

Northeastern University

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 Faculty 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 U.S. workers who applied for the job.
- **JOB POSTINGS:** In order to file for permanent residency via the Faculty PERM application process, we **must have placed an ad in either a print or an electronic/web-based national professional journal appropriate for the discipline and job opportunity.** **If using an electronic or web-based national professional journal, the ad must be posted for at least 30 calendar days on the journal's website and documentation of the ad must include evidence of the start and end dates and the text of the actual ad placed from the journal's website. The job ad must also clearly list the minimum requirements for the position. It may not include preferred qualifications.** Even though preferred qualifications may not be listed in the ads, they can be used to evaluate the qualifications of all applicants in the competitive recruitment and selection process. **For education requirements, it is important to list the field(s) of study that is required and/or would be acceptable as: "Doctorate degree in [list field(s) of study] or a related field by start date."** If experience is listed as required, the Faculty PERM application requires us to list the number of years of experience. We may also list other requirements in the ads if appropriate, such as "proven ability to teach."
 - Assistant General Counsel Jigisha Patel in the Office of the General Counsel is available to review the ad content prior to posting. Please contact her at ji.patel@neu.edu if you have any questions.
- **FILING DEADLINE:** A Faculty PERM 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 Faculty PERM application with the U.S. Department of Labor:
 1. **Copies of ALL recruitment ads placed for the position.**
 - a. To be able to file a Faculty PERM application we **must have placed an ad in either a print or an electronic/web-based national professional journal appropriate for the discipline and job opportunity.** **If using an electronic or web-based national professional journal, the ad must be posted for at least 30 calendar days on the journal's website and documentation of the ad must include evidence of the start and end dates and the text of the actual ad placed from the journal's website.**
 - b. **ALL of 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 original ad that was posted which includes the name and date of publication.** We cannot use draft copies of ads. For electronic ads, such as the NU online job posting, please print a copy of the original ad on the date posted and before it is closed to evidence the length of time posted. For listserv postings/emails, please print a copy of the listserv/email to evidence that it was posted/sent.

- c. If copies of ads were not kept, we will need to request copies directly from the publisher.
 - d. As secondary evidence if nothing else is available we can try to 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. **The department/college must keep all recruitment applications received (including initial application materials) for 5 years from the date the Faculty PERM 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 a detailed 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 wanted to add, strong research background compared to others, strong teaching background compared to others, interview presentation, 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 a report on the competitive recruitment and selection process and not a visa support letter. It is also separate from the letter referred to in (5) below.

4. A chart listing candidates interviewed and the results including (see page 3 for sample chart):
 - a. Names of candidates
 - b. Doctorate degree and field of study
 - c. Campus visit date
 - d. US worker? (Includes US citizen and Permanent Residents)
 - Please mark unknown if not known at the time or answer question as Yes or No.
 - e. Offer made?
 - Please include order in which offers were made if more than one offer was made.
 - f. Outcome/notes column
 - Please list whether offer(s) made and accepted/not accepted, and detail the reasons why offer(s) were not made to candidates.
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/college.
 - a. Unlike the letter documenting the recruitment and selection process referred to in (3) above, the purpose of this letter is to provide extensive details about the selected employee's qualifications (i.e. discussing doctoral program, publications, achievements or potential for achievement in the field).

Exhibit XX – Chart of Candidates Interviewed and the Results [YYYY] – [YYYY]

Names of Candidates:	Doctorate and Field of Study:	Campus Visit Date	US Worker?	Offer Made?	Outcome/Reason not hired
XXXXXX, XXXX	Ph.D. in XXXXX, from XXXXX University	[MM/DD/YYYY]	Unknown	2nd offer made, accepted	Good candidate. Good research program underway with a publication in a top journal. Accepted NU offer— Hired.
XXXXXX, XXXX	Ph.D. in XXXXX, from XXXXX University	[MM/DD/YYYY]	Unknown	No – rated as Wait and See	Good candidate. Research good but not as well developed as others.
XXXXXX, XXXX	Ph.D. in XXXXX, from XXXXX University	[MM/DD/YYYY]	Unknown	1st offer made. Declined, went to XXXX University	Good candidate. Good research program underway.
XXXXXX, XXXX	Ph.D. in XXXXX, from XXXXX University	[MM/DD/YYYY]	No	No – rated as Not Interested	Poor presentation during research seminar.
XXXXXX, XXXX	Ph.D. in XXXXX, from XXXXX University	[MM/DD/YYYY]	Unknown	No	Poor presentation during research seminar.
XXXXXX, XXXX	Ph.D. in XXXXX, from XXXXX University	[MM/DD/YYYY]	Unknown	No – rated as Wait and See	Good candidate. Research good but not as well developed as others.