


# Immigration Services for International Faculty

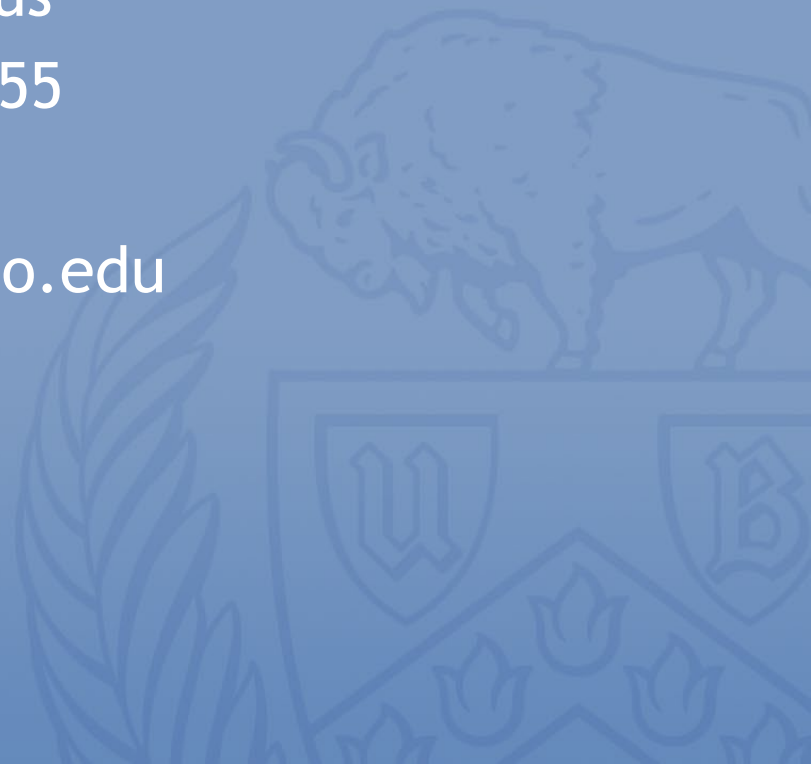
Oscar A. Budde, Esq.  
Associate Vice Provost and Director  
Immigration Services



# UB Immigration Services

1Capen  
North Campus  
(716) 645-2355

[immgsvc@buffalo.edu](mailto:immgsvc@buffalo.edu)



# UB Immigration Services

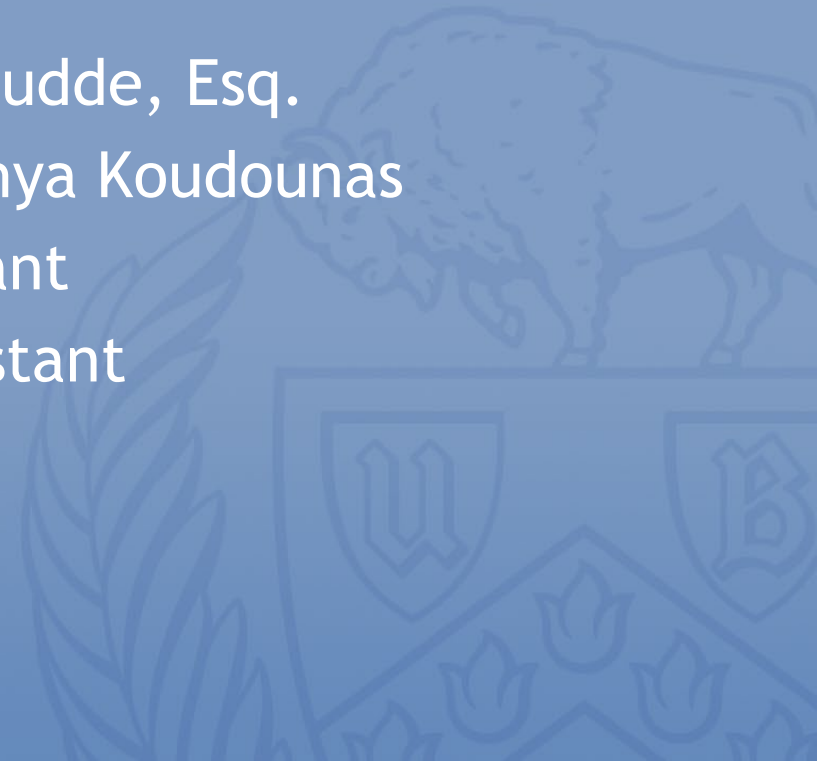
Staff:

Director: Oscar A. Budde, Esq.

Assistant Director: Cinthya Koudounas

Legal Assistant

Graduate Assistant



# UB Immigration Services

## Reporting relationships:

- Director reports to the Vice Provost for International Education
- Director supervises Assistant Director, Legal Assistant and Graduate Assistant
- Director works closely with other Office of International Education administrators, directors and staff

# UB Immigration Services

## Functional relationships:

- Director serves as UB's sole designated representative to the U.S. Departments of Homeland Security, Labor, and State on matters affecting the employment of foreign nationals
- Director serves as UB's resource person on all matters related to employment of foreign nationals, exchange visitor program issues and works in cooperation with University Counsel

# UB Immigration Services

## Services provided:

- Assist employing units in their ability to attract the best qualified candidates to research positions and to teaching positions
- Accurately and timely file immigrant and non-immigrant employment-based petitions
- Oversee UB's exchange visitor program
- Support matters related to University-private partnership organizations

# UB Immigration Services

Most common immigration statuses at the University:

- H-1B
- J-1
- TN
- O-1
- E-3
- F-1 (Optional Practical Training)
- Lawful Permanent Resident



# UB Immigration Services

Immigration-related responsibilities of UB international faculty and researchers:

- Keep abreast of immigration news (AILA.org)
- Check your entry documents (I-94, entry stamp or online entry document, travel history) to ensure you are in proper nonimmigrant status. Online I-94: <https://i94.cbp.dhs.gov/I94/#/home>.
- Consult UBIS regarding any immigration questions or concerns.



# UB Immigration Services

## H-1B status:

- Nonimmigrant status for individuals in a specialty occupation, fashion models of distinguished merit and ability, or individuals providing service related to a U.S. Department of Defense cooperative research and development project or co-production project
- Coming temporarily to U.S.

# UB Immigration Services

H-1B status:

A specialty occupation is defined under INA

§ 214(i)(1), 8 U.S.C. § 1184(i)(1), 8 C.F.R.

§ 214.2(h)(4) and 20 C.F.R. § 655.715 as requiring:

- Theoretical and practical application of a body of highly specialized knowledge and
- Attainment of a bachelor's or higher degree in the specific specialty (or its equivalent) as a minimum for entry into the occupation in the U.S.

# UB Immigration Services

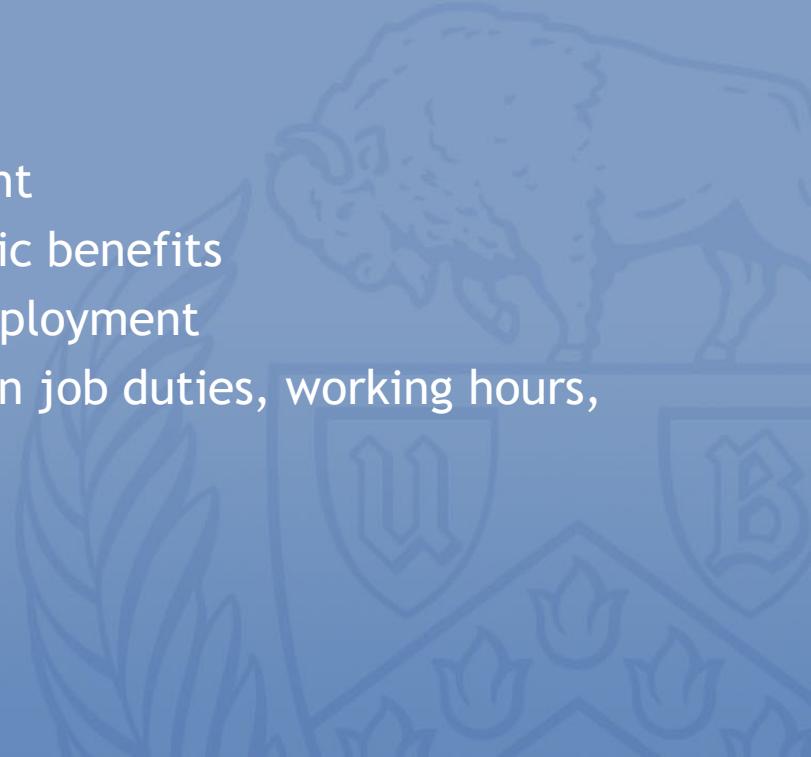
## H-1B status:

- Labor Condition Application requirement: UBIS obtains a certification from the U.S. Department of Labor that it has filed an LCA in the occupational specialty. Special attestations are made by the employer to DOL.
- Employer must pay all filing fees = business expenses
- H-1B cap does not apply to institutions of higher education

# UB Immigration Services

## H-1B status:

- Maintaining H-1B status: exclusively *your* responsibility per law
- Problem areas:
  - International travel
  - Engaging in unauthorized employment
  - Requesting or obtaining certain public benefits
  - Material changes in conditions of employment
    - Significant (“material”) change in job duties, working hours, or compensation
    - Change in work location



# UB Immigration Services

## H-1B status:

- Should you have any questions or concerns about maintaining H-1B status, please contact UBIS staff at 716-645-2355
- UBIS staff will schedule an appointment with the Director if necessary
- It is your responsibility to keep your hiring informed as to immigration matters

# UB Immigration Services

Lawful Permanent Resident status:

The University sponsors faculty and researchers for LPR status under the following categories:

- Special Handling
- Outstanding Professor Researcher



# UB Immigration Services

## Special Handling:

- Limited to individuals whose duties include some form of teaching at an institution of higher education
  - Assistant/Associate Professors
  - Clinical Assistant/Associate Professors
  - Professor must have been selected pursuant to a rigorous, competitive recruitment process whose parameters are set by U.S. Department of Labor

# UB Immigration Services

## Special Handling:

- Employer must be able to demonstrate that the foreign national selected for the position was found to be “more qualified” than any of the U.S. workers who applied for the position
- The Application for Labor Certification must be filed with DOL within 18 months of the date on the letter of offer



# UB Immigration Services

Special Handling:

Three steps:

- File Application for Labor Certification with DOL
- File I-140 Petition for Alien Worker with U.S. Citizenship & Immigration Services with Labor Certification as exhibit within 6 months of certification
- File I-485 Application for Adjustment of Status once priority date becomes current (could be several years depending upon country of chargeability)

# UB Immigration Services

Special Handling:

Challenges of special handling:

- 18-month filing deadline - PWD delays by DOL
- DOL denies over 30% of Applications for Labor Certification it receives from U.S. employers
- Employment-based second preference (advanced degree) is backlogged for individuals born in India or China
- Immigrant visa priority dates can retrogress

# UB Immigration Services

## Outstanding Professor/Researcher:

- Reserved for the highest level of employment-based immigrant visa petitions (EB1B)
- Must be recognized internationally as “outstanding” in one’s field
- Requires offer of permanent, full-time employment
- Requires three years of outstanding experience
- Requires evidence of “outstanding” achievements in one’s field based on meeting at least two of six criteria

# UB Immigration Services

Outstanding Professor/Researcher:

Six criteria:

- National/international awards
- Memberships in organizations that require outstanding achievements
- Judge of the works of others
- Published material about one's work
- Original contributions in one's field
- Authorship of scholarly articles, books, presentations at international conferences

# UB Immigration Services

## Permanent Residency Processing Times:

- Special Handling: 1.5 to 2.5 years unless subject to IV backlogs (individuals born in China or India could face many years' wait, unfortunately)
- Outstanding Professor/Researcher: 1 to 2 years, usually

# UB Immigration Services

## Permanent Residency recommendations:

- Determine when your 18-month S/H window closes
- Departments are responsible for initiating all immigration requests, so maintain close contact with your department chair regarding LPR
- Contact UBIS (716-645-2355) to schedule a meeting on the LPR process with the Director as soon as possible, even if your letter of offer was recently issued. Department chair or representative must attend meeting. Certain deans' offices send representative in addition.
- Upgrade from EB2 to EB1B is sometimes possible

# UB Immigration Services

## Your relationship with UBIS's Director and staff:

- You and your department have a duty of full disclosure (recall H-1B questionnaire)
- Please be aware that all communications between you and the Director are privileged and confidential. The Director will not disclose contents of communications unless you waive the attorney-client privilege.
- Communications between your hiring unit and UBIS are also privileged and confidential. The Director will not disclose their contents unless the hiring unit waives the attorney-client privilege.

# UB IMMIGRATION SERVICES CONTACT INFORMATION

## Office Hours

Monday – Friday, 9:00 – 4:30

## Campus Address

UB Immigration Services

1Capen, North Campus

(716) 645-2355

## Website

<http://www.buffalo.edu/immigration-services.html>

## E-mail Addresses

[immgsvc@buffalo.edu](mailto:immgsvc@buffalo.edu), [cinthyaa@buffalo.edu](mailto:cinthyaa@buffalo.edu)

[oabudde@buffalo.edu](mailto:oabudde@buffalo.edu)