

Permanent Residence Packet National Interest Waiver [NIW] Category

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The Department is responsible for completing all 'Department' forms and providing the required supporting documents. The Employee is responsible for completing all 'Employee' forms and providing the relevant supporting documents. Answer all questions, even if the answer is 'N/A' or 'None'. Incomplete questionnaires will delay Immigration Service's ability to do your filing in a timely fashion. Thank you for your cooperation in ensuring that the permanent residence filing process goes smoothly, by completing the forms in full and providing all documents requested.

The entire Permanent Residence packet, when completed and signed by the Provost's Office, must be forwarded to the Immigration Services Manager at Human Resources. If you have any questions about the Forms or the Checklists, please contact us by email at alberto.castillo@utrgv.edu

SERVICE	USCIS DOL FILING FEE(S)
PERM [Teaching Positions]	None
PERM [Non-Teaching Advanced Degree Professional]	None
PERM [Skilled Worker - Bachelor's Degree or Less]	None
Outstanding Professor / Outstanding Researcher [I-140]	\$580.00
Persons of Extraordinary Ability [I-140]	\$580.00
National Interest Waiver [NIW I-140]	\$580.00
I-140 Petition [for PERM filings only]	\$580.00
I-485 Bundle* [ages 14 years to 79 years]	\$1070.00
I-485 Bundle* [under 14 years or over 79 years]	\$600.00
Premium Processing [I-140 Petitions Only]** OPTIONAL	\$1225.00
* I-485 Bundle is a USCIS flat fee that includes : <ul style="list-style-type: none"> ▪ Biometrics ▪ I-765 [employment authorization] ▪ I-131 [travel document] 	

Department Request For Permanent Residence Petition Checklist

Please ensure that all of the following documents are included to avoid delays.

ONLY ONE PHOTOCOPY OF EACH DOCUMENT, UNLESS OTHERWISE INDICATED, IS REQUIRED.
PLEASE DO NOT SEND MORE THAN ONE CLEAR PHOTOCOPY.

Complete PR Packet Request with all questions answered

Copy of Department offer letter and employment contract

Filing Fee Check if applicable. "The Department of Homeland Security"

Employee evidence of 'NIW' status [see below]

Depending on the foreign employee's country of citizenship or nationality, there may be a delay before the I-485 can be filed. Employees so affected should regularly review the Department of State's monthly Visa Bulletin to determine when they can file the I-485 application(s).

The Visa Bulletin can be found at <https://travel.state.gov/content/visas/en/law-and-policy/bulletin.html>.

The Department is not required to pay the legal or filing fees related to the I-485 portion of the process for either the employee or the employee's family members. However, if the Department chooses to do so, they should properly annotate the Fee Sheet. However, because the I-485 fees are considered to be a 'non-business' expense, there are tax consequences to the employee and department if the department pays the I-485 fees:

- If the employee is considered a non-resident alien for US income tax purposes, there is a 30% tax withholding requirement for the I-485 payment. Therefore, we are required to 'gross up the department's I-485 payment by 30% to cover the tax liability. The department cost center will then be charged this amount.
- If the employee is considered a resident alien for US income tax purposes, the department's I-485 payment will have to be reported as 'income' on the employee's W-2 form. There may be tax consequences to the employee as a result of this payment. However, because the employee is required to report the income on their personal 1040 filing we cannot assess how great the tax liability will be. It could be offset by the employee's personal deductions but, as each 1040 filing is personal, a reliable estimate of the tax assessment is impossible.

Department Request For Permanent Residence Filing

Name of Department | School :

Name of Foreign Employee :

Type of Permanent Residence Filing Requested :

Labor Certification [PERM] Processing

Outstanding Researcher / Outstanding Professor

Person of Extraordinary Ability

National Interest Waiver

Department Certification

THE DEPARTMENT / SCHOOL CERTIFIES THE FOLLOWING :

1. The Department/School and the Foreign National are not undertaking this filing solely to obtain permanent residence for a temporarily employed foreign faculty member. Rather, the Department/School and the Foreign National intend that the faculty member will remain indefinitely employed with The University of Texas Rio Grande Valley.
2. The Department/School and the Foreign National will work closely with Immigration Services to assemble all the required documentation necessary for successful conclusion of the permanent residence process.
3. The Department/School will pay all Immigration Services processing fees and a clear, mutual agreement has been reached between the Department/School and Foreign National as to the payment of USCIS filing fees.

Chairperson Signature

Chairperson Printed Name

Date

Authorization of the Dean and Provost

I HEREBY AUTHORIZE AND FULLY SUPPORT THE APPLICATION FOR PERMANENT RESIDENCE ON BEHALF OF

Dean Signature

Dean Printed Name

Date

Provost Signature

Provost Printed Name

Date

Immigration Services Fee Sheet [PR National Interest Waiver Category]

Employee Name :

UTRGV Department Name :

UTRGV Department Contact Name :

UTRGV Department Contact Phone Number :

UTRGV Department Address :

Immigration Service Requested :

Academic Evaluation Fee** :

USCIS I-140 Fee :

USCIS I-485 Fee [Employee] :

USCIS I-485 Fee [Family Dependents] :

USCIS Additional Fee(s) :

USCIS Premium Processing Fee :

Total Fees Due :

Account Number(s) To Be Charged :

Authorization of the Supervisor and Chairperson

By signing this form, I agree that I confirm that I have signature authorization for the Account # listed above. I have offered the named employee the position of employment indicated above effective now or immediately upon employee's receipt of approval of the immigration status requested. I indicate that I support the sponsorship for the individual names above and that I agree to pay for any and all advertising costs indicated to be necessary by HR Recruitment and Immigration Services, consistent with Dept. of Labor regulations for permanent labor certification applications. I also authorize payment of the amount indicated above. Should employment be terminated or the job duties/title/salary change significantly, I will ensure that Immigration Services is notified before this happens. Finally, should outside counsel be involved in this matter, authorization is given for the General Counsel or his/her designee, to approve check requests in payment for outside legal expenses to the department's account #.

Supervisor Signature

Supervisor Printed Name

Date

Chairperson Signature

Chairperson Printed Name

Date

Department Questionnaire

Employee Name :

UTRGV Department Name :

UTRGV Department Contact Name :

UTRGV Department Contact Phone Number :

UTRGV Department Email Address :

Country of Citizenship :

Country of Birth :

Job Title :

Academic Degree Required for Position :

Minimum Experience Required [in years] :

Brief Non-Technical Description of Duties :

Work Site Address and P.O. Box Number :

Annual Salary OR Hourly Wage Rate :

Employee Provided a Written Offer of Employment?

Is this a Teaching Position?

Employee Information [Permanent Residence]

The National Interest Waiver category requires the university to establish that the employee's admission to permanent residence would be in the national interest of the U.S. We must show that the employee is working in an area of significance to the U.S. AND that the employee is making a significant contribution or playing a significant role in the area. At least **THREE** and preferably FOUR or FIVE of the following must be provided to USCIS :

1. An official academic record showing a Ph.D., Master's or Bachelor's degree related to the area of exceptional ability. If Bachelor's degree is the highest degree attained, will also need to show 5 years of progressive post baccalaureate experience in the field through employment letters.
2. Evidence of the receipt of major prizes or awards for outstanding achievement in the academic field.
3. Evidence of authorship of scholarly books or articles in scholarly journals (first two pages of each publication/journal only).
4. Evidence of membership in associations in the academic field.
5. Letters from distinguished members of the academic field who can attest to the significant contributions you have made to the industry or field. Please include full CV of each writer. Some but not all letters should come from UTRGV faculty and journal/research collaborators. A good option is to see request a letter from persons who cite your work often but have never collaborated with you.
6. A copy of the license or certification necessary to practice in the field (if applicable).
7. Evidence of a salary that demonstrates exceptional ability (i.e. a higher salary than the industry norm).
8. Letters from current or former employers showing at least ten years of full-time experience in the occupation being sought.

In addition to the above, if you have any of the following please also include them with the rest of your documents.

9. Evidence of original scientific or scholarly research contributions to the academic field; copyrights or patents.
10. Evidence of published material in professional publications written by others about the foreign employee's work in the academic field.
11. Evidence of participation on a panel or individually as the judge of the work of others in the same or related academic field.
12. Evidence of oral presentations or poster presentations

Academic Degree Credentialing Companies

The companies below are provided as guidance only.
Immigration Services does not recommend any particular agency.
You may choose any U.S. academic credentialing agency.

- Morningside Evaluations [www.mside.com]
- Trustforte Corporation [www.trustfortecorp.com]

Employee Information [Permanent Residence] continued

Please ensure that all of the following documents are included to avoid delays in filing the Permanent Residence petition.

ONLY ONE PHOTOCOPY OF EACH DOCUMENT, UNLESS OTHERWISE INDICATED, IS REQUIRED.
PLEASE DO NOT SEND MORE THAN ONE PHOTOCOPY AND MAKE SURE THAT THE COPY IS CLEAR.

Required Documents

- Fully completed Employee Questionnaire and Employee Family Questionnaire if relevant.
- Curriculum vitae [CV]
- Last diploma received [PhD/Masters/Baccalaureate] and transcripts
- Certified English translation of diploma and transcripts
- Academic credential evaluation, for non-US degree(s) [see below]
- Citations list the summary of article/journal/publication where your work has been cited
- Evidence of prior work experience [if required for position] in the form of employment letters
- Statement of research demonstrating your work in the field [written in simple English using layman's technology]
- Current passport biographical data page
- Current passport page showing passport expiration date
- Current US non-immigrant visa [if physically present in U.S.]
- Current I-94 card [front and back]
- All Forms I-797 [USCIS approval of previous applications or petitions relating to your status in the U.S.]

If Applicable Documents

- Copy of I-612 approval notice showing §212(e) waiver
- Copy of all IAP-66 and DS-2019 documents
- Copy of all I-20 documents
- Copy of EAD [Optional Practical Training - OPT] card

Employee Questionnaire

Name [Last, First Middle] :

Home Address :

Telephone Number :

E-mail Address :

All Other Names Used :

Date of Birth :

Country of Birth :

Country of Citizenship :

City / Province of Birth :

Social Security Number :

'A' Number [if any] :

Passport Number :

Passport Issued Date :

Passport Expiration Date :

Last Arrival Date in U.S. [mm/dd/yyyy] :

Current Visa Status :

Foreign Address :

Are you currently in Removal Proceedings? :
[exclusion or deportation proceedings]

Current

Previous

Full Name of Employer :

Address of Employer :

Full Name of Supervisor | Chair :

Telephone of Supervisor | Chair :

Exact Date of Employment :

Employee Signature

Employee Printed Name

Date

Guidelines for Testimonial Letter in Support of National Interest Waiver Filing On Behalf of Applicant [“Dr. Sample”].

To be signed by outside colleagues / Pls /Chairs or experts in field on their business letterhead.
If you wish, you may have Immigration Services staff review the draft before it’s signed by the expert.

[Date]

Department of Homeland Security
United States Citizenship & Immigration Service
Texas Service Center
Mesquite, TX

Re: [Dr. Sample’s Name Here] – EB-2 [National Interest Waiver Category]

Dear Sir/Madam :

1. Brief introductory statement: Should introduce importance of need for permanent residence status for Dr. Sample.
2. Please introduce yourself: Who you are and your qualifications to write this testimonial letter.
Please attach a current C.V. or biography to this letter.
Feel free to briefly discuss your own related research here to further establish your expertise and qualifications to write a peer letter.
3. Discussion of Dr. Sample: your specific knowledge of Dr. Sample’s achievements within the field or significant collaborations.

a. Show how Dr. Sample is International Recognized As Outstanding in his/her field

NOTE : Foreign Nationals considered for the National Interest Category must be playing a significant role in an area of national importance to the USA. To qualify as a member of this group, the immigration rules require that the foreign national be recognized as both working in an area of significance to the U.S. AND that making a significant contribution or playing a significant role in the area.

b. Specify ongoing significant contribution(s) of Dr. Sample and what would happen if he/she is not able to enter or remain in the United States and continue working in the particular area of significance.

NOTE : Details are important! But keep in mind that you are presenting this information to the lay-person so, where possible, provide a layman explanation of the significant contributions especially if the foreign national works in the sciences, technology, engineering or mathematics.

- c. Describe Dr. Sample’s role in specific projects. The description should be as detailed as possible, but with an eye to the fact that the reader is not familiar with the field in general, much less the specific area of the field research. Again, significant contribution to an area of national interest should guide your analysis.
- d. Render, where possible, an opinion of Dr. Sample’s contributions in the field. If a foundation for offering the opinion has not been mentioned above, please state the basis upon which the opinion is rendered.
- e. Mention specifically, only if applicable, the following achievements :
 - Dr. Sample’s receipt of major national or international prizes, grants or awards for achievement in field of expertise;
 - Dr. Sample’s attainment of national or international recognition for contributions in the field (evidenced by critical reviews or other published media materials by or about the individual in major newspapers, trade journals, magazines, television or other publications;
 - Dr. Sample’s experience as a reviewer of others’ work in the field through participation on a panel, selection committee, or mentor/educator;
 - Dr. Sample’s authorship of scholarly articles, chapters or books; presentations and meetings/conferences; and the originality/importance of his publications to his field of specialization;
4. Conclusion - sum up importance of Dr. Sample’s work in a couple of sentences and once again ask the USCIS to grant approval of permanent residence status so that Dr. Sample can continue to make significant contribution to the field of expertise through work in the United States.

Sincerely yours / Yours truly / I remain :
[Name]
[Title(s)]

Employee Family Checklist and Questionnaire

Spouse Full Name [Last, First Middle] :

Date of Birth :

Country of Birth :

Country of Citizenship :

Child Full Name [Last, First Middle] :

Date of Birth :

Country of Birth :

Country of Citizenship :

Child Full Name [Last, First Middle] :

Date of Birth :

Country of Birth :

Country of Citizenship :

Child Full Name [Last, First Middle] :

Date of Birth :

Country of Birth :

Country of Citizenship :

Child Full Name [Last, First Middle] :

Date of Birth :

Country of Birth :

Country of Citizenship :

Family Member Signature

Family Member Printed Name

Date