal request to OIS by the dean, director, or chair of the hiring unit.

Employees must have received an offer or currently hold a permanent position. **Staff, faculty, and research associate positions** may all qualify for sponsorship. Positions that are not considered permanent, such as postdoctoral, visiting, or temporary appointments will not meet regulatory requirements for sponsorship. Thus, OIS is unable to make exceptions to this requirement.

General Application Procedures

1. EB-1B: The employee must attend an EB-1B Information Session offered by OIS both for general information and as a basis to self-assess the merits and strength of a potential first preference petition. These sessions are open to all employees of the University, regardless of current position or immigration status. For those who meet the criteria for sponsorship by the University outlined above, and who believe they may meet the qualifications for the EB-1B category, the next step is to submit an EB-1B Request for Review to OIS. If the assessment is positive, then an immigration specialist will be assigned to work with the employee and his/her hiring department and provide individualized guidance on assembling the required documentation and the steps involved in the permanent residency process.

If OIS determines that the employee does not meet the EB-1B criteria, an explanation will be provided to the sponsoring department and employee with recommendations for strengthening a future EB-1B petition (for example, develop a clearer definition of the area of research and its significance, the need for additional publications or to seek opportunities to judge the work of others, etc.) and/or to consider alternatives to the EB-1B category.

2. EB-2 or EB-3: The employee and the department administrator should consult with a member of the OIS Employment Team to discuss the potential case, requirements, timelines, costs, expectations, and procedures. If the decision is to proceed, then the department must submit a Request to Use an Outside Immigration Attorney to the Director, OIS, to initiate the process. To take advantage of the special handling option for tenure-track teaching faculty, the department should contact OIS as soon as possible after the offer of employment is accepted. The Permanent Labor Certification must be submitted to Department of Labor no later than 18 months after the offer is made.