



## Requirements for Permanent Resident Petition (Form I-140)

The Office of General Counsel for the University at Albany is responsible for assisting current and prospective State-funded faculty and staff in preparing the necessary U.S. Department of Labor (DOL) and U.S. Citizenship and Immigration Services (USCIS) documents seeking Permanent Resident status on the basis of employment. There currently exists a five-tiered employment-based preference system for allocating the 140,000 immigrant visas, which are available each year to persons seeking to immigrate on the basis of employment. To view immigrant visa availability for the current month, please refer to the U.S. Department of State's *Visa Bulletin*. The University currently provides assistance in filing for the following categories:

**1. Outstanding Professors and Researchers:** This category (EB-1) requires that the beneficiary have at least three years of experience in teaching or research in the field in which they will be employed in the United States, and who have received international recognition for their work. This classification is only available to employees on full-time tenure track positions. Evidence that the professor or researcher is recognized internationally as outstanding in the academic field shall consist of at least two of the following:

- receipt of major prizes or awards for outstanding achievement in the academic field,
- membership in associations in the academic field, which require outstanding achievements of their members,
- published material in professional publications written by others about the alien's work in the academic field,
- participation on a panel, or individually, as the judge of the work of others in the same or an allied academic field,
- original scientific or scholarly research contributions to the academic field, or
- authorship of scholarly books or articles, in scholarly journals with international circulation, in the academic field.

**2. Advanced-Degree Professionals (requires permanent labor certification):** This category (EB-2) is for full-time tenure track faculty, who do not meet the criteria for classification as an Outstanding Professor or Researcher. This classification requires that the beneficiary possess an advanced degree or its equivalent in the proposed field of professional employment in the United States. The term "advanced degree" means any U.S. academic or professional degree, or a foreign equivalent degree, above the level of a baccalaureate. The terminal degree, usually a doctorate, is required for all tenure track positions. ***This category requires obtaining permanent labor certification from the [U.S. Department of Labor](#).*** To obtain a permanent labor certification, the University is required to submit [ETA Form 9089](#) and supporting documentation to show clearly that the college, school or department *selected the alien for the job opportunity pursuant to a competitive recruitment and selection process, through which the alien was found to be more qualified than any of the United States workers who applied for the job.* Per Department of Labor guidelines, evidence of the *competitive recruitment and selection process* shall include:



- A statement, signed by an official who has actual hiring authority, from the employer outlining in detail the complete recruitment procedure undertaken; and which shall set forth:
  - The total number of applicants for the job opportunity.
  - The specific lawful job-related reasons why the alien is more qualified than each U.S. worker who applied for the job (U.S. workers are defined as U.S. citizens or permanent residents).
  - A final report of the faculty, student, and/or administrative body making the recommendation or selection of the alien, at the completion of the competitive recruitment and selection process.
- A copy of at least one print advertisement for the job opportunity placed in a national professional journal, giving the name and date(s) of publication; and which states the job title, duties and requirements.
- Evidence of all other recruitment sources utilized.
- A written statement attesting to the degree of the alien's educational or professional qualifications and academic achievements.
- Applications for permanent alien labor certification which are filed after December 31, 1981, for job opportunities as college or university teachers, shall be filed within **18 months** after a selection is made pursuant to a competitive recruitment and selection process.
- Applications for permanent alien labor certification for advanced-degree professionals (see previous definition) in non-teaching positions (e.g. librarians), must be filed within **180 days but at least 30 days** after any advertising for the position has taken place. To obtain a labor certification for a non-teaching position, the University must certify that there were not any U.S. workers (i.e. U.S. citizens or Permanent Residents) who applied and who met the minimum qualifications for the position.