



University at Buffalo
The State University of New York

Office of International Education
Immigration Services

PERMANENT RESIDENCE THROUGH THE OUTSTANDING PROFESSOR / RESEARCHER CATEGORY

General Considerations

UB Immigration Services processes permanent resident petitions for University at Buffalo employees who seek to remain in the U.S. permanently. These petitions are commonly called “green card” petitions.

In order to qualify for an Outstanding Professor/Researcher immigrant visa, one must be recognized internationally as outstanding in one’s academic field. Additionally, a minimum of three years of teaching or research experience (following completion of the highest degree) is required. Professors must also have an offer of a tenure-track position and researchers must be employed in a position of indefinite duration. The following titles are acceptable for research positions: “Research Assistant Professor,” “Research Scientist.”

The first step in obtaining permanent residency is to obtain approval of an immigrant visa petition. Outstanding Professor/Researcher petitions are filed by the employer, not the employee. These petitions are “employer-specific.” Therefore, if the employee changes employment, a new petition must be submitted to the U.S. Citizenship & Immigration Services (USCIS). Once the immigrant visa petition is approved, USCIS will adjudicate the professor’s/researcher’s application for Adjustment of Status to obtain Lawful Permanent Resident status. An alternative to applying for Adjustment of Status within the U.S. is Consular Processing, which involves returning to one’s home country for an immigrant visa interview at the U.S. Embassy or Consulate there.

A pending immigrant visa petition does not confer work authorization, permission to travel outside and re-enter the U.S. or immigration status in the U.S. Therefore, a prospective immigrant should maintain H-1B status while the immigrant visa petition remains pending with USCIS. It is through the current and valid H-1B status that the foreign employee will be able to remain lawfully in the U.S., work in the U.S., and travel abroad and re-enter the U.S.

Criteria for Determining Outstanding Achievement

In order to determine whether one is “outstanding in one’s academic field,” one must look to the following criteria:

1. Receipt of national or international awards for outstanding achievement in the academic field
2. Membership in associations in the academic field which require outstanding achievement as a criteria for membership
3. Authorship of scholarly books or articles in journals with international circulation in the academic field and presentations at international conferences
4. Published material in professional publications about the individual’s work in the academic field
5. Service as the judge of the work of others in the same or an allied academic field
6. Original scientific or scholarly research contributions to the academic field

The examples of acceptable evidence listed below are meant to serve as a guide and may not be applicable to everyone’s field.

Awards for Outstanding Achievement in the Academic Field

Evidence of awards for achievements in the academic field can consist of unaltered copies of:

- award certificates, letters or e-mail messages
- letters awarding competitive awards, grants or fellowships
- patent registrations

It is also necessary to provide:

- documents explaining the significance of the award, grants or fellowships
- general information regarding the scope or objectives of the organization
- award committee information

Membership in Associations in the Academic Field which Require Outstanding Achievement

Evidence of membership in associations which require outstanding achievement as a criteria for membership can consist of unaltered copies of:

- membership certificates, cards, letters or e-mail messages
- proof of election or nomination

It is also necessary to provide:

- documents explaining the criteria for selection into the particular association
- general information regarding the scope or objectives of the association.
- selection board information

Authorship of Scholarly Publications or Presentations at International Conferences

Evidence of authorship of scholarly books or articles can consist of unaltered copies of:

- title pages and abstracts of published papers
- copies of published papers
- letters or e-mail messages acknowledging acceptance of papers and articles

It is also necessary to provide

- documents explaining the criteria for selection
- information regarding the scope or objectives of the organization
- committee information

Evidence of presentations or talks at international conferences can be documented through unaltered copies of:

- abstracts from proceedings of international and/or peer-reviewed conferences
- invitation letters and e-mail messages inviting participation

It is also necessary to provide:

- documents explaining the criteria for selection
- a conference schedule showing the presentation
- information regarding the scope or objectives of the organization
- committee information

Published Material about the Individual's Work in the Academic Field

Evidence of publication of materials written by others analyzing or discussing the individual's work and/or accomplishments can consist of unaltered copies of:

- journal or newspaper articles showing publication information

- formal published reviews or papers with footnote comments

It is also necessary to provide:

- general information regarding the scope or objectives of the publishing/citing entity
- journal or publication editorial committee information

Service as the Judge of the Work of Others

Evidence of service as the judge of the work of others can consist of unaltered copies of:

- letters or e-mail messages from editors, grant funding agencies, UB and other universities
- journal articles
- conference programs or proceedings
- proof of participation on a discussion panel
- proof of board membership in professional associations
- proof of service on dissertation committees of Ph.D. candidates

It is also necessary to provide:

- documents explaining the criteria for selection
- general information regarding the scope or objectives of the publishing or citing entity
- journal or publication editorial committee information

Original Scientific or Scholarly Research Contributions to the Academic Field

Evidence of original contributions to the academic field can consist of:

- copies of patents
- photographs of art exhibits
- 5 -10 letters of recommendation from independent experts and one from your department chair or sponsoring faculty member

Tips for Writing Letters of Support

The letters of recommendation will be read by an immigration officer for the purpose of ascertaining eligibility for the Outstanding Professor/Researcher category. The officer will not possess your education and/or experience. Therefore, the letters should be written in simple, non-academic language.

It is recommended that the letters:

- be accompanied by the writer's curriculum vitae
- be no shorter than 2 pages
- be written by foreign and U.S. individuals who know you and your work personally
- be written by people representing the academic world, private sector, government agencies, etc.
- include non-technical explanations of your work
- be written in a manner to avoid statements suggesting personal bias, interest and uncorroborated opinions
- be divided into 4 sections

1st section - explains why the letter is being written

2nd section - briefly introduces the writer

3rd section - explains when, where and how the writer knows you; discusses in detail your reputation and original accomplishments in your field

N.B. Each opinion statement should mention specific examples of achievement.

4th section - concludes with a recommendation for a green card under the Outstanding Professor/Researcher category and briefly summarizes the most important accomplishments discussed in the body of the letter

Additional Documentation Needed

1. Curriculum Vitae
2. Copy of highest diploma
3. Letter verifying employment and offering permanent employment
4. Letters confirming three years of employment in teaching or research
5. Copies of immigration documents (biographic page of passport, U.S. visa, I-94 card, I-797 approval notice)

Documents in Foreign Languages

Foreign documents must be accompanied by an English translation and translator's certification of accuracy. Requirements for translations of foreign documents are set forth below. Translations must:

- translate fully and accurately the entire foreign document

- not be summaries or excerpts of the foreign text
- be done by a competent and impartial third party
- be accompanied by a certification signed by the translator

Processing Information

An individual wishing to be considered for the Outstanding Professor/Researcher category must provide UB Immigration Services with his/her updated Curriculum Vitae. It will be reviewed and the individual informed of his/her suitability for this category. Documentation for the petition should not be provided until the case is accepted.

Outstanding Professor/Researcher petitions are filed with the U.S. Citizenship & Immigration Services (USCIS), where they may remain pending for 4 -12 months. There are no Labor Certification requirements with the U.S. Department of Labor for this type of petition. This means that the labor market does not need to be tested to ensure that there are no qualified U.S. workers who might qualify for the position offered to the individual.

USCIS Filing Fees

A USCIS filing fee in the amount of \$580 must accompany the Outstanding Professor/Researcher petition. The check for the filing fee should be made out to the "U.S. Department of Homeland Security." The check must be prepared by the hiring unit.

A USCIS filing in the amount of \$1,070 must accompany each adjustment of status (green card application). The check for the filing fee should be made out to the "U.S. Department of Homeland Security." This check may be prepared by either the hiring unit or the beneficiary.

Legal Services Fee

For individuals who are or will be employed at the University at Buffalo, a charge of \$4,000 will be invoiced to the department or individual requesting the filing of the Outstanding Professor/Researcher petition.

This fee recovers some of the costs of evaluating, preparing, submitting and monitoring the progress of your Outstanding Professor/Researcher petition with the U.S. Citizenship & Immigration Services.

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