"Permanent residence" is a status granted by the U.S. government to citizens of other countries. It allows an individual to remain permanently in the U.S. The process is also known as obtaining a "green card" or "immigrant status." Permanent residence is not the same as U.S. citizenship, although permanent residents may become eligible to become "naturalized" U.S. citizens after a certain number of years as a permanent resident.

The most common ways to obtain U.S. permanent resident status are through:

1. **Family based petitions**: A U.S. citizen or permanent resident must petition for the individual, documenting an immediate family relationship limited to spouse, child, parent, sister or brother.
2. **Refugee or asylee status**: An individual must document fear of persecution based on membership in a certain class.
3. **Certain special situations**: Investors who invest $500,000 - 1,000,000 in the U.S., the Religious Worker Program, the diversity visa lottery, etc. are Congressional determinations that certain classes of individuals should be granted U.S. permanent residence. Some are on-going programs; others are available one time only.
4. **Employment-based petitions**: A U.S. employer must document the need for a person's occupational skills, or the individual must prove international recognition in his or her field.

The Department of Homeland Security (DHS) is the primary federal agency responsible for administering immigration law. The U.S. Departments of State (DOS) and Labor (DOL) also play a role in many aspects of immigration processing. Each agency's regulations are extremely complicated and have undergone frequent revisions. An individual who wishes to apply for permanent residence should obtain the most current regulations and procedures before starting any immigration processing.

**APPLICATION PROCEDURES FOR PERMANENT RESIDENCE**

An application for permanent residence involves filing numerous forms and extensive documentation in several steps. The individual must demonstrate eligibility under one of the
permanent residence categories by filing the appropriate form(s) and supporting documents. The government assigns a "priority date," corresponding to the date of receipt of the first packet of required DOL or U.S. Citizenship and Immigration Services (USCIS) forms.

The priority date determines when USCIS (r DOS in the case of a person residing outside the U.S.) will accept and/or process the final packet of an individual's permanent residence application under a visa quota system established by Congress. Each month, the DOS issues a bulletin listing priority dates of applications currently being processed in each permanent resident visa category, which can be found at: http://travel.state.gov/visa/frvi/bulletin/bulletin_1360.html. Visa availability is based on the individual's country of birth, not current citizenship or residence. Each country has an annual limit of 20,000 visas available to its nationals. Applicants born in certain countries may face long waits due to the large number of petitions from that country.

Applications Based on UW-Madison Employment
When an application for permanent residence is based on UW-Madison employment, the department, the beneficiary and IFSS work together on filing the Labor Certification (if required) to the DOL and the I-140 petition for permanent residence to USCIS. Wisconsin state law prohibits the use of outside attorneys for this part of the process.

After the approval of the I-140 petition, the individual faculty or staff member must apply either for adjustment of status to permanent resident with the USCIS or for an immigrant visa at a U.S. consulate abroad. An Adjustment of Status application can be submitted concurrently with the University’s I-140, provided visa numbers are available, but consular processing can only be initiated after the I-140 has been approved. The Adjustment of Status part of the permanent residence process is now the faculty/staff member's responsibility. IFSS only provides basic information on this stage of the process (see additional information below). In most instances, the individual will not need the assistance of an attorney to complete these forms. However, since this step of the process is the employee’s, not the University’s, there is no prohibition against engaging an attorney, provided the attorney is hired to represent the individual, not the University.

• ADJUSTMENT OF STATUS

Individuals who are present in the U.S. may apply to their local USCIS office or the appropriate USCIS Service Center for Adjustment of Status to permanent residence. Those who reside outside the U.S. must apply for an immigrant visa at the nearest U.S. consulate, which will permit them to enter the U.S. as an immigrant.

Forms for applying for Adjustment of Status (the I-485 packet) can be obtained from USCIS, from the USCIS forms center by calling 1-800-870-3676, or from the web at: http://uscis.gov/graphics/index.htm. In addition to the USCIS forms, the individual and any dependent family members will need birth, marriage and divorce certificates, as applicable, as well as certain vaccinations (see vaccination section below). All documents should be submitted
to USCIS with the appropriate fee. The I-485 can be filed concurrently with UW-Madison’s I-140, if visa numbers are available, or later with a copy of the I-140 receipt notice, or after approval of the I-140.

NOTE: While the Adjustment of Status packet (form I-485 and supporting documents) is pending with USCIS, the applicant has the option of maintaining H-1B status and traveling with the H-1B visa, or obtaining an Employment Authorization Document (EAD) and Advance Parole for work authorization and travel. IFSS should be consulted regarding the pros and cons of each option. If the employee is in another non immigrant status (F-1, J-1, TN, O-1), he must have his EAD for work authorization and Advance Parole for traveling. He cannot maintain a non immigrant status while the Adjustment of Status application is pending. Full information on adjustment of status can be found on the IFSS web site at: http://www.ohr.wisc.edu/ifss/PR/index.htm.

Once USCIS has reviewed the I-485 application, they will either request additional information or notify the applicant by mail that the petition has been approved. Once approved, the Permanent Resident card (form I-551 or “green card”) will be mailed within a few weeks. If travel outside the US is necessary before the card arrives, the beneficiary can apply for an I-551 stamp at Milwaukee. The I-551 stamp permits the individual to leave and re-enter the U.S. prior to receiving the Permanent Resident card and is proof of employment eligibility.

Once granted permanent residence, the foreign scholar should provide a copy of the green card to the department and IFSS as proof to the University of having obtained that status. The department should ensure that the I-9 and W-4 forms for the employee are changed to reflect the new status.

• VACCINATIONS

The Immigration Act of 1996 requires that all applicants for immigrant visas outside the United States and those filing the Adjustment of Status within the U.S. present documentation of having received vaccination against vaccine-preventable diseases. The specific vaccination criteria for any person who seeks permanent residence are as follows:

1. The vaccine must be an age-appropriate vaccine as recommended by the Advisory Committee on Immunization Practices for the general U.S. population, AND
2. At least one of the following:
   a. The vaccine must protect against a disease that has the potential to cause an outbreak or
   b. The vaccine must protect against a disease that has been eliminated in the U.S. or is in the process of elimination in the U.S.

Currently, the following age-appropriate vaccinations are required:
• Diptheria
• Tetanus
• Pertussis
• Polio
• Measles
• Mumps
• Rubella
• Rotavirus
• Haemophilus influenza type b
• Hepatitis A
• Hepatitis B
• Meningococcal
• Varicella
• Pneumococcal
• Influenza

For complete information on the required vaccinations and tuberculosis tests, see: http://www.cdc.gov/ncidod/dq/laws_regs/fed_reg/vaccine/revised-vaccination-immigration.htm.

Some of these vaccinations may not be widely available in many countries and may require a series of vaccinations over a period of time. All individuals who are applying for permanent residence (either adjustment of status or consular processing) through the sponsorship of the University of Wisconsin-Madison should check into the status of their vaccinations. Should additional vaccinations be needed, it would be wise to obtain them as soon as possible so as to avoid delays in processing the adjustment of status application.

Vaccinations may be administered by any physician. However, the medical exam to be completed on form I-693 must be completed by a USCIS approved medical examiner. You can locate the nearest examiner by calling 1-800-375-5283 and putting in your zip code.

• J-1 TWO-YEAR HOME RESIDENCE REQUIREMENT

An individual who was previously on a J-1 or J-2 visa may be subject to a requirement to spend two years in the home country before becoming eligible for immigrant, H or L status. It is sometimes possible to obtain a waiver of the home residence requirement. The waiver request must be made by the individual. The University of Wisconsin-Madison will generally be unable to assist with waivers, aside from providing general information. However, in the case of Interested Government Agency waivers, International Faculty and Staff Services (IFSS) must coordinate the application.

• FOREIGN MEDICAL GRADUATES

Medical doctors who did not obtain their undergraduate medical degree from a U.S. medical school may not engage in patient care in the U.S. without meeting very stringent special requirements. However, foreign trained physicians may engage in teaching and/or research without having to meet these requirements.
USE OF IMMIGRATION ATTORNEYS
IFSS will assist UW-Madison employees in obtaining permanent residence in certain instances and for specific parts of the procedure that relate directly to the individual’s employment with the University (see handout entitled “University of Wisconsin-Madison Policies on Sponsoring for Permanent Residence”). In those instances where the legal interests of the University are not involved, individuals may engage private counsel. However, Wisconsin state law prohibits state agencies and their employees from hiring attorneys to represent the University’s interests. Therefore, non-University attorneys may not process a Labor Certification or I-140 for UW-Madison-sponsored permanent residence cases. They can, however, file under the “Aliens of Extraordinary Ability” and “National Interest Waiver” categories since these categories do not require a job offer and the individual may self-petition. Any questions regarding the acceptability of hiring an attorney to assist in the employment-based immigration process should be directed to IFSS.

This handout is designed to give very general information to UW-Madison departments and employees. IFSS has additional information available on the web at: http://www.ohr.wisc.edu/ifss/index.htm and conducts regular workshops on how to apply for permanent residence based on UW-Madison employment.

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