



Date: 4 January 2007  
To: Personnel Representatives  
From: Deborah Ahlstedt  
Re: International Faculty and Staff Update, January 2007

### Permanent Residence

We have had to modify our policy on filing for permanent residence (PR) once again. The current policy is attached to this email. In June 2006, U.S. Citizenship and Immigration Services (USCIS) issued a memo which we expected would enable us to resume filing under the Outstanding Professor/Researcher (OPR) category. However, a case we filed this fall has recently been denied because the Lincoln, Nebraska, Service Center continues to consider our annually renewable academic staff positions to be temporary, not permanent, for purposes of filing under this category.

When a department wishes to file for PR on behalf of a Researcher or Scientist, the department administrator and the individual should attend one of my PR workshops. Based on the information presented, the department should make a preliminary decision about whether the employee qualifies for the "Aliens of Extraordinary Ability" category. If so, this is the type of application that should be prepared. If the employee does not appear to qualify, but might for OPR, the department should consult with me regarding the advisability of filing under the OPR category vs. encouraging the employee to pursue PR on his or her own under the National Interest Waiver. Please note that the university cannot pay any attorney fees that might be incurred by the employee, as detailed in the policy document. Complete information about the PR process is on the IFSS web page: <http://www.ohr.wisc.edu/ifss/PR/index.htm>.

### H-1B Temporary Workers

The U.S. Department of Labor has issued a recent decision indicating that until an employer notifies USCIS that an H-1B worker's employment has been terminated, the employer can be held responsible for the employee's wages. Therefore, it is essential that departments notify IFSS whenever an H-1B employee's employment is terminated prior to the expiration date of the approved H-1B petition on or before the termination date, so that we can notify USCIS. When a department initiates the termination, for whatever reason, the department must pay the cost of the employee's return transportation.

If you have any questions, please contact me at [dahlstedt@ohr.wisc.edu](mailto:dahlstedt@ohr.wisc.edu).