

# **Procedures to File for Employment-based Permanent Residency for International Faculty and Staff**

## **Introduction**

Purdue University's excellent research and teaching reputation attracts a significant number of internationals to apply for various Faculty and Administrative/Professional positions. (Internationals by definition are non-immigrants, in other words, non-US citizens and non-US permanent residents).

With the advent of Discovery Park and the hiring of additional faculty in a variety of academic schools there will undoubtedly be even more attractive research, teaching and administrative positions in the near future. This document explains procedures involved in hiring an international employee on a permanent basis.

At no time during the search process may a candidate be asked about their citizenship or national origin. Questions about citizenship and national origin initiated by a member of the University are a violation of equal opportunity and the Nondiscrimination Policy Statement. Questions may be asked about a candidate's legal authorization to work in a specific position in question if this question is asked of all candidates.

## **General Principles in the Permanent Residency Application Process**

- 1) All employment-based permanent residency petitions for international faculty and staff to be filed with the US Citizenship and Immigration Services (CIS, formerly INS) must be routed through Purdue University's Office of International Students and Scholars (ISS). Purdue departments/offices who sponsor an employee for permanent residency must collaborate with ISS and may not work independently with an outside attorney.
- 2) Purdue departments/offices who have international employees or prospective employees for whom they wish to petition for a permanent (indefinite tenure) or tenure-track (annual tenure) position should first contact ISS. The employer should never promise permanent residency to an international employee or prospective employee given the inherent complexities and length of the application process. The qualifications of the candidate must be reviewed by ISS and Human Resource Services (HRS) for non-teaching employees and ISS and the Affirmative Action Office (AAO) for teaching employees. These offices determine whether the University can sponsor the individual for employment-based permanent residency prior to filing the application with the US government. A review of the department's recruitment process will also be conducted to ensure that required federal government conditions have been met.

## **Overview of Permanent Residency Application Procedures for Non-teaching Positions**

- 1) International non-teaching employees must be in full-time employment status at Purdue University for at least 12 consecutive months in a permanent position before permanent residency status will be pursued. Permanent residency will not be pursued for post-doc or visiting positions. These are temporary positions.
- 2) In order to pursue permanent residency for a non-teaching employee the employer must prove that there are no minimally qualified US applicants available and willing to accept the position. If there are minimally qualified applicants available and willing to accept the position as determined by Purdue University's Human Resource Services (HRS) then the process for permanent residency is terminated since the University would not be able to meet minimum federal requirements with such individuals in the applicant pool. International employees may be employed for the length of time that various non-immigrant statuses (J-1, H-1B for example) allow if permanent residency cannot be pursued.
- 3) Purdue departments/offices that desire to petition for permanent residency status for internationals in non-teaching positions must demonstrate secured funding for at least 36 months into the future beyond the initial 12 month employment period.
- 4) There must be a national advertisement for the position in question. It must be a paper advertisement. The US government does not accept electronic or web advertisements.
- 5) Job posting waivers will automatically disqualify an employee from qualifying for the permanent residency application process.
- 6) Cluster hire advertisements generally do not meet federal recruitment qualifications and cannot be used to petition for permanent residency
- 7) As part of this permanent residence application process, a Purdue department/office must:
  - readvertise the position in a journal which has national circulation
  - provide a list of sources of recruitment and also list the number of US workers responding to the recruitment
  - interview all minimally qualified US applicants and provide the number of interviews conducted
  - specify the job-related reasons for not hiring each minimally qualified US applicant
  - specify the wages and working conditions offered to US applicants, if offered
  - provide original advertisements placed in newspapers and journals; each must list the date of publication and identify the source
- 8) Certain individuals in research positions, i.e., Research Assistant and Research Associate, may qualify for permanent residency under the Outstanding Professor/Researcher category. Consultation with ISS is required to determine if and when an individual will qualify for this option.

## **Overview of Permanent Residency Application Procedures for Teaching Positions**

The US government has provided a special permanent residency process for teaching positions known as “Special Handling Labor Certification”. This process follows the normal hiring process. It is based on national advertisement and recruitment that has already been conducted. It allows employers to choose the most or best qualified individual for the position. Following are important matters to keep in mind for hiring internationals in permanent teaching positions.

- 1) There must be a national advertisement for the position. It must be a paper advertisement. The US government will not accept electronic or web advertisements.
- 2) The advertisement must include a reference to 'teaching' in order to qualify for the “Special Handling Labor Certification” process.
- 3) Job posting waivers will automatically disqualify a teaching employee from qualifying for the permanent residency application process.
- 4) Cluster hire advertisements generally do not meet federal recruitment qualifications and cannot be used to petition for permanent residency.
- 5) If “Special Handling” is not an option for whatever reason, certain teaching positions may qualify to petition for permanent residency under the Outstanding Professor/Researcher category. Consultation with ISS is required to determine if and when an individual will qualify for this option. However, this is not the preferred option because many new international faculty members are recent Ph.D. graduates with insufficient experience to qualify for this option. Furthermore, a new faculty member's first semester is very demanding leaving little time to devote to preparing a thorough and satisfactory Outstanding category application.