

## Permanent Residency Applications for Teaching Positions

The US Government allows universities hiring international faculty to file an application for permanent residency using "Special Handling Labor Certification". This process requires special recruitment and documentation. It does allow a college or university employer to use the results of its own competitive recruitment procedure that resulted in the selection of the alien.

This process allows the Department of Labor to determine and certify that there are not sufficient workers who are able, willing, or equally qualified to do the work needed, and that the employment of international workers will not adversely affect the wages and working conditions of the of the workers in the US who are similarly employed.

A labor certification can be obtained if the university can demonstrate that the international hire is better qualified than any US citizen or permanent resident application for the position. The position must be advertised, to include a print ad in a national professional journal; prevailing wages and and working conditions must be offered; and qualified US workers must be given an opportunity to know about and apply for the position. The Labor Certification for a teaching faculty position must be filed no later than 18 months after the alien was selected, "pursuant to a competitive recruitment and selection process" or 18 months from the letter of offer.

Special Handling Labor Certification will involve 3 steps:

1. Application for labor certification for teaching faculty chosen as the best qualified available candidate after an academic search process and selected for permanent tenure track position. This step involves in this application are very specific and involves a prevailing wage determination, compliance with the internal notice requirement, a detailed recruitment report and minimal advertising requirements.
2. Upon completion of the labor certification, ISSS will file the I-140 Immigrant Petition for Alien Worker, for an immigrant visa to be made available to the international hire (the beneficiary).
3. Once the I-140 is approved by the USCIS, the international hire will file for a "green card" on the I-485 Application to Register Permanent Residence or to Adjust Status. This step can be done concurrently with step 2. The pros and cons of concurrent filing should be discussed with the ISSS advisor.

**To start this process, we ask that the Department and the international hire meet with an adviser in ISSS to go over the procedures involved with filing for permanent residency. A detailed list of requirements is provided once ISS determines that the international hire qualifies for this category.**

We caution scholars and departments that the scholar must have been awarded his or her degree (if it is a requirement for the position) before the University can file the I-140. The University often hires individuals who have completed all the requirements for their Ph.D. degree except for submission of their dissertation. The completion of the dissertation is sometimes shuffled to the back of the scholar's priorities during his or her first year of teaching or research. Time passes and the degree isn't awarded as promptly as everyone might have wished. While the department may allow the scholar some leeway in this regard, the US Citizenship and Immigration Services is not so open-minded. The time limit for filing for teaching positions is 18 months from the date of offer.