

**Immigration Sponsorship for International Faculty**

International faculty are supported by Purdue through two separate immigration processes: (1) an authorization to work 'now' for Purdue (such as an H-1B visa), and (2) a greencard (lawful permanent residence).

The two processes occur at roughly the same time; however, like trains on parallel tracks, the two processes do not interact – they are completely separate, arising from different laws and having different requirements.

**Office of International Students and Scholars, International Scholar Services**

Immigration services for Purdue employees are provided by Purdue University's International Scholar Services team. If you would like a *confidential* discussion about the immigration services provided to faculty candidates and their family, please scan the QR code to the right to schedule a consultation, or email Amanda Thompson, Director, International Scholar Services, at [thomp557@purdue.edu](mailto:thomp557@purdue.edu).

**Background: Immigration Terms**

US Immigration law uses terms that have very specific meanings.

- A visa is the stamp or "foil" inserted into a passport by a Consulate. Visas are like theater tickets – they are presented when you enter the USA, but are meaningless during your stay. It is possible to have more than one visa in your passport.
- Stay is the specific amount of time you are permitted to remain in the USA. You must depart the USA on or before the end of your stay, unless a request to extend your stay is submitted to the government.
- Status represents the legal expectations that apply during your stay in the USA. A person may hold only one status at a time.

In general, an individual presents a visa<sup>1</sup> to the US immigration officers at the airport in order to be "admitted" to the USA. Once admitted, the immigration officer grants the traveler a specific "status" and a period of "stay". Both the visa and status should have the same designation (letters and numbers) – this identifies the relevant immigration law. The status and stay are recorded on an electronic record maintained by the government, called a Form I-94.

**Work Visa Status**

A work "visa / status" is how international faculty are "quickly" provided permission to reside and work in the USA. Purdue sponsors most international faculty for H-1B visa status. Spouses and unmarried children under 21 years old receive H-4 visa status, which permits residence in the USA and attendance at school, but not employment.<sup>2</sup>

For most people, the H-1B process comprises three government requests (in bolded boxes, below), and usually takes between three and six months to complete. The first two requests to the US government (in gold) are managed and paid for by Purdue.



If you reside in the USA, the H-1B petition will request your *status* be changed to H-1B and for your *stay* to be extended. You are not required to depart the USA and seek re-admission. If you have family, you may need to prepare a request to change and extend their status and stay. This request focuses on the personal circumstances of your family members. As a result, Purdue does not prepare or pay for this, although we do provide general guidance. The cost is US\$370, plus a biometric fee of US\$85 for each family member.

If you reside outside the USA, then you (and each accompanying family member) must apply to a US Consulate for a visa (in red, above). Visa applications focus on the specific situation of each applicant. You are responsible for preparing, submitting and paying for your visa application(s). Purdue does not assist with these. Costs vary from country to country. The base fee is approximately US\$190/person, converted to local currency.<sup>3</sup> In some countries, there may also be a reciprocity fee per visa (per person).<sup>4</sup>

Purdue normally requests an H-1B approval period of three years, which is the longest increment permitted by law. This may be extended by further increment(s) of up to three years. Normally, eligibility for H-1B visa status ends after 6 years, which is why Purdue also pursues a greencard for our international faculty. In limited situations, H-1B status may be extended beyond 6 years.

<sup>1</sup> Canadians are exempt from the requirement to obtain visas prior to admission.

<sup>2</sup> If your spouse wants to work in the USA, contact Purdue's Faculty Dual Career and Relocation Services (<https://www.purdue.edu/hr/hiring/dualcareer/>). The assigned specialist will help identify employment opportunities. Depending on the situation, spouses may need their own H-1B.

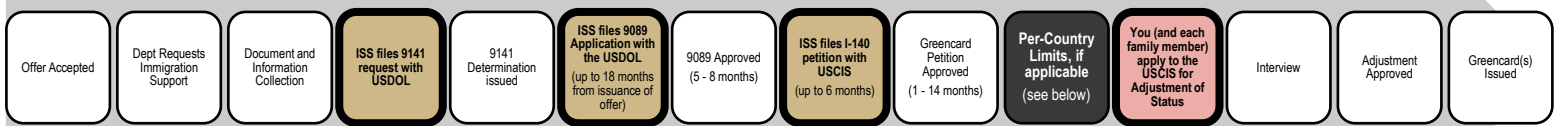
<sup>3</sup> <https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/fees/fees-visa-services.html>

<sup>4</sup> <https://travel.state.gov/content/travel/en/us-visas/Visa-Reciprocity-and-Civil-Documents-by-Country.html>

## Greencard

A greencard also is called US permanent residence. Greencard holders may live and work in the USA indefinitely. Each family member must receive their own greencard.

Depending on a person's situation, there may be several different paths to permanent residence. For Purdue faculty whose duties include teaching, we utilize an "EB-2" greencard process that comprises four government requests (in bolded boxes, below).<sup>5</sup> It usually is initiated at the same time as the H-1B process. However, where the H-1B process is completed within 6 months, the permanent residence process stretches out for up to 3+ years. Depending on timing, it may be necessary to extend H-1B status before the greencard is issued. The greencard replaces H-1B (and H-4) status by authorizing 'indefinite' residence and work in the USA.



The first three government submissions (in gold, above) focus on the employment at Purdue, and the faculty member's qualifications for that employment. As a result, Purdue coordinates and pays for these three steps.

The final step is Adjustment of Status (in red, above). Each family member must submit an Adjustment of Status application to receive their greencard and acquire US permanent residence. Adjustment focuses on the personal circumstances of each applicant. As a result, faculty are responsible for preparing, submitting and paying for their Adjustment application(s). Purdue does not assist. Currently, the costs for Adjustment are (a) US\$1,225 for each applicant between 14 and 78 years old; and (b) US\$750 for each applicant under 14 years old.

### Delays (Per-Country Limits)

US law creates a bottleneck in the permanent residence process by limiting the number of greencards that may be attributable to any given nation (based on the applicants' country of birth).<sup>6</sup> The result of these "Per Country Limits" is there are more greencard requests each year than permitted by law for applicants born in one of seven highly populous countries.<sup>7</sup> Per-country limits (shown in a grey box with white text, above) delay *only* the filing of the Adjustment application; they do not affect any other part of the greencard process.

Faculty born in China may face a delay of up to two - four years before they may submit their Adjustment applications; faculty born in India may face a delay of up to ten or more years. This is longer than the 6 years H-1B status normally is available, but the law provides an exception in these circumstances: H-1B status may be extended in three-year increments for as long as per-country limits prevent the filing of the Adjustment application. Faculty whose greencards are delayed by these per-country limits are thus able to continue working throughout their wait.

Certain faculty may prefer to pursue a greencard through the "EB-1" process for "Outstanding Professors / Researchers"; the EB-1 queue is usually shorter than the EB-2 queue (for example, EB-1 applicants born in India face an average backlog of less than 4 years). To qualify, the faculty member must have extensive, documented impact and accomplishments within the field. EB-1 cases are assigned to Purdue's immigration law firm, under ISS coordination. These cases requires a *significant* investment of time and effort by the faculty member (unlike EB-2 case, where ISS does almost all of the work). EB-1 cases are also inherently more risky than EB-2 cases; for an EB-1 case to succeed, the USCIS must agree that faculty member is "outstanding", but for an EB-2 case to succeed, we merely must show an advanced degree. Faculty who are interested in the EB-1 process should discuss this with their departments. Because of the significant risk, cost and time investment, EB-1 processes are pursued only when truly needed.

### Spouses and Work Authorization

H-4 spouses normally may not work in the USA. However, they may request a work permit once the I-140 petition<sup>8</sup> is approved, which usually occurs within 18 – 30 months of arrival in the USA. Additionally, H-4 spouses and children may request work permits when the Adjustment application is submitted. Currently, a work permit application costs US\$410. These applications focus on the applicant (spouse or child), so Purdue does not assist.

### Assistance through the Greencard Process

ISS offers two immigration presentations each September and January: 1) an overview of the Purdue greencard process, and 2) an overview of the steps, costs, and considerations involved in Adjustment of Status. While most faculty find these helpful, we recommend that faculty hire an immigration attorney to assist with the Adjustment of Status process. Attorney costs vary, but often cost up to US\$3,000/adult family member.

<sup>5</sup> EB-2 means "Employment-Based Second Preference". Purdue utilizes a sub-category of this process, for 'Advanced Degreed Professionals'.

<sup>6</sup> The law focuses solely on country of birth, and does not consider after-acquired citizenship. It is, however, possible to 'adopt' the country of birth of one's spouse. For example, if an Indian national and Canadian national were married, permanent residence could be processed as if both were born in Canada.

<sup>7</sup> India, China, Mexico, Philippines, El Salvador, Guatemala, Honduras. See <https://travel.state.gov/content/travel/en/legal/visa-lawO/visa-bulletin.html>

<sup>8</sup> Marked in blue, in the 'bottle' image, or the third gold request in the permanent residence process flow.