

## ESSENTIAL FEATURES OF EMPLOYMENT-BASED PERMANENT RESIDENCE OPTIONS

Quick Reference	Options for employment-based permanent residence		
	Type of Individual	Job offer Requirement	Labor Certification Requirement (via PERM*)
EB-1 Extraordinary Ability	Individual who is one of the small percentage who have risen to the very top of the field of endeavor, as shown by sustained national or international acclaim and recognized achievements	None: individual can self-petition. Alien must prove, however that he or she will continue to work in the area of expertise.	None
EB-1 Outstanding Professor or Researcher	Professor or researcher who is recognized internationally as outstanding in the academic field, and who has at least 3 years of teaching or research experience in the field	Must have offer of a tenured or tenure-track position at WSU or permanent research position	None
EB-2 Advanced degree holder	An individual holding a degree above a bachelor's degree, which is required for the job offered	Must have offer of a permanent full-time position which requires an advanced degree or equivalent	Labor certification required; special handling procedures available to university teachers
	With National Interest Waiver.... <b>No job offer</b> or labor certification is required if it is established that an exemption to those requirements would be in the national interest.		
EB-2 Exceptional Ability in the Science, Arts, or Business	An individual with at least 10 years of experience in the field with expertise significantly above that ordinarily encountered in the sciences, arts, or business	Must have offer of a permanent full-time position	Labor certification required
	With National interest waiver.... <b>No job offer</b> or labor certification is required if it is established that an exemption to those requirements would be in the national interest		

**For more information, please contact an OISS scholar advisor at (313) 577-3422.**

The WSU General Counsel has appointed the Office of International Students and Scholars (OISS) to be the only WSU office to file any (WSU) employment-related applications/petitions with U.S. Immigration or any other U.S. government agencies. Thus, **hiring an outside attorney by an employee or a department is not permitted.** Please contact an OISS scholar advisor to begin the permanent residency process for your foreign national employee as early as possible.

\* **PERM** (the Program Electronic Review Management system) is a new way of filing a permanent labor certification application with the Department of Labor (DOL) to sponsor permanent residency (PR) for foreign national employees. Filing a labor certification is the first step of the three-step PR process.

By filing a labor certification, the employer is asking for a finding by DOL that there are no qualified, willing, able, and available U.S. workers to do the job that the employer is offering to a foreign national and that the

employment of an alien will not adversely affect the wages and working conditions of similarly employed U.S. workers.

All labor certifications filed with DOL on or after March 28, 2005 must be filed (by the employer) meeting the PERM recruitment requirements. PERM has two tracks: Faculty Special Handling option for university teachers; and standard option for non-teaching faculty and professionals.

Filing a PERM application is a very complicated and complex process, thus please consult with OISS for each individual case as rules and regulations change often. In addition, individual efforts by an employee or department might not meet the PERM requirement. Then, all previous recruiting efforts have been wasted and might not be used for the filing under PERM. Thus, please consult with an OISS scholar advisor in advance.