

Immigration FAQ's

What is USCIS?

- U.S. Citizenship and Immigration Services (USCIS), part of the U.S. Department of Homeland Security (DHS), is the government agency that oversees legal immigration to the United States. The primary responsibility of USCIS is approving green cards, naturalization, work permits, travel permits, and other "immigration benefits."

How long does it take for the H1B approval process?

- The general duration for standard processing for any H1b Visa application can vary from 1 to 6 months, sometimes longer. For those employers that do not want to wait such a long time for processing, they can choose premium processing. Premium, processing guarantees that the petition will be processed within 15 days of submission. If it does not get processed within that time, USCIS refunds the fees.

What is the cost for the H1B and who is responsible for paying the fees?

- The cost breakdown for an H1B petition is as follows: Legal services rendered - \$1,396.78; USCIS 1-129 Fee - \$460.00; Fraud Prevention Fee - \$500.00; Premium Processing (if applicable) - \$1410.00.
- The employer (hiring department) is responsible for covering all H1B related fees.

Who can file H1B Petition?

- You cannot file your own H1 visa petition. Only your prospective employer who has given you a job offer may file your H1B petition on your behalf. Clarkson University works with a lawyer who specializes in immigration to file all H1B petitions.

Does an H1B petition guarantee admission to the US?

- No. The USCIS' approval of your H1B petition does not automatically grant you admission to the US on H1B status. You will need to attend an interview at a US Consulate near you to get your visa stamp. The Consular Officer will verify your education background, work experience, details of your US employment, and other relevant information, and will issue your visa only when they find all the information you provide to be genuine as stated in your petition.

How long can one stay in USA on H1B Visa?

- The H1B visa duration is limited to 6 years. If required to come again on H1B, one has to stay outside the USA for at least one year before re-entering. You may be eligible for extension beyond 6 years if your green card process and your labor is pending.

Who is eligible for a Green Card?

- You may be eligible to apply for a Green Card (Permanent Resident Card) through your family, a job offer or employment, refugee or asylum status, or a number of other special provisions. In some cases, you may even be able to self-petition.

How do you become a legal permanent resident or Green Card holder?

- To become a legal permanent resident and obtain a Green Card, you must first be admitted as an immigrant. The most common methods for obtaining an immigrant visa are: 1: through family relationship with a U.S. citizen or legal permanent resident, or 2: through employment.

What are the Green Card Eligibility Categories?

- For information on the Green Card Eligibility Categories, you can visit the official website of the Department of Homeland Security at: <https://www.uscis.gov/greencard/eligibility-categories>.

What is the cost of applying for a Green Card and who is responsible for covering the cost?

- The cost of obtaining a Green Card varies depending on a number of factors. The cost is incurred by the individual who is applying for the Green Card. In some cases, depending on which Green Card process is pursued, the hiring department may be required to pay a portion of the legal fees.

How long does a permanent residency or Green Card process take?

- Processing times vary depending upon the preference category being pursued. Processes that do not require the Labor Certification may be completed faster.

What is the Labor Certification?

- The Labor Certification, also known as “PERM,” is a required step of some employment-based permanent residence categories. The purpose of it is to test the market to see if there is a qualified, available, and willing U.S. worker for the position being offered to the nonimmigrant pursuant to permanent residency. Certification of the PERM does not constitute authorization to stay and/or work in the U.S.

What is “Special Handling”?

- The PERM for college or university faculty can be processed through special handling if the following criteria additional to the standard PERM requirements are met:
 - The job opportunity was advertised in a national professional journal;
 - The employer conducted a competitive recruitment and selection process;
 - The PERM is filed within 18 months of the job offer date.

What is the I-140?

- The I-140, Immigrant Petition for Alien Worker, is either the first or second step of the employment-based permanent residency process. The purpose is normally to show that the job has been certified by the Department of Labor; the employer’s job offer still stands; the employer has the ability to pay the worker the required wage; and the worker meets the qualifying criteria. Approval of the I-140 does not constitute authorization to stay and/or work in the U.S.

What is the I-485?

- The I-485, Application to Adjust Status, is the final step of the permanent residency process. The purpose of this step is primarily to conduct an evaluation of the nonimmigrant’s background. Any of your qualifying dependents may be included in the permanent residence process during

this step. The filing of the I-485 step may take place when your “priority date” is “current.” Approval of the I-485 results in issuance of the Permanent Resident card.

** For additional information on immigration matters, a meeting can be set up with the Faculty Recruiter and Manager of Training, Caity McGregor (cmcgrego@clarkson.edu).