

International Student and Scholar Services

EB-2 PERM (Special Handling)

May 21, 2019

EB-2 PERM (Special Handling)

- **Caveat:** please note that Immigration and Labor laws and related policies are subject to change
- 1 Route to Legal Permanent Residence (“green card”)
- For appointments with classroom teaching duties only
- This category is for the faculty member who:
 - Engages in classroom teaching
 - Was selected as the *most qualified* applicant for the position, pursuant to a competitive recruitment & selection process → documented per DOL regulations

EB-2 PERM (Special Handling)

- Must start process with ISSS no later than 10 months of the job offer (date on job offer letter)
 - Multiple overlapping timelines and deadlines that must be coordinated
 - Prevailing wage application (required 1st step, 4 month government processing time)
 - Notice of Filing
 - 18 month Labor Certification filing deadline

Process Overview

ISSS offers assistance with reviewing & providing feedback for job description before ads are placed. Appointing Unit manages competitive recruitment, gathers and maintains evidence of recruitment per regulations (proof of ads, applications, etc.), submits EB-2 PERM request to ISSS to initiate case



ISSS handles EB-2 PERM case upon receipt of request, files prevailing wage application with DOL, reviews and provides feedback regarding all recruitment material/evidence, files Labor Certification with DOL, coordinates audit response if needed, and files I-140 petition with USCIS



International faculty member's responsibility = I-485 Filing with USCIS

Job Description Language is Critical

- Key elements to include
 1. Name of Hiring Institution and Department (i.e. UNC-CH, Department of Mathematics)
 2. Title of Position/Appointment (i.e. Assistant Professor tenure track)
 3. Duties of the position (i.e. teaching, research, and University service)
 4. Minimum requirements for the position/appointment (i.e. PhD in Chemistry or related field and 2 years of research experience in Chemistry)

Job Description Language Tips

- When listing the degree and field, always add “or related field”
- Avoid listing preferences
 - Preferences for EB-2 (PERM Special Handling) purposes = Requirements
- Teaching must be listed explicitly as a duty i.e. “The duties of the position are teaching, research, and service.”
- Avoid listing deadlines
- Avoid listing posting end date, rely on “open until filled”
- Ask ISSS to review posting language before officially posting the position

Advertisement

- At least one advertisement for the job opportunity must be placed in a national professional journal, in print for one edition or online for 30 days
 - Must note name and date(s) of publication; and must state the job title, duties and requirements
- We recommend a print advertisement in the **Chronicle of Higher Education** as the most conservative and safest option. In the alternative, we recommend a **Chronicle of Higher Education** electronic advertisement.
 - The DOL has consistently recognized the **Chronicle of Higher Education** as a national professional journal

Advertisement

- The Department of Labor is more suspicious of electronic journal advertisements, and has therefore included additional evidentiary requirements for such ads in the special handling context

Advertisement

- Electronic journal advertisements can be used so long as:
 - The advertisement was posted for at least 30 calendar days on the website of a national professional journal
 - The job posting includes the job title, duties, and job requirements in the text of the advertisement
 - Electronic journal advertisements proof must include:
 - A screenshot printout of the first day the advertisement ran and; and
 - A screenshot printout of the last the advertisement ran (must be at least 30 days).

Advertisement

- Evidence of *all* other recruitment sources must be gathered and maintained by the Appointing Unit and submitted to ISSS
 - Screenshots of first and last day of posting, copies print of advertisements, copy of website postings, flyers, invoices for advertising, emails to listservs etc.
 - Appointing Unit has to monitor advertisements/postings and set up reminders to take screenshots
 - Dates of all recruitment sources must be documented

Recruitment

Tips for Appointing Unit before starting recruitment:

- Set up email and ask search committee to add the email you set up when sending or responding to any emails
- Create phone log and inform everyone in the Appointing Unit to log in all phone calls related to the recruitment from applicants or potential applicants
- Establish systems for retaining other recruitment documentation as you go along

Recruitment

- Appointing Units have to provide ISSS with written documentation of ***any and all*** correspondence with potential applicants or potential candidates (from the start of the search up to and including when non-selected applicants/candidates are notified of their non-selection)
 - Written documentation to include caller's name, date and time and of all telephone conversations regarding position inquiries
 - Photocopies of all email correspondence with potential applicants, potential candidates, and those selected for interviews

Recruitment

- Appointing Unit Must provide detailed written rejection/selection reason(s) for each applicant beyond EPA Web/PeopleAdmin reasons provided.
 - It is very important that the Appointing Unit clearly record those reasons as the recruitment is ongoing as it is very difficult for search committee members to provide those reasons months after completing the search
 - Example of acceptable reason: Has no publications, Has PhD in unrelated field, etc.
 - For questions, contact ISSS

Other Documents that must be submitted to ISSS

- Completed “Preliminary Information for UNC-Chapel Hill EB-2 PERM Special Handling” signed by all the appropriate Department and University officials.
- Completed Prevailing Wage Questionnaire
- Completed PERM Special Handling – Additional Questions Form
- Appointment/Offer letter issued to the international faculty member by Dean/Provost/Chancellor after selection.
- Certified copy of scholar’s highest diploma with official transcript. Foreign Educational Credentials Evaluation required if degree is from outside the U.S.

Other Documents that must be submitted to ISSS

- Photocopies of all resumes/curriculum vitae or other correspondence received from all applicants. Include the PeopleAdmin application pages for all applicants. For searches with large numbers of applicants, include a table listing application materials received from each person
- Original signed Notice of Filing of Application. To be posted per ISSS instructions
- Signed statement by individual with actual hiring authority outlining in detail the recruitment process, the total number of applicants for the position, and lawful job-related reasons why the international faculty member is more qualified than each of the other applicants

Other Documents that must be submitted to ISSS

- Final report of faculty responsible for issuing the recommendation or selection of the international faculty member
- Letter/Written Statement from preferably the Department Chair attesting to the degree of the international faculty member's education or professional qualifications and academic achievements
- Documentation of how the workers were informed that he or she did not qualify for the job opportunity (e.g. photocopies of rejection letter or email to each candidate not selected)
- Completed and signed Employer Declaration

Recruitment

- Documentation required from selected international faculty member:
 - Completed and signed Employee Declaration.
 - Completed “PERM Special Handling Employee Questionnaire” signed by the international faculty member
 - Educational Background Documents
 - Employment History Documents
 - Current and comprehensive curriculum vitae
 - Copy of passport
 - Copy of most recent I-94 and copies of all current and prior immigration documents

Pros and Cons

- Most of the burden falls on the Appointing Unit instead of on the international faculty member
- Requires extreme attention to detail (perfection)
- Visa Bulletin backlog is long for some countries

Immigrant Petition Questions?

- Contact:
 - Ioana Costant, Assistant Director
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 - Gretchen Gosnell, International Scholar Adviser
 - ggosnell@email.unc.edu

International Student and Scholar Services

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<http://global.unc.edu/iss>

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