

## **Tenure-Track or Tenured Faculty PERM Special Recruitment Application Requirements for Permanent Residency Sponsorship**

- **BACKGROUND:** If a foreign national employee is offered a tenure-track or tenured faculty position at the University and we are filing a PERM Special Recruitment Application to obtain permanent residency (green card) on his/her behalf, then we are required to clearly document and show that we selected the foreign national employee for the job opportunity pursuant to a competitive recruitment and selection process, through which s/he was found to be more qualified than any of the United States workers who applied for the job.
- **JOB POSTINGS:** We want to keep educational minimum requirements in the job posting general enough to ensure the selected foreign national employee qualifies for the position. **If the job posting states that a specific Ph.D. field of study is required for the position** (for example: Ph.D. in Finance), **it is recommended that we add that a related field of study would also be acceptable** (for example: Ph.D. in Finance or a closely related business field). This ensures that we cover related Ph.D. degrees that we would also accept and is important if we hire an employee whose Ph.D. degree does not exactly match but would be considered related to the field specified. Secondly, **if we would accept a Ph.D. degree or ABD (all but dissertation), then this also needs to be stated clearly in the job posting** (for example: Ph.D. degree or ABD in Finance or a closely related business field).
- **FILING DEADLINE:** A faculty PERM Special Recruitment Application **MUST be filed within 18 months after a selection [date of offer letter] is made** pursuant to a competitive recruitment and selection process.
- **REQUIRED DOCUMENTATION:** The following is a list of all the documentation required to be placed in the audit file prior to filing a PERM Special Recruitment Application with the U.S. Department of Labor:
  1. **Copies of all recruitment ads placed for the position, such as the Chronicle of Higher Education, Diverse Issues, Hispanic Outlook, and any ads placed by the department in the area of specialization, i.e. professional journals.**
    - a. To meet the requirement to file a PERM Special Recruitment Application we **must have placed a PRINT AD in a national professional journal.**
    - b. **The ad copies need to show the name and date of publication to prove that the ads were placed (therefore we need a copy of the actual ad page that includes the date of publication).**
    - c. If no longer available, we need to try to request a copy from the publisher.
    - d. As secondary evidence if nothing else is available we can use invoices which show date, name of publication and page number of ad, along with a letter confirming that the ad was placed from the publisher.
  2. Copies of all resumes received separated according to recruitment results.
    - a. If large pool of applicants, can provide copies of narrowed pool of applicants considered for the audit file but the department **must keep all recruitment applications received (including initial application materials) for 5 years from the date the PERM Special Recruitment Application is filed with the Department of Labor.**

3. A letter signed by an official who has actual hiring responsibility (preferably the Chair of the faculty search/selection committee) outlining in detail the complete recruitment procedure undertaken and final selection of foreign national employee including:
  - a. Date of selection (offer letter date);
  - b. The recruitment sources utilized;
  - c. The total number of applications received for the position and description of how the candidates were evaluated throughout each step of the recruitment process;
  - d. The results of the recruitment process (incorporating Chart from #4 below);
  - e. Description of why the foreign national employee was considered to be the more qualified candidate at the time of hire (i.e. his/her area of research complementing other research areas or being an area the department wants to add, strong research background compared to others, strong teaching background compared to others, interview presentation and professional conduct, etc);
  - f. Description of why the other candidates were considered to be less qualified and not offered the position in the department (i.e. his/her research not as well developed, lack of clear research focus and goals, poor research presentation, etc).

Note — This letter is essentially a recruitment report of the competitive recruitment and selection process and not a visa support letter. In addition, if the position did not list experience as a requirement then “experience” cannot be used to evaluate candidates, however teaching/research “background” can be discussed.

4. A chart listing candidates considered and outcomes including:
  - a. Names of candidates;
  - b. Ph.D. and field of study;
  - c. Campus visit date;
  - d. US worker? (Includes US citizen and Permanent Residents, but can mark unknown if not known at the time or Yes/No);
  - e. Offer made? (Order in which offers were made if more than one offer made);
  - f. Outcome/notes column (listing whether offer(s) made and accepted/not accepted and the reasons why offer(s) not made).
5. A letter that "attests to the degree of the foreign national employee's educational and professional qualifications and academic achievements" at the time of hire [date of offer letter] and describes the reasons in detail of why s/he was hired and why s/he was considered to be the more qualified candidate for the position and a better fit for the department.
  - a. This letter provides more detail about the foreign national employee's qualifications (i.e. discussing Ph.D. program, publications, achievements or potential for achievement in the field) than the letter documenting the recruitment and selection process results (#3 above).

From June 8, 2009 email from Deanna Jantzen and Jigisha Patel, Office of university Counsel