

HIRING INTERNATIONAL FACULTY AND STAFF

A Guide for Departments at Northwestern University

The International Office of Northwestern University

TABLE OF CONTENTS

Introduction	Page 3
J-1	
Category Definitions.....	Page 4
Initial Requests.....	Page 4
Two-Year Home Residency Requirement.....	Page 5
Waiver of Two-Year Home Residency Requirement.....	Page 5
24 Month Bar.....	Page 5
12 Month Bar.....	Page 6
J-2 Dependents.....	Page 6
H-1B	
Initial Requests.....	Page 7
Extensions and Change of Employer.....	Page 8
Change of Status.....	Page 8
TN	Page 9
E-3	Page 9, 10
STUDENT EMPLOYMENT	
F-1 Students on Optional Practical Training.....	Page 11
J-1 Students on Academic Training.....	Page 11
PERMANENT IMMIGRANT VISA, “GREEN CARD”	Page 12-25

INTRODUCTION

There are several options available to departments at NU interested in hiring faculty and staff who are not US citizens or legal permanent residents of the US. This information is intended to highlight the employment categories available and issues with each of them. For further information on the process for each of the categories, please contact the International Office.

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630 Dartmouth Place
Evanston, IL, 60208
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IO SCHOLAR STAFF

J-1 Research Scholars, Professors, Specialists and Short-term Scholars

McCormick and Feinberg: Sabreen Basith, s-basith@northwestern.edu

All other departments and affiliates: Tami Renner, t-renner@northwestern.edu

H1-B

Processing for McCormick and Feinberg: Sabreen Basith

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Policy and regulations: Ravi Shankar, r-shankar@northwestern.edu

Permanent Residency

All inquiries: Ravi Shankar

J-1

J-1 is a category available for hiring faculty and staff who do not have permanent immigration intent, or who are going to be at Northwestern for less than five years. In other words, the J-1 is a visa created with the purposes of cultural and educational exchange in mind. The purpose of the J-1 is not for employment or for eventual permanent immigration.

This category is suited for Researchers, Faculty and Visiting Scholars. Employment is limited to the specific employer and the employment specified on the Exchange Visitor's (EV)'s DS-2019. See the chart below for maximum time periods for each J-1 category:

Research Scholar/Professor	Five Years
Specialist	One Year
Short-term Scholar	Six Months

CATEGORY DEFINITIONS

Research Scholar: Primarily conducting research, observing, or consulting in connection with a research project.

Professor: Primarily teaching, lecturing, observing or consulting.

Specialist: Individual who is an expert in a field of specialized knowledge and seeks to travel to the U.S. for purpose of observing, consulting or demonstrating skill, and does not fill a permanent or long-term position of employment while in U.S.

Short-Term Scholars: Primary purpose of lecturing, observing, consulting, training or demonstrating special skills, coming to the U.S. for a short-term visit (six months or less).

INITIAL REQUESTS

Requests for new DS-2019's will take a maximum of two weeks to process after a completed application is submitted to the International Office. For all request forms and directions, please visit:

http://www.northwestern.edu/international/New%20Website/Website%20Sections/Faculty/nu_departments.htm

J-1 RESTRICTIONS

TWO-YEAR HOME RESIDENCY REQUIREMENT

Some EVs may be subject to the Two-Year Home Residency Requirement, also known as 212(e). This means that the EV must return to their home country for two years at the end of their J-1 program. Not all EVs are subject to this requirement. The requirement is based upon funding from their home country government or direct funding from the U.S. government, or if their home country has listed their skill on the Exchange Visitor's Skills List. ***Direct funding, or when an EV is listed on a government grant, may cause the EV to become subject to 212(e).** An EV may look at their DS-2019 or visa stamp in their passport to see if they are subject. Sometimes port official may not mark these documents for 212(e), so if there is any question, please contact the International Office. EVs may also apply for a waiver of 212(e) by submitting an application to the Department of State.

***Direct Funding:** "Financed in whole or part by the United States Government or the exchange visitor's government with funds contributed directly to the exchange visitor in connection with his or her participation in an exchange visitor program."

WAIVER OF TWO-YEAR HOME RESIDENCY REQUIREMENT

Exchange Visitors can apply for a waiver of the 212(e) depending on their individual situation. While the International Office can provide advice, the waiver process must be done by the Exchange Visitor. For more information regarding the waiver process, please visit: http://travel.state.gov/visa/temp/info/info_1296.html

24 MONTH BAR

In May 2005, The U.S. Department of State approved a rule that extends the maximum program participation from 3 years to 5 years for individuals/exchange visitors in the **J-1 research scholar/professor** categories. On November 18, 2006, technical computer updates were completed to the Student and Exchange Visitor Information System (SEVIS) by The Department of Homeland Security in order to implement the 5-year rule.

The New 24-Month Bar:

The U.S. Department of State has explained that the new 5-year rule imposes a 24-month (two-year) bar on "repeat participation" in the J-1 Research Scholar/Professor categories. This will be instituted if:

- the exchange visitor completes a full five years of program participation with one or more sponsors; or
- the exchange visitor completes a particular exchange visitor program before the full five-year period is over. The five-year period is a "continuous" period given to a participant on a "use or lose" basis.

In summary, any scholar that comes to the U.S. for any length of time in the Research Scholar or Professor category will not be able to come back to the U.S. in J-1 Research Scholar/Professor categories for a period of two years. The 24-month bar only applies to J visa holders who enter the U.S. in the Research Scholar/Professor categories.

24-Month Bar vs. the 2-year home residency requirement (212e):

The new 24-month bar should not be confused with the 2-year home residency requirement (212e). The 24-month bar only applies to J visa holders who enter the U.S. on the research scholar/professor categories. The 2-year home residency requirement (212e) may apply to anyone who enters the U.S. on a J visa, based on the three eligibility requirements.

12 MONTH BAR

The 12 Month Bar will apply **only** to those exchange visitors who entered the U.S. in J-1 status prior to the November 18, 2006 update to the SEVIS system.

The Exchange Visitor is not eligible to begin an exchange program as a professor or research scholar based on a DS-2019 issues to begin a new program if he or she was physically present in any J status (including J-2), for all or part of the twelve month period immediately preceding that date of program commencement. An Exchange Visitor can only be selected for a professor or researcher if:

1. The participant has not been physically present in the U.S. as a nonimmigrant for all or part of the 12 month period immediately preceding the date of program commencement unless:
 - a. The participant is transferring
 - b. The participant's presence in the U.S. was less than six months duration
 - c. The participant's was present on a Short-term scholar exchange activity

J-2 DEPENDENTS

J-2 Dependents are eligible to work once they have applied for and obtained an Employment Authorization Documents (EAD). For information on obtaining an EAD, please visit our website:

<http://www.northwestern.edu/international/New%20Website/Website%20Sections/Current/dependents.htm>

H-1B

H-1B is a category available for hiring faculty or staff who will perform work in a highly specialized skill area. In other words, the nature of the duties is so specialized and complex that knowledge required to perform the duties is usually associated with the attainment of a baccalaureate or higher degree.

This category is suited for tenure track faculty, visiting professors and researchers. Employment is limited to the specific employer and employment specified in the H-1B petition; the employer is responsible for filing the petition. There is a six-year* cumulative maximum for this category of visa. Employees who have spent six years in H-1B will not be able to obtain H-1B status, unless they have “resided and been physically present outside the United States” for at least 12 months prior to obtaining H-1B status.

***NOTE: Under certain circumstances, an extension beyond six years is possible. If an immigrant petition has been approved for Legal Permanent Residency and the “green card” application has been pending for more than 365 days, the H-1B can be extended beyond the sixth year.**

INITIAL

For initial H-1B's, the request must be submitted to the International Office six months before the beginning date. This is critical if the employee is not in the U.S. The normal USCIS processing time is between three to four months. H-1 applications cannot be submitted to the immigration service before six months of the start date. Of concern is the amount of time it takes for an individual to clear name and background checks conducted by the State Department and FBI. US visas cannot be issued unless these checks are completed. At this time, background checks are taking between one and six months to complete. In some instances, depending on the research interests of the candidate and country of citizenship, checks may take longer than six months. This applies to research and teaching in sensitive fields. The determination of this is at the discretion of the consular official at the U.S. Embassy or Consulate.

H-1B

EXTENSIONS AND CHANGE OF EMPLOYER

For extensions of existing H-1Bs, or if a prospective employee is currently in H-1B status with a different employer, and is transferring to NU, they must meet the provisions of the six year limit as discussed previously. Please submit all requests to the IO three to four months before the beginning date. Portability provisions allow an employee to start at NU based on a receipt notice of the filing, and not the actual notice of approval.

CHANGE OF STATUS

“Aliens” who are already present in the U.S. in another valid nonimmigrant status may be able to change status to H-1B. For example, an F-1 student on Optional Practical Training is eligible to change his or her status to H-1B. **However, it is important to point out that if the change of status is not adjudicated before the end of the current authorization, then the employee must stop working until the H-1B is approved. Travel outside the US is restricted as the application would then be considered abandoned.**

Categories eligible for COS: F, H, J (only if Exchange Visitor is not subject to “Two-Year rule”), L, B, and E.

TRANSPORTATION

If the H-1B beneficiary is terminated earlier than his or her current end date, the department is liable to provide all reasonable cost of transportation back to the H-1B’s last place of permanent residence.

For detailed information, please visit our web site at

http://www.northwestern.edu/international/New%20Website/Website%20Sections/Faculty/nu_departments.htm

TN

Canadian and Mexican professionals may enter the United States under the NAFTA agreement to engage in professional business activities on a temporary basis. This category allows for admission of individuals for the purpose of working for a U.S. employer as a professional engaged in one of the **designated occupations as specified under NAFTA**, and they must possess the educational credentials for the listed profession.

The TN category is temporary in nature and not intended for tenure track positions. TN status can be granted for one year at a time. This does not require labor certifications and is a relatively easy process for Canadians. For citizens of Mexico, the employer has to apply for the TN status to the US Citizenship and Immigration Services. Departments must take into account the processing times and visa issues as discussed in the H-1B section when hiring Mexican nationals.

Note: TN is only for one year and has to meet the occupation code. The occupation codes may be accessed at <http://www.sice.oas.org/trade/nafta/chap-162.asp#Ap1603.D.1>

For details, please visit our web site at

[http://www.northwestern.edu/international/New%20Website/Website%20Sections/Faculty/Attachments/TN%20Visa%20Instructions link.pdf](http://www.northwestern.edu/international/New%20Website/Website%20Sections/Faculty/Attachments/TN%20Visa%20Instructions_link.pdf)

E-3 Visa

The Department of State implemented a final rule concerning the E-3 visa category on September 2, 2005. This category applies only to nationals of Australia, their spouses, and their children. As with the H-1B, the nonimmigrant foreign national must be coming to the United States solely to perform services in a specialty occupation. To recap, a specialty occupation is one that requires theoretical and practical application of a body of knowledge in professional fields and at least the attainment of a bachelor's degree, or its equivalent, as a minimum for entry into the occupation. Consular officers abroad will apply the same criteria already developed by the Department of Homeland Security for the H-1B classification.

Numerical Limitation

The E-3 classification is numerically limited, with a maximum of 10,500 visas available annually. Spouses and children do not count against the limitation nor are they required to have Australian nationality.

Time Limit

Unlike the H-1B, there is no specified maximum duration for the E-3. In reading the final rule, it appears that a request may be made for an initial period of three years.

E-3 continued

E-3 Processing

No petition to the Department of Homeland Security is necessary unless the person is currently in the U.S. and applying for a change of status. Instead, employers will have to file a Labor Condition Application (LCA) with the Department of Labor (DOL). This, along with other evidence of a specialty occupation should be sufficient for an E-3 visa application.

As with the H-1B, all E-3 requests must be submitted to the International Office for processing. The IO will file the LCA with DOL for certification. The certified original will be sent to sponsoring departments for shipment to the foreign national.

Positions that qualify for E-3

H-1B specialty occupation eligibility will be applicable to the E-3 classification as well. Positions must be temporary in order to qualify for the category-visiting researchers, visiting professors, postdoctoral fellows and other occupations that satisfy “specialty occupation” definition will be eligible.

Extensions and Change of Status

Department of Homeland Security (DHS) has just published companion regulations to deal with extensions of E-3s or change of status requests for Australian nationals currently in the US in another visa category. The application process is similar to an H-1B

Employment for Spouses

Spouses of the principle E-3 nonimmigrant will be permitted to engage in employment in the United States. The spouse of a qualified E-3 may, upon admission to the US, apply for an employment authorization document from the United States Citizenship and Immigration Services. Such employment may be in a position other than a specialty occupation.

STUDENT EMPLOYMENT CATEGORY

There are two main student categories that permit employment after completion of a program of study-F-1 and J-1.

F-1

The F-1 student status permits 12 months of post-completion practical training called Optional Practical Training (OPT). Students are permitted to be employed for the period in their **field of study**. Eligibility is determined by an Employment Authorization Card (EAD) approved by the United States Citizenship and Immigration Service (USCIS). This document looks similar to a driver's license and must be presented before employment can begin. If a student has applied for an EAD and has not received the document, it is illegal for the student to either volunteer or begin employment. Please consult with the IO if you have any further questions or concerns.

Although they are employment eligible, students are still considered in F-1 status and must abide the regulations that govern their stay.

There are no insurance requirements under the F-1 program. However, departments must comply with NU's policy on benefits for employees and dependents.

J-1

The J-1 is an exchange student category and permits employment for up to 36 months after completion of a program of study. In general J-1 students may engage in 18 months of academic training; in case of a postdoctoral appointment, this may be extended to 36 months of training. Unlike the F-1 OPT, J-1 Academic Training eligibility is determined by a letter of employment authorization by a Responsible Officer or an Alternate Responsible Officer of the student's current institution. This letter must be presented before employment can begin.

Under this program, J-1 principle and J-2 dependents must carry health insurance as stipulated by Department of State regulations and Northwestern University. There cannot be any gaps in insurance.

PERMANENT IMMIGRANT VISA: “GREEN CARD”

5/30/2006

Sponsoring foreign national university employees for legal permanent residence

1. Tenured and tenure-eligible teaching faculty

The university will sponsor tenured and tenure-eligible teaching faculty for permanent residence in the United States at the request of the appropriate department, when that request is endorsed by the School dean. All advertisement and recruitment costs must be paid by the sponsoring department; attorney costs can be paid by the employee or the department (subject to university limits) or a combination of the two.

2. Research staff and non-tenure eligible faculty

The university will sponsor highly qualified non-tenure-eligible faculty and research staff for permanent residence upon the recommendation of his/her department or center director when the request has been endorsed by the School Dean and Provost or the Vice President for Research, respectively. Such a recommendation should be predicated on the following evidence:

- a. The individual should have been employed at Northwestern for at least two years, preferably in the same position;
- b. There is a high likelihood of continued funding for the position for at least three additional years.

3. Non-research staff

In extraordinary circumstances, the University may choose to sponsor for permanent residence a staff member whose position is not within the domain of the Vice President for Research. Such requests must be submitted to the Dean of the School or Vice-president in which the employee's office is situated and will be granted when it is clear that the staff member's contributions to the functioning of the University would be difficult, if not impossible, to be filled by anyone else.

4. The university will not sponsor post-doctoral employees for permanent residence.

All university-sponsored employees who seek permanent residence in the United States **must** use a university-approved attorney; a list is available from the International Office. The applicant's department must follow the procedures and check-list prepared by the International Office for this purpose, including maintaining the appropriate recruitment and advertisement records for the required five years.

LABOR CERTIFICATION FOR IMMIGRANT VISA PROCESSING

PERM (Program Electronic Review Management)

The Department of Labor implemented new labor certification regulations (effective March 28, 2005) called PERM for the permanent resident application (green card) process. With the introduction of PERM, the old labor certification process no longer exists.

The new system works very similar to the current Labor Condition Application (LCA) for H-1B's, in that it is an attestation that is completed on-line. What this means is that employers no longer have to file supporting documents as part of the labor certification application. Instead, the employer attests that it will comply with the provisions set forth in the regulations. There is an intricate system that triggers audits initiated by the Department of Labor (DOL).

Regulations will require that departments to keep all recruitment and response records for five years from the date of completion of the search in the event of an audit. Employers will have to register with DOL and file a labor certification once all the advertising and recruiting provisions contained in the regulations have been completed. According to DOL, processing times is between 45 to 60 days from the date of filing.

Note: Employer registration with DOL will be the sole responsibility of the International Office.

Immigrant Visa (Green Card): Process & Procedure

For sponsorship of an immigrant visa (Green Card), departments assume the role of a sponsor and all the responsibilities associated with the sponsorship: including all the recruiting costs, recruitment and record keeping required under the regulations. As sponsors, departments are required to document that there is reasonable expectation of continued employment as set forth in the university policy.

In cases where a position does not meet the requirements of continued employment, as stated above, and other factors as set forth in the policy, departments may not enter into an immigrant sponsorship agreement. In addition, it should be noted that staff, and other non-teaching positions will have to undergo a wage review by the Illinois Department of Employment Security to determine that the rate of pay is equivalent to the standards for the same position across industry. If the wage determination is higher than the actual rate of pay, **departments must meet 100% of the determined wage.**

Funding source(s) that are limited and non-renewable should be weighed as a negative factor in considering immigrant sponsorship. Positive factors include having multiple sources that are renewable and overlapping; an established track record of securing on-going funding; the availability of bridge funds to compensate for temporary funding shortfalls. In addition, sponsorship must follow established university policy and PERM guidelines as established by the Department of Labor. Departments that have sponsored an immigrant visa will be reviewed on a periodic basis to ensure compliance with recruitment and record keeping requirement under PERM

Employees and departments **must work through a designated list of immigration attorneys**, and consult with the International Office on issues related to sponsorship.

Positions That Qualify For Sponsorship By NU:

1. All tenure and tenure-track faculty & clinical faculty (Feinberg)
2. Research Assistant Professor
3. Research Associate Professor
4. Research Associate
5. Staff and other non-tenure teaching faculty positions must be approved by appropriate Dean or Vice President and the Provost's Office as per university policy

Standard Labor Certification Procedures for staff, non-tenure eligible faculty, and research positions:

In order for a labor certification to be filed under PERM, the following steps have to be taken for the above mentioned categories:

Departments must:

1. Complete the PR Form for Non-teaching and Research positions and submit it to the IO after obtaining all required signatures
2. For staff positions (non-research), job description must be approved by HR for correct format, content consistent similar positions, etc before moving on to Step 3
3. Once the job description is approved, departments must notify IO
4. IO will then contact the attorney of record, to move forward with the placement of a job order with the Illinois Department of Employment Security and the filing of a Prevailing Wage for the position
5. Departments must meet 100% of prevailing wage as determined the Illinois Department of Employment Security
6. Departments will work with the IO and the attorney of record to place advertisements as required by PERM (please see guidelines below)
7. Pay all costs associated with advertising the position
8. All resume reviews must be recorded on the Resume Review Spreadsheet (please see Resume Review guidelines listed on pages 4&5)
9. Once recruitment period ends, a Recruitment Report must be submitted to the IO and the Office of the General Counsel
10. Departments must maintain recruitment records for five years after the filing of the labor certification (see page 8)

Summary Guidelines for Standard Labor Certification:

Steps	Requirement
Prevailing Wage Determination	Yes
Internal Notice	Yes
Prohibition on unduly restrictive requirements	Yes
SWA/IDES Job Order	Yes
Print Advertisements	2 Sunday Newspapers ads or 1 Sunday paper +1 professional journal
3 additional recruitment steps	Required (please refer to the PR Form for staff, non-tenure and research positions)
Recruitment report	Standard report required
Deadlines	Recruitment steps must occur between 30-60 days+ 30 day cooling period before filing
Applicant (please see Resume Review)	Must be minimally qualified

Department Information for Reviewing Resumes for Standard Labor PERM Application

As per the Department of Labor rules, the labor certification process in PERM requires that the department establishes that there are no qualified U.S. workers available for the position. **The process is not to determine who is the best qualified applicant, rather if the applicant meets the minimum requirements.** The department must consider all individuals who are U.S. citizens, permanent residents and those that are otherwise authorized to work. Only those that do not meet the minimum qualifications can be disqualified from the applicant pool. Since the rules provide for an audit triggered by a PERM application, departments have to demonstrate due diligence in the recruitment process.

Departments must follow the guidelines below in the review process:

1. Prepare a checklist of the actual minimum qualification required for the position. Employers can only disqualify based on the minimum requirements. A spreadsheet for each specific position must be created.
 2. Notify former employees who were laid off within the last six months in the same similar occupation. Regulations require employers to consider applications from these individuals who were laid off in the past six months prior to the filing of the PERM applications. [If such a condition does exist, HR must review and give clearance before a department can proceed with the process.](#)
- As stated in #1, departments must review all resumes and only reject those that do not meet the minimum qualifications. An applicant can be rejected only if one of the following is true:
 - Applicant does not possess the education requirement as stated in the job description and labor certification
 - Applicant does not have the experience as stated in the labor certification
 - Applicant does not have the special requirements as stated in the labor certification

For each applicant, a PERM Resume Review Spreadsheet must be completed. If the department cannot reject an applicant based on the resume review alone, the following steps must be taken:

- Initiate contact with the applicant to establish eligibility for the position. The department must take steps to affirm the qualifications by any established procedure within the department/school. You must give the applicant reasonable time to respond to your query. If the applicant fails to respond, you may reject him/her based on lack of interest. Based on your contact with the applicant, he/she may be rejected for the following reasons:
 - Upon further discussion; it is clear that the individual lacks the education
 - Lacks the experience required
 - Lacks any special skills or tools as required in the labor certification
 - It is clear that the applicant will not accept the salary stated in the labor certification. Regulations require employers to disclose the wages as stated in the labor certification
 - Upon further discussion it is clear that the applicant is not prepared to relocate. Regulations require employers to clearly state the location of the job.
- If an applicant cannot be rejected by the interview process alone, you must take all necessary steps to contact references to get recommendation. If references as to the credentials of the applicant do not check out, he/she can be rejected. Also, if the recommendations are not favorable, it is proper to reject an applicant.

- All attempts to contact applicants must be documented

If the department cannot reject a candidate under any of the process described above, then the department must offer the position to him/her or terminate the labor certification process.

(adapted with permission from the law firm of Sidley Austin LLP)

Special Handling for Faculty

For tenure eligible faculty positions, the process is relatively simple. Regulations still require the university to file the Labor Certification on-line under a provision called Special Handling. The filing of the labor certification must be done **within 18 months of the date of offer**. It also introduces the notion of best qualified rather than the minimally qualified. Posting the position on the Illinois Skills Match is not part of this process, thereby reducing the process time; however, departments must show documentation of competitive recruitment as per the guidelines.

In pursuing a PERM labor certification for tenure-track faculty, the following steps must be taken:

1. Submit PR Form for Tenure eligible Faculty to the IO with all the required signatures
2. Upon review of the request, IO will then contact the attorney of record to move forward with the LPR process
3. Sponsoring departments must submit and retain a Competitive Recruitment as listed in the guidelines below to the IO and Office The General Counsel The report must include all the information outlined in the Recruitment Report (see page 8)
4. All records of the hiring process must be kept for five (5) years after the filing of the labor certification

SUMMARY GUIDELINES FOR FILING SPECIAL HANDLING LABOR CERTIFICATION UNDER PERM FOR TENURE-TRACK FACULTY

Requirement	Special Handling
Prevailing Wage Determination	Required
Internal Notice (10 day posting notice)	Required
Prohibition on unduly restrictive Requirements	Prohibited
SWA job Order	Not required
Print Advertisements*	1 Professional journal advertisement
3 additional recruitment	Not required, but must document any other recruitment sources used e.g. Chronicle of Higher Education, Placement Sources, etc
Recruitment report**	Special report on competitive recruitment required
Deadlines***	Selection can be no more than 18 months prior to filing
Criteria for selection****	Best qualified

*Advertisement:

1. Advertisement in one professional journal is required
2. In principle and practice, it is beneficial to document additional sources of recruitment: e.g. college placement offices, The Chronicle of Higher Education, and any other competitive source

3.

****Recruitment Report:**

A signed Competitive Recruitment Report required at the time of the filing of the labor certification (copies of all advertisements must be attached)

Report data should contain the following:

- Name of professional journal (s) where position was announced
- Listing of additional recruitment sources
- Number of applicants
- % of foreign nationals vs American workers
- After review, number and name of applicants invited on campus besides the chosen applicant
- Why the applicant was chosen
- Date the position was offered; acceptance date and the actual start date of the position
- A paragraph or two of the person's qualification, education background, achievements, research history, publications and reviews

*****Deadline:**

The labor certification must be filed within 18 months of the date of offer.

******Best Qualified:**

The employer has to demonstrate that the foreign national was the best qualified as discussed in the recruitment report. The report must also state the job related reasons as to why the foreign national is more qualified than each US worker who applied for the job.

Record Keeping Requirements

The following documents must be kept by sponsoring departments for a period of five years and must be produced in the event of a DOL audit:

- Copies of all resumes and applications received for a position
- Completed Resume Review Spreadsheet (must be requested from the International Office)
- Recruitment Report
- Copies of all advertisements
- Copy of Prevailing Wage (for standard labor certification)

PERMANENT RESIDENCE FORM FOR TENURE ELIGIBLE FACULTY

(Labor Certification Application Under Special Handling Provision)

In order for the IO to approve and sign documents related to the permanent resident application on behalf of a nonimmigrant employee in your department, please complete this form with all the required signatures, and return it to Ravi Shankar, Director, International Office. Please read the policy memo for eligibility criteria for sponsorship. Also, please note that employees should not sign any contracts with university approved attorneys until this form is approved by the International Office.

To be completed by department

Name of person to be sponsored: _____

Department name: _____

Department Contact name: _____

Address: _____

Phone: _____ Fax: _____ E-mail: _____

Position Information

Position title: _____

Highest degree earned? _____ Field of Study: _____

Is a foreign educational equivalent acceptable? ___ Yes ___ No

Are the requirements normal for the occupation? ___ Yes ___ No
If the answer is No, the department must be prepared to provide documentation demonstrating that the job requirements are supported by business necessities

Is knowledge of a foreign language required to perform the job duties? ___ Yes ___ No
If you answer is Yes, the department must be prepared to provide documentation demonstrating that the job requirements are supported by business necessities

Recruitment Information

Date of offer: _____ (Labor Certification under Special Handling must be file within 18 months of the date of offer)

Number of years/months employee has been at NU? _____

Did you select the candidate using a competitive recruitment and selection process?

___Yes ___No

Was the position advertised in a professional journal? ___Yes ___No

If yes, name of journal: _____ (please provide a copy of the tear sheet of the advertisement)

Was the job advertised using additional recruitment sources? ___Yes ___No

If Yes, please provide the following information:

Name of journal or source	Dates of advertisement
_____	_____
_____	_____
_____	_____

Has the department prepared a detailed Recruitment Summary Report? ___Yes ___No
Please include a copy of the report with this request

Has the department received payment of any kind from the applicant for the submission of the submission of the Special Handling Labor Certification? ___Yes ___No

Note: Pursuant to federal regulations, the applicant cannot perform tasks related to the recruitment process nor pay for any of the recruitment costs (including but not limited to advertising costs).

This is to confirm that the information provided is correct and that the department will support this petition for lawful permanent residence.

Department Chair: _____ Signature: _____

Date: _____

Dean: _____ Signature: _____

Date: _____

CUFS # (for IO processing fee of \$515): _____

Please keep object code 6780 open for a period of two weeks.

Approved by IO:

Director or Designee: _____ Date: _____

Name : _____

Attorney of Record: _____ Date: _____

PERMANENT RESIDENCE FORM FOR STAFF, NON-TENURE ELIGIBLE FACULTY AND RESEARCH POSITIONS

(Labor Certification Application)

In order for the IO to approve and sign documents related to the permanent resident application on behalf of a nonimmigrant employee in your department, please complete this form with all the required signatures, and return it to Ravi Shankar, Director, International Office. Please read the policy memo for eligibility criteria for sponsorship. Also, please note that employees should not sign any contracts with university approved attorneys until this form is approved by the International Office.

To be completed by department

Name of person to be sponsored: _____

Department name: _____

Department Contact name: _____

Address: _____

Phone: _____ Fax: _____ E-mail: _____

Position Information

Is this a full-time position? Yes No

Is this a permanent position? Yes No

How long has the employee been at NU? * _____ years _____ months

Is there funding available for three additional years for this position? Yes No

If so, what type of funding? _____

Degree required for the position: _____ Field of study _____

Is training required for the position? Yes No

If yes, number of years/months required: _____

Are the requirements for the job standard for the occupation Yes No

If you answered no, please provide documentation that the job requirements are supported business necessity

Is knowledge of a foreign language required to perform the job duties? Yes No

If you answered yes, please provide documentation that the language requirements are supported by business necessity.

How many years of experience are required in order to perform the job? _____

How many years of experience in a comparable position did the applicant have prior to obtaining their current position? _____

Did the employer pay for any of the employee's education or training necessary to satisfy the requirements of the position? Yes No

Is the applicant currently employed by the sponsoring department? Yes No

Non-technical description of job (please describe what the person will be doing, rather than the requirements of the position):

Recruitment Information

In addition to the two different Sunday newspaper ads of general circulation, or one Sunday advertisement and one professional journal, please check or circle at least three of the following advertising venues where you intend to post the position.

Job fairs	Private employment form
Employer's web site	Employee referral program
Job search web site	Campus placement offices
On-campus recruiting	Local or ethnic newspaper
Trade or professional organization	Radio and /or TV ads

Detailed recruitment report (including copies of all advertisements placed) must be kept by the sponsoring department and a copy must be submitted to the International Office.

Has the department received payment of any kind from the applicant for the submission of this application? Yes No

Note: Pursuant to federal regulations, the applicant cannot perform tasks related to the recruitment process nor pay for any of the recruitment costs (including but not limited to advertising costs).

Name of immediate supervisor: _____ Title: _____

Phone: _____ Fax: _____ E-mail _____

Signature _____

CUFS# (for IO processing fee of \$515): _____

Please keep object code 6780 open for a period of two weeks.

This is to confirm that the information provided is correct and that the department will support this petition for lawful permanent residence. The person being sponsored has been in the position at NU for two years* and that the department has funding for the applicant's position an additional three years.

Department Chair: _____ Signature: _____

Date: _____

Dean: _____ Signature: _____

Date: _____

Associate Provost: _____ Signature: _____
(For non- tenure eligible faculty)

V.P. for Research: _____ Signature: _____
(For Research positions only)

Date: _____

IO Approval: _____ Date: _____

Attorney of Record: _____ Date: _____

- If the employee has been here for less than two years, an appeal for an exception can be made to the VP for Research for research staff positions.

**LIST OF UNIVERSITY APPROVED ATTORNEYS FOR FILING LEGAL PERMANENT
RESIDENT PETITION**

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Outstanding Professor & Researcher category: I 140 cases)

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