

WELCOME TO THE UNIVERSITY OF IDAHO

WHAT YOU NEED TO KNOW

As a newly hired tenure track faculty or qualifying employee in a permanent position, here is some additional information you need to know if you intend to apply for Legal Permanent Residency based upon your employment at the University of Idaho.

There are 3 types of Employment-based permanent residency applications:

1) LABOR CERTIFICATION (PERM)

This is the most common, easiest and fastest process. There are two types, Professional Occupations and College and University Teachers (a Specialty Occupation).

These applications for these two types will require the following:

- **The position must be advertised in a national professional journal, preferably The Chronicle of Higher Education.**
- **The Labor Certification Application must be started within 16 months after the position has been offered.**
- The qualifications stated in the advertisement must be met at the time of selection.
- The position must include actual classroom teaching (for Specialty Occupations)
- The salary must be commensurate with the position and area (Department of Labor determination)

The benefit of this classification is that you will not have to demonstrate your extraordinary or outstanding abilities. The department will be required to pay the labor certification portion of your fees to the attorney.

Filing as soon as you have begun the position is strongly recommended as there are windows of time that must be met. The Labor Certification (LCA) must be filed with Department of Labor within 18 months after the position has been offered. You must allow at least 45 days between the date the LCA is first posted to the date that it is filed with Department of Labor to be approved. The LCA should also be filed at least 365 days (1 full year) before the H1B expires to allow for additional extensions for the H1B if needed. If the position was not advertised or if the 18 month window has passed, the position will have to be re-advertised to "test the job market" and you could lose your position to a better qualified candidate, or you would need to look at another option for applying for LPR, such as the next two options.

2) ALIEN OF EXTRAORDINARY ABILITY IN THE SCIENCES, ARTS, EDUCATION, BUSINESS AND ATHLETICS

This classification will require that you demonstrate that you have sustained national or international acclaim and that you have reached the top of your field. Labor Certification is not required for this option.

3) OUTSTANDING PROFESSORS OR RESEARCHERS

This classification will require you to demonstrate that you have international recognition in your field. Also, if you have less than 3 years experience in your field after obtaining your PhD, you will have to show that your work while you were in pursuit of your PhD was outstanding.

PROCESS

All employment-based permanent resident applications must be petitioned by an immigration attorney that has been properly approved by the UI Legal Counsel's office to represent the UI as the attorney of record. ISSFS has a list of currently approved attorneys. ISSFS serves as a liaison for all labor certification based applications, between the attorney of record, UI Legal Counsel, the department and Human Resources. ISSFS maintains records for these processes and a routing process has been established.

FEES

If the employee intends to file for a Labor Certification based LPR, then the UI is required by federal law to pay for the labor certification portion of the petition for the employee. This fee is dependent upon what the approved attorney charges for the labor certification portion of their fees, which varies by attorney. Since the department is paying for this fee, they also have a choice in which attorney they will approve to process the Labor Certified LPR. If the employee is applying for LPR that is not based upon labor certification, the employer is not required to pay any fees.

DEPENDENTS

Dependents of the employee are the responsibility of the employee, not the employer. Therefore, the employee will be required to pay all fees associated with dependents applying for LPR.