

HR IMMIGRATION PROCESS

*Several steps are required before the position is posted and candidates are interviewed. Please reach out for more details as soon as you determine whether you would sponsor an international candidate.

Search begins for faculty position

Must include at least 1 print advertisement OR an electronic advertisement in a national professional journal posted for at least 30 days in order to be able to petition for permanent residency in the future. Proof of this will be required.

Selected candidate must meet ALL requirements of the job posting when applying (we recommend posting ABD considered for this reason).

Degree must be in a related field.

International/ Foreign National Accepts Offer

Department forwards offer letter, CV and initiation form to HR and notifies them of international hire. HR begins H-1B process to employ temporary international worker. Department is responsible for filing fees.

H-1B valid for up to 3 years at a time – may be renewed up to 6 years maximum across all positions in the US.

HR will process H-1B extensions when necessary. Department is responsible for filing fees.

If the position is tenure track faculty, HR will start the process for permanent residency as applicable. Per SUNY policy, PR is only available for tenure track faculty.

Standard Permanent Residency process handled within HR

(EB2 – Workers with Advanced Degree) must be filed 18 months of original offer letter initiated by department (Special Handling). Means HR must start the permanent residency process as soon as employee is on payroll. This requires a Statement of Recruitment Efforts.

Permanent Residency cases requiring expertise of immigration attorney

PR filing for all EB-1 (Outstanding Professor/Researcher)

All Professional employees

Cases where the PR process begins more than 18 months after original offer letter

Any extraordinary case

Human Resources files.

Department is responsible for all filing fees, with the exception of the I485 Adjustment of Status fee or any fees associated with dependents

Employee pays final filing fee for I485 Adjustment of Status and any fees associated with dependents.

Permanent Residency can take up to 12 years to be issued. HR will continue to process H1B extensions to keep valid work authorization for the employee. Fees for this will remain the departments responsibility.

Case sent to Harris Beach PLLC (SUNY contracted attorney)

Dept. pays filing fees and legal fees incurred with the exception of the final filing fee for I485 Adjustment of Status which is always paid by the employee.

Employee pays expenses for all dependent documents including filing and legal fees.