OBTAINING PERMANENT RESIDENCE ("GREEN CARD") THROUGH AN OUTSTANDING PROFESSOR/RESEARCHER IMMIGRANT PETITION

The first preference category is for professors and/or researchers who are recognized internationally as outstanding in a particular academic field. The beneficiary must have at least three years of experience in teaching or research in the academic area, and must be offered a tenured position, tenure-track position or comparable position within a university or institution of higher education.

Experience in teaching or research while working on an advanced degree will only be acceptable if the faculty member has acquired the degree, and if the teaching duties were such that he or she had full responsibility for the class taught or if the research conducted toward the degree has been recognized within the academic field as outstanding.

In order to qualify as an outstanding professor/researcher, the faculty member must provide evidence of at least two of the following:

1) Major prizes or awards for outstanding achievement in the academic field;

2) Published material in professional publications written by others about your work in the academic field;

3) Participation as a judge of the work of others in your field or an allied field;

4) Authorship of scholarly articles or books in your field published in scholarly journals with international circulation;

5) Membership in associations in the academic field which require outstanding achievements of their members; or,

6) Original scientific or scholarly research contributions to the academic field.

Step 1. Immigrant Visa Application (Form I-140)

UCR’s approved attorney files an I-140 Immigrant Visa petition evidencing the individual’s outstanding abilities with the USCIS Service Center.

The faculty member may file the I-140 under the Premium Processing Service program. For a $1,225 processing fee, USCIS guarantees that it will issue either an approval notice, or where appropriate, a notice of intent to deny, a request for evidence or open an investigation for fraud or misrepresentation, within 15 calendar days of receipt.

Step 2. Adjustment of Status – Form I-485 (Finalizing the application for permanent residence)
The I-485 Adjustment of Status may be filed concurrently with the I-140 Immigrant Visa petition. This is an application to adjust status from non-immigrant status (e.g., H-1B) to permanent resident status while the faculty member (and family, if applicable) remains in the United States. The faculty member and qualifying immediate family members (spouse and unmarried minor children) may apply for work authorization and travel documents while their I-485 applications are pending with the USCIS.

At the time of filing the Form I-485 application(s), the faculty member and his/her qualifying family members may apply for employment authorization cards (EAD), which usually require 90 days for adjudication. Typically, faculty member in H-1B status would not need the EAD since the H-1B provides work authorization. At the time of filing the Form(s) I-485, the faculty member and family members may also apply for travel documents (Advance Parole) prior to leaving the United States for temporary travel outside the country. Individuals with nonimmigrant visas other than H-1B/H-4 must always obtain an advance parole before travel abroad during the period the I-485 is pending. Without their valid/un-expired advance paroles, they will not be admitted into the United States upon return after foreign travel. Furthermore, their adjustment of status applications will be deemed abandoned.

The EAD cards and advance paroles are typically valid for one year. If the adjustment of status applications is not approved within the one-year period, the faculty member and his family members may apply for extensions of their EAD cards and travel documents.

Please note that if immigrant visa numbers are not available (based on the faculty member’s employment-based classification and country of chargeability), the I-485 Application to Adjust Status cannot be filed simultaneously with I-140 Immigrant Visa petition (Form I-140). This is called visa retrogression. The faculty member must wait for visa numbers to become available before filing the I-485 application.

**H-1B Visa Extensions beyond the 7th Year**

An H-1B visa holder can obtain a yearly extension of an H-1B visa after the sixth year cap date if a labor certification or I-140 Immigrant Visa Petition, designating the H-1B faculty member as the beneficiary, has been pending for at least 365 days. In addition, an H-1B visa holder with an approved I-140 petition, who is unable to file the I-485 Application to Adjust Status because of visa retrogression, can extend the H-1B until a decision on the I-485 Application to Adjust Status is made.