



SPONSORSHIP FOR PERMANENT RESIDENCY

OVERVIEW

UC International Services offers immigrant visa processing assistance to all campuses. We will meet with all full-time faculty and professional staff, teaching and non-teaching, to discuss options for permanent residence, and will endeavor to assist in the immigrant visa process whenever possible. The University will provide full immigrant visa services for teaching faculty (actual classroom teaching must be involved) and non-teaching permanent professional positions requiring labor certification. Departments should not use outside counsel. However, if permission to use outside counsel is granted by our office, the hiring department must pay all attorney fees. It's a violation of Department of Labor regulations to have the international employee either reimburse the University for legal fees or to pay the fees directly.

UC International Services will not provide immigration assistance for applications based upon the Outstanding Researchers or Professors category, National Interest Waivers (NIW's), marriage to a U.S. citizen or other family based sponsorships, or the visa diversity lottery. International employees who desire to apply for these categories should use outside legal counsel to help process the petition.

In order to qualify for permanent residence, the position must be full-time and defined as permanent by UC. A permanent position is one that does not have a definite termination point defined either by a date or the completion of a project or assignment, is not seasonal or intermittent, and is not presently intended or contemplated by the department to have some specified end date in the future. Please note that postdoctoral fellowships and "visiting" positions of any kind are not considered permanent by the university. Also be aware that the selected candidate must have fulfilled all minimum requirements as of the selection date (i.e., date of the offer letter). Please note that if the selected candidate is an existing UC employee, then the minimum requirements must have been met prior to him/her being placed in the UC green card position.

Before beginning this process, both the employee and his/her supervisor should make an appointment with UC International Services to discuss the procedure and specific requirements. If it is determined that the job and the employee meet the criteria for one of the permanent resident categories, UC International will work with the department to ensure that the minimum job requirements and offered salary are in compliance with Department of Labor standards and formulate the appropriate advertising efforts.

All permanent resident requests should be submitted electronically through UC International Services' iOffice database. To submit a Permanent Resident request please go to: <https://ioffice.uc.edu>. Click on the "Administrative Services for University Departments" link. You will then be asked to enter your University 6+2 login information. Next you will click on the "Departmental Services" link from the menu. If you don't already have iOffice access you will need to click the "Departmental Access Request" link. Once you have department access you will click the "Permanent Residence" link to start the process. Follow all instructions and provide all the requested information. The required supporting documents should be scanned and supplied in PDF format with the appropriate eForm or by e-mail.

THE APPLICATION PROCESS

The permanent residency process for faculty and professional positions generally entails three phases. UC International Services assists with all three steps, which are: 1) Labor Certification; 2) UC's filing of an I-140 petition requesting an immigrant visa for the foreign national once the Labor Certification Application is approved; and 3) the foreign national's filing of an I-485

application to adjust status to permanent residence. The I-140 and I-485 filings are addressed in more detail in separate UC International Services memos. Outstanding Professors and Researchers are exempt from the labor certification process. See the UC International Services memo setting forth the specific requirements and supporting documentation required for I-140 filings based upon the Outstanding Professor and Researcher category for further detail.

It is essential that attention is paid to Labor Certification Application (LCA) filing deadlines with respect to requisite advertising time frames and the foreign national's ability to preserve work eligibility and/or a non-immigrant status such as H-1B. For example, in order to request additional H-1B time beyond the initial six year limit, the LCA must be filed before the end of the fifth year of H-1B status. If no LCA is required, the I-140 must be filed prior to the end of the fifth year of H-1B status.

Immigrant visas are allotted by the Department of State based upon the type of employment and the foreign national's country of birth. Information as to availability of immigrant visa numbers is provided in the Department of State's monthly Visa Bulletin, which can be accessed at http://travel.state.gov/visa/frvi/bulletin/bulletin_1360.html. The worldwide level for annual employment-based preference immigrants is at least 140,000. If there are more applicants than available visas, the category is considered to be oversubscribed. If that is the case, a "priority date" is listed for the backlogged category, meaning that only applicants who have a priority date earlier than the cut-off date may be allotted an immigrant visa number. The foreign national's priority date is the date on which the LCA is filed, or if an LCA is not necessary, the date of the I-140 filing. An I-485 application cannot be filed (or if pending, adjudicated) if the foreign national's priority date is not current.

Below is an overview of the Labor Certification process for teaching and non-teaching professional positions.

Recruitment Requirements for Teaching Positions:

- The job must include actual classroom teaching.
- A pointer ad may NOT be used.
- The position must have been advertised in a national professional journal. The ad can be in print or electronic format. If electronic or web-based the journal's job listing must be viewable to the public without payment of subscription or membership fees. In addition, the ad must be posted for at least 30 calendar days on the journal's website and you must be able to document the start and end dates for the posting.
- Also be certain that the UC Job Opportunities posting is active prior to the ad going to print/electronic posting. In collaboration with an online ad, the UC Job Opportunities posting must remain active/online for an additional 30 days beyond the 30th day of the online advertisement.
- Copies of all advertisements must be provided to UC International Services.
- The foreign national selected must have been found to have been more qualified than any U.S. workers who applied for the job. U.S. worker is defined as a U.S. citizen, U.S. national, permanent resident or temporary permanent resident, refugee or asylee.
- The formal offer letter must have been issued within 18 months of the date on which the labor certification application is submitted to the Department of Labor.
- Copies of the CVs received from all applicants must be retained and provided to UC International Services for the required audit file.
- A Report of Recruitment must be prepared, printed on UC letterhead and signed by the Department Head or Dean of the College. A sample report is provided with these instructions.
- At least 30 days prior to the date on which the Labor Certification Application is filed for a faculty or any other union position, a notice of such a filing must be submitted to the union. A sample notice is attached. When calculating the 18 month filing window, it is important to allow time for issuance of the aforementioned Notice of Filing.

- UC International Services must obtain a prevailing wage determination from the U.S. Department of Labor. This step may be done upon our receipt of the completed e-forms and supporting documentation. The prevailing wage request is submitted on-line and DOL response times vary from one to two months. When calculating the 18 month filing window, it is important to allow time for receipt of the prevailing wage determination. The hiring department must agree that the foreign national will be paid no less than the prevailing wage at the time the foreign national receives his/her green card.
- Additional recruitment efforts are not required, but if conducted, should be described on the appropriate on-line submission and copies of the corresponding advertising should be provided.

Advertising Content Requirements:

- Name the employer
- Direct applicants to report or send resumes to the employer
- Provide a description of the job duties specific enough to apprise the U.S. workers of the job opportunity
- Indicate the geographic area of employment with enough specificity to apprise applicants of any travel requirements and where applicants will likely have to reside to perform the job opportunity
- Salary info is not required, but if advertised, it can't be lower than the prevailing wage rate.
- May not contain any job requirements or duties which exceed the job requirements or duties listed on the Labor Certification Application
- May not contain wages or terms and conditions of employment less favorable than those offered to the foreign national.

Recruitment Requirements For Non-Teaching Professional Positions (DO NOT PLACE ANY ADVERTISEMENTS PRIOR TO CONSULTING WITH UC INTERNATIONAL SERVICES)

- In order to qualify for Labor Certification, the U.S. Department of Labor requires UC to prove that no minimally qualified U.S. workers are available to fill the position at the time of filing. U.S. worker is defined as a U.S. citizen, U.S. national, permanent resident or temporary permanent resident, refugee or asylee. **Note:** Individuals who meet all minimum requirements, but indicate they have accepted other employment or would not accept the UC position for any reason, an example being the offered salary or benefits, are not considered to be an "available U.S. worker."
- An applicant may not be rejected if the worker "can acquire the skills necessary to perform the duties involved in the occupation during a reasonable period of on-the-job training." U.S. DOL regulations do not define the term "reasonable" period.
- UC International must obtain a prevailing wage determination from the U.S. Department of Labor. The prevailing wage request is submitted on-line and a response times vary, from one to two months. This should be done prior to the start of any advertising. The Department must provide the following in order for UC International Services to formulate the prevailing wage request: specific job duties, minimum required academic degree level and field of study; amount and type of required work experience; amount and type of required training; required special skills and licenses title of immediate supervisor for the position, number, if any, of individuals supervised by the foreign national and address of the work location, including the specific street address. The hiring department must agree that the foreign national will be paid no less than the prevailing wage at the time the foreign national receives his/her green card.
- A job order for the position must be placed for 30 days on the ODJFS job bank referred to as Ohio Means Jobs. The LCA cannot be filed until at least 30 days after the 30 day posting period has ended to allow sufficient time for applicant responses. This recruitment effort must include the salary. Thus, UC International Services should obtain a prevailing wage determination before the Ohio Means Jobs posting is placed as the employer cannot advertise or pay a salary below the prevailing wage. The hiring

department must place the posting through your Human Resources Generalist or team Director. Make sure your HR Generalist or team Director knows that the ad is for the labor certification process so that he/she can instruct the ODJFS to post the ad for only 30 days and not their typical 6 month time frame. You can do this by identifying “Ohio Means Jobs” in the advertising section. Also advise HR that you will need a copy of the job posting as well as documentation as to the posting dates.

- The position must be advertised in two Cincinnati Enquirer Sunday editions. The ads can appear over two consecutive Sundays. If the job is not located in the Cincinnati area, please consult UC International Services for more specific instructions.
- Three additional recruitment steps must be selected from the following ten options: Job fairs; Employer’s website; Job Search website other than employer’s; On-campus recruiting; Print ad with trade or professional organization; Private employment firm; Employee referral program; Campus placement office; Local and ethnic newspapers; Radio and television advertisements. The employing department should consult with UC International Services as to the most appropriate types of advertising and the duration of the ads and related response times for applicants. The Department of Labor has the authority to review the employer’s choices for optional recruitment as to the reasonableness and likelihood that they are forums most likely to produce U.S. workers.
- Please ensure that the information entered related to job description and minimum qualifications in People Admin. matches the information appearing on all advertising efforts and on the permanent resident petition request submitted to UC International Services.
- None of the advertising efforts may have taken place more than 180 days prior to the filing of the Labor Certification Application. One of the three “additional recruitment steps” may take place within 30 days of the LCA filing.
- Copies of all advertisements must be retained and submitted to UC International Services.
- Copies of the CVs received from all applicants must be retained and provided to UC International Services for the required audit file.
- A Report of Recruitment must be prepared, printed on UC letterhead and signed by the Department Head or College Dean. A sample report is provided with these instructions.
- A notice of filing must be posted for ten consecutive business days (excluding holidays) in one conspicuous location where the foreign national will work prior to the filing of the Labor Certification Application. If the sponsoring department normally recruits for similar positions through in-house media (electronic or printed), the Notice of Filing must also be placed in such media for 10 consecutive business days, or the department’s normal procedure, whichever is longer. A sample notice is provided with these instructions. The Labor Certification Application may not be filed any earlier than 30 days after the end of the required 10 day posting period.

Advertising Content Requirements:

- Name the employer
- Direct applicants to report or send resumes to the employer
- Provide a description of the job duties specific enough to apprise the U.S. workers of the job opportunity
- Indicate the geographic area of employment with enough specificity to apprise applicants of any travel requirements and where applicants will likely have to reside to perform the job opportunity
- Salary info is not required (except in the Ohio Means Jobs system), but if advertised, it can’t be lower than the prevailing wage rate.
- May not contain any job requirements or duties which exceed the job requirements or duties listed on the Labor Certification Application
- May not contain wages or terms and conditions of employment less favorable than those offered to the foreign national.

Sample RECRUITMENT SUMMARY

For Teaching Positions

A letter detailing the recruitment process is required for all teaching positions. Use the sample below as a guide to writing such a letter. The letter should be printed on letterhead and signed by the Department Head or College Dean and **submitted with copies of all CV's received in response to the advertisement.**

Date

Certifying Officer, U.S. Department of Labor
Atlanta National Processing Center
233 Peachtree Street, Suite 410
Atlanta, GA 30303

To Whom It May Concern:

I am outlining the procedures used in our search for a _____ in the Department of _____, College of _____. Our search resulted in our offering the position to Joseph Bearcat on _____. The Department's minimum requirements for the position are a _____ (specify level) degree in (specify field) _____ and (list any other requirements such as experiences, training, licenses). The advertisement was placed in the _____ issue of the Chronicle for Higher Education (or other National Journal; and list information for all other recruitment such as UC Job Update, Chronicle website, etc.). A Notice of Filing of Application for Alien Employment Certification was delivered to the collective bargaining unit on _____. Copies of all advertisements and the notice of filing are attached.

A total of ___ applications were received for the position by _____, the advertised deadline for the position. The Search Committee, consisting of _____, reviewed the applications for the position, which included the following:

1. List all applicants, their degree, and institution

Those candidates who did not indicate sufficient expertise or experience were eliminated. Each remaining candidate was evaluated according to the following criteria: (List criteria).

Interviews were scheduled with the top xx candidates.

The Search Committee met on _____ and unanimously agreed that of these ___ candidates, _____ was clearly the most qualified applicant for the position based on the advertised criteria.

(Explain Why Here, i.e. has degree in _____, experience in _____, publications, etc.)

Of the other candidates, Mr. Farrow does not have a Ph.D., Dr. Jones does not have a Ph.D. in Classical Thought, but rather in Comparative Literature; Dr. Barry has the specialization in medieval Latin but only one publication and no experience in individualized Latin; Dr. Voinovich has had experience in teaching elementary Latin, but is not a medievalist; and Mr. Bass does not have the required Ph.D.

I accepted the Committee's recommendation and made an offer to Joseph Bearcat which has been accepted.

Please let me know if you would like additional information regarding this recruitment process.

Sincerely,

Name

Title

**NOTICE OF FILING LABOR CERTIFICATION BY
THE UNIVERSITY OF CINCINNATI FOR NON UNION TEACHING POSITIONS**

This notice is being posted as a result of the filing of an application for permanent alien labor certification for the below listed job opportunity. Any person may provide documentary evidence bearing on this application to:

Certifying Officer, U.S. Department of Labor
Atlanta National Processing Center
233 Peachtree Street, Suite 410
Atlanta, GA 30303

NOTICE OF JOB OPPORTUNITY

Title and Department _____ - Cincinnati, OH.

Job Duties:

Requirements: List degree, training and experience, if any, required

Contact: _____

At Phone: _____

This notice will be posted for 10 consecutive business days (14 days total) as required by the Department of Labor.

Dates of Posting: From ____/____/____ to ____/____/____

Posting Location:

Posted by

(Signature)

Name and Title

Date Signed

Note: The last day of the posting period must fall at least 30 days and no more than 180 days prior to the date on which the Labor Certification Application is filed with the U.S. Department of Labor.

Sample RECRUITMENT SUMMARY

For Non-Teaching Positions

A letter detailing the recruitment process is required for all non-teaching positions. Use the sample below as a guide to writing such a letter. The letter should be printed on letterhead and signed by the Department Head or College Dean and **submitted with copies of all CV's received in response to the advertisement.**

Date

Certifying Officer, U.S. Department of Labor
Atlanta National Processing Center
233 Peachtree Street, Suite 410
Atlanta, GA 30303

To Whom It May Concern:

I am outlining the recruitment efforts undertaken in conjunction with the Labor Certification Application for the position of _____ in the Department of _____, College of _____. The requirements for the position of _____ are [list degree level/field, specific type and amount of work experience, if any, specific type and amount of training, if any, and special skills, licenses, if any]. Ads were placed in the Sunday edition of the Cincinnati Enquirer on ___/___/___ and again on ___/___/____. The position was further advertised (list dates and locations of other advertising venues including job fairs, on-campus recruitment sites, professional or trade organizations, job search websites, employment firms, other local or ethnic newspapers or radio or TV ads). An advertisement was also placed in the University's Job Update on _____. Copies of all advertisements and the notice of filing are attached.

A total of ___ applications were received for the position by _____. The Search Committee (consisting of _____), reviewed the applications for the position. Each candidate was evaluated according to the above-stated minimum job requirements and those who did not indicate the requisite degree and/or sufficient expertise or experience were found to be unqualified for the position. The applicants and their qualifications are as follows:

1. List all applicants, their degree, and institution. Also explain the reason(s) why each specific candidate was or was not qualified.

The Search Committee met on _____ and unanimously agreed that of these ___ candidates, [name of foreign national] was clearly the only qualified applicant for the position based on the minimum requirements for the position.

The Search Committee therefore recommended that we should offer the position to Joseph Bearcat. I accepted the Committee's recommendation and made an offer to Joseph Bearcat which has been accepted.

Please let me know if you would like additional information regarding this recruitment process.

Sincerely,

Name

Title



**NOTICE OF FILING LABOR CERTIFICATION BY
THE UNIVERSITY OF CINCINNATI FOR UNION TEACHING POSITIONS**

This notice is being provided as a result of the filing of an application for permanent alien labor certification for the below listed job opportunity. Any person may provide documentary evidence bearing on this application to:

Certifying Officer, U.S. Department of Labor
Atlanta National Processing Center
233 Peachtree Street, Suite 410
Atlanta, GA 30303

NOTICE OF JOB OPPORTUNITY

Title and Department _____ - Cincinnati, OH.

Job Duties:

Requirements: List degree and experience, if any, required

Contact: _____

At Phone: _____

I hereby certify that an exact copy or original of this Notice was (check one) mailed hand-delivered to the collective bargaining representative on (date) _____, at the following address:

American Association of University Professors (AAUP):

University of Cincinnati
Mail Location 0176
Room 450 Dabney Hall
556-6861; Fax No. 556-2048
aaupuc1@email.uc.edu

(Signature)

(Name and Title)

Note: This notice must be dated and sent to the AAUP at least 30 days prior and no more than 180 days prior to the date on which the Labor Certification Application is filed with the U.S. Department of Labor.



**NOTICE OF FILING LABOR CERTIFICATION BY
THE UNIVERSITY OF CINCINNATI FOR NON-UNION POSITIONS**

This notice is being posted as a result of the filing of an application for permanent alien labor certification for the below listed job opportunity. Any person may provide documentary evidence bearing on this application to:

Certifying Officer, U.S. Department of Labor
Atlanta National Processing Center
233 Peachtree Street, Suite 410
Atlanta, GA 30303

NOTICE OF JOB OPPORTUNITY

Title and Department _____ - Cincinnati, OH.

Job Duties:

Requirements: List degree and experience, if any, required

Salary: _____

Contact: _____

At Phone: _____

This notice will be posted for 10 consecutive business days (14 days total) as required by the Department of Labor.

Dates of Posting: From ____/____/____ to ____/____/____

Posting Location:

Posted by

(Signature)

Name and Title

Date Signed

Note: The last day of the posting period must fall at least 30 days and no more than 180 days prior to the date on which the Labor Certification Application is filed with the U.S. Department of Labor.

CREDENTIAL EVALUATORS – An academic credential evaluation is required (with the exception of MD's holding ECFMG certification) to confirm that the foreign national's degree equates to the required U.S. degree.

Academic Credentials Services, Inc.
P.O. Box 6908
Beverly Hills, California 90212 U.S.A.
Tel: (800) 234-1597, (310) 275-3530
Fax: (310) 275-3528
Email: acei@acei1.com

The Foreign Educational Document Service
P.O. Box 4091
Stockton, CA 95204
Tel: 209-948-6589
Fax: 209-937-0717

Educational Credential Evaluators, Inc.
P.O. Box 92970
Milwaukee, WI 53202-0970
Tel: 414-289-3400; Fax: 414-289-3411
Email: eval@ece.org
WWW: <http://www.ece.org>

Foreign Academic Credential Service, Inc.
P.O. Box 400
Glen Carbon, IL 62034
Phone: (618) 656-5291; Fax: (618) 656-5292
<http://www.facsusa.com>

Education Evaluators International, Inc.
P.O. Box 5397
Los Alamitos, CA 90720-5397
Tel: 562-431-2187; Fax: 562-493-5021

Global Services Associates
2554 Lincoln Boulevard #445
Marina del Rey, CA 90291
Phone: (310) 828-5709; Fax: (310) 828-5709
email: info@globaleval.org
<http://www.globaleval.org/>

Education International, Inc.
29 Denton Road
Wellesley, MA 02181
Tel: 781-235-7425; Fax: 781-235-6831
Email: edint@gis.net

International Consultants of Delaware, Inc.
109 Barksdale Prof. Center
Newark, DE 19711
Tel: 302-737-8715; Fax: 302-737-8756
Email: icd@icdel.com

Educational Records Evaluation Service, Inc.
777 Campus Commons Road (Suite 200)
Sacramento, CA 95825-8309
Tel: 916-565-7475; Fax: 916-565-7476
Email: edu@eres.com
<http://www.eres.com>

SpanTran Educational Services, Inc.
7211 Regency Square Blvd., Suite 205
Houston, TX 77036-3197
Phone: (713) 266-8805; Fax: (713) 789-6022
email: info@spantran-edu.com
<http://www.spantran-edu.com>

Foreign Academic Credential Service, Inc.
P.O. Box 400/Glen Carbon, IL 62034
Phone: (618) 656-5291; Fax: (618) 656-5292
<http://www.facsusa.com>
Email: esi@capital.net

World Education Services, Inc.
P.O. Box 74/Old Chelsea Station
New York, NY 10113-0745
Tel: 001-212-966-6311; Fax: 212-966-6395
Email: info@wes.org

Josef Silny & Associates, Inc.
International Education Consultants
P.O. Box 248233
Coral Gables, Florida 33124
Tel: (305) 273-1616; Fax: (305) 273-1338
E-Mail: infor@jsilny.com; www.jsilny.com

Global Credential Evaluators, Inc.
GCE Mid-Atlantic
P.O. Box 36
28 Westhampton Way
Richmond, VA 23173
Tel: (804) 639-3660

Morningside Evaluations
450 7th Ave., Suite 603
New York, NY 10123
Tel: (212) 904-1015
Fax: (212) 904-1025
<http://morningsideevaluations.com>
Will provide expedited service