

Iowa State University

Guidelines for Sponsoring “Green Cards” (U.S. Permanent Residency)

Contacts:

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The following guidelines are for employing units to use when sponsoring a candidate or current employee who is a foreign national for permanent residency in the United States pursuant to federal regulations. Per federal regulations, a “foreign national” is defined as neither a U.S. citizen nor U.S. permanent resident.

Higher education institutions are afforded two options for requesting approval to offer permanent employment to a foreign national: 1.) the **Labor Certification** process within the U.S. Department of Labor, and 2.) the **Outstanding Professor or Researcher Immigrant Petition** within the U.S. Citizenship and Immigration Services (USCIS).

Only the International Students and Scholars Office is authorized to sign immigration forms on behalf of the university. ISSO can be contacted for clarification.

1.) Labor Certification

Labor Certification is the search process through which an employer certifies to the Department of Labor that there are no U.S. workers willing and qualified to perform the duties of a permanent position. The U.S. Department of Labor’s Program Electronic Review Management (PERM) regulations stipulate how, as an employer, the university must recruit for positions to meet the Labor Certification requirements. The Labor Certification regulations stipulate that sponsorships can only be based on an offer of full time, permanent employment. Per federal regulations, a “permanent position” is defined as a position of indefinite or unlimited duration, and the employee will normally have an expectation of continued employment, unless there is good cause for termination.

Because of the time and expense involved in conducting PERM qualified recruitments, university sponsorship of foreign nationals for Labor Certification will be limited to those cases where: (a) the sponsoring employing unit has **already conducted** a competitive recruitment approved by UHR Talent Acquisition with the result that the foreign national was offered the position; *or*, (b) the sponsoring department has **not yet conducted** a competitive recruitment approved by UHR Talent Acquisition but reasonably believes that a specific foreign national would be qualified for the position and willing to accept an offer.

In accordance with the regulations, the foreign national candidate for: 1) a P&S pay grade P35 or above staff position, and 2) a specified non-teaching position must be determined to be the **only** minimally qualified candidate for the position through a Department of Labor-prescribed recruitment and selection process in order to qualify for Labor Certification. The advertisement qualifications must represent the employer’s actual minimum requirements for the job opportunity which is subject to the ISU non-waiver, open search hiring process. U.S. workers may be rejected only for lawful, job-related reasons. Lack of skills necessary to perform the duties of the position, where the skills can be acquired during a reasonable period of on-the-job training is not a lawful, job-related reason for rejection of a U.S. worker. The Department of Labor makes no distinction between required and preferred qualifications for a non-teaching position but treats all advertised requirements (preferred and required) as minimum qualifications for the position.

For teaching positions, PERM regulations do not significantly change ISU’s search process. However, the expectation is that ISU hires the **best qualified** candidate through the non-waiver, open search hiring process.

As stated previously, the PERM regulations stipulate that sponsorships can only be based on an offer of full time, permanent employment. Under these criteria, a Non Tenure Eligible Research appointment or “Postdoctoral Fellow” (or other postdoctoral appointments) would not qualify as “permanent,” since it is contemplated that the position will end at some specified date in the future. If a position is subject to grant funding, there must be a reasonable basis to believe that grant-funding will continue to be available to support the position beyond the current funding cycle.

If a position is a “term” appointment, the initial term must be for a *minimum* of three years before the university initiates a sponsorship for permanent residency, *and* there must be a reasonable expectation that the term will be renewed.

The following tables further describe the requirements and procedures for Labor Certification based on each appointment type.

Tenured or Tenure-Track Faculty
ISU sponsors candidates hired for full time positions through the non-waiver, open search hiring process.
Application for Labor Certification must be filed within 18 months after a selection has been made pursuant to the non-waiver, open search hiring process.
Recruitment advertisement must contain the following: <ul style="list-style-type: none"> • Name of Employer • Application directions • Specify job title, duties, and requirements
Recruitment must include documentation of:

<ul style="list-style-type: none"> • A print advertisement placed in a nationally circulated professional journal OR a 30 day posting in an electronic national professional journal. • Placement of a job posting with Iowa Workforce Development (IWD) for at least 30 days. In partnership with the National Labor Exchange (NLX), all positions posted to the university’s employment opportunities website are automatically posted on the NLX (US.jobs) website and Iowa Workforce Development (IowaJobs) website. These websites automatically pull ISU job postings and allow for broader exposure through both the national and state workforce levels. It generally takes two-three days after the position is posted on the university’s employment opportunities website to appear on these outside websites. Employing unit will print a copy of the job posting from the IWD website on day 1 and on day 30. <i>Although this posting is NOT required for the Labor Certification process, it is included as part of the non-waiver, open search hiring process.</i> • UHR Talent Acquisition (Recruitment) will post the position on the ISU Job Opportunities website (iastatejobs). Employing unit will print a copy of the job posting from the ISU website on day 1 and on day 30. <p>Placement and cost of advertisement by employing unit. Employing unit must obtain an original or full copy of the advertisement OR for the electronic advertisement the employing unit will print a full copy of the job posting from the journal website on day 1 and on day 30 which becomes part of the Labor Certification application file.</p>
<p>Retention by employing unit of all recruitment sources and documents related to the search for five years from the date the Labor Certification is approved.</p>
<p>See http://www.nafsa.org/_/file/_/amresource/20cfr656.htm for the Labor Certification Process from the Code of Federal Regulations: Chapter 20, Part 656.</p>

<p align="center">Teaching Positions (e.g., Lecturer, Senior Lecturer & Adjunct Faculty)</p>
<p>Must be full time on A- or B-base appointment that must also include significant teaching responsibilities. This category does not include P&S employees with “Rank-Only” faculty rank appointments.</p>
<p>ISU employing units, at their discretion, may sponsor candidates hired for full time positions through the non-waiver, open search hiring process for a position advertised to last at least three years, and for which the candidate is rated the best qualified candidate.</p>
<p>The Department Chair and the Dean must submit to the Senior Vice President and Provost’s office a memo in which they request permission to sponsor the best qualified candidate and state that they fully expect the term appointment will be renewed after the employee undergoes review. When the initial hire is at rank of Lecturer, the Chair verifies in the memo that the candidate has a good future chance for advancement to Senior Lecturer rank.</p>
<p>Application for Labor Certification must be filed within 18 months after a selection has been made pursuant to the non-waiver, open search hiring process.</p>
<p>Recruitment advertisement must contain the following:</p> <ul style="list-style-type: none"> • Name of Employer

<ul style="list-style-type: none"> • Application directions • State the position includes significant teaching and specific skills and qualifications, the job title, duties, and requirements. • The position must be full time. • The advertisement must specify an initial three year contract for a hire at the Lecturer level and an initial five year contract for a hire at the Senior Lecturer level. • The advertisement will specify one open position.
<p>Recruitment must include documentation of:</p> <ul style="list-style-type: none"> • A print advertisement placed in a nationally circulated professional journal OR a 30 day posting in an electronic national professional journal. • Placement of a job posting with Iowa Workforce Development (IWD) for at least 30 days. In partnership with the National Labor Exchange (NLX), all positions posted to the university’s employment opportunities website are automatically posted on the NLX (US.jobs) website and Iowa Workforce Development (IowaJobs) website. These websites automatically pull ISU job postings and allow for broader exposure through both the national and state workforce levels. It generally takes two-three days after the position is posted on the university’s employment opportunities website to appear on these outside websites. Employing unit will print a copy of the job posting from the IWD website on day 1 and on day 30. <i>Although this posting is NOT required for the Labor Certification process, it is included as part of the non-waiver, open search hiring process.</i> • UHR Talent Acquisition (Recruitment) will post the position on the ISU Job Opportunities website (iastatejobs). Employing unit will print a copy of the job posting from the ISU website on day 1 and on day 30. <p>Placement and cost of advertisement by employing unit. Employing unit must obtain an original or full copy of the advertisement OR for the electronic advertisement the employing unit will print a full copy of the job posting from the journal website on day 1 and on day 30 which becomes part of the Labor Certification application packet.</p>
<p>Retention by employing unit of all recruitment sources and documents related to the search for five years from the date the Labor Certification is approved.</p>
<p>See http://www.nafsa.org/file/amresource/20cfr656.htm for the Labor Certification Process from the Code of Federal Regulations: Chapter 20, Part 656.</p>

<p>Specified Non-Teaching Positions (e.g., Clinician/Senior Clinician)</p>
<p>Must be full time on A- or B-base appointment for Non-Teaching Faculty with unique skills and specialized knowledge. The Department of Labor defines a non-teaching position as one that involves no actual classroom, credit-bearing teaching. This category does not include P&S employees with “Rank-Only” faculty rank appointments. NTER faculty will not be sponsored.</p>
<p>ISU employing units, at their discretion, may sponsor candidates hired for full time positions through the non-waiver, open search hiring process and for which the candidate is rated as</p>

the **only** minimally qualified candidate in the search pool. The position must be permanent, full time and must include significant research responsibilities.

The Department Chair and the Dean must submit to the Senior Vice President and Provost's office a memo of support in which they request permission to sponsor and state that they fully expect the term appointment will be renewed after the employee undergoes review. When the initial hire is at the Clinician level, the Chair verifies in the memo that the candidate has a good future chance for advancement to Senior Clinician.

Recruitment must begin no more than 180 days and end no fewer than 30 days before the **application** for the Labor Certification is filed.

Recruitment advertisement must contain the following:

- Name of Employer
- Application directions
- Description of job that is specific enough to apprise U.S. workers of the opportunity. (job title, duties, and requirements)
- Geographic location of the position
- The ad must specify a three year contract for a hire at the Clinician level and a five year contract for a hire at the Senior Clinician level.
- The advertisement will specify one open position.

Recruitment must include documentation of **each** of the following:

1.) Placement of a job posting with Iowa Workforce Development (IWD) for at least **30** consecutive days (excluding national holidays). In partnership with the National Labor Exchange (NLX), all positions posted to the university's employment opportunities website are automatically posted on the NLX (US.jobs) website and Iowa Workforce Development (IowaJobs) website. These websites automatically pull ISU job postings and allow for broader exposure through both the national and state workforce levels. It generally takes two-three days after the position is posted on the university's employment opportunities website to appear on these outside websites.

Employing unit will print a copy of the job posting from the IWD website on day 1 and on day 30. This documentation becomes a part of the Labor Certification application packet.

2.) UHR Talent Acquisition (Recruitment) will post the position on the ISU Job Opportunities website (iastatejobs). Employing unit will print a copy of the job posting from the ISU website on day 1 and on day 30. This documentation becomes a part of the Labor Certification application packet.

3.) Two advertisements in the Sunday newspaper of general circulation in the area of intended employment, i.e. Des Moines Sunday Register/Ames Tribune Sunday newspaper advertisements – or one such newspaper advertisement **and** an advertisement in the professional journal most likely to attract qualified candidates. (Placement and cost of advertisement by employing unit). Employing unit must obtain an original or copy of the advertisements, which become part of the Labor Certification application packet.

4.) Documentation of at least two of the following additional methods of recruitment must also be included in the Labor Certification packet:

- Job search website other than ISU Job Opportunities. Employing unit will print a copy of the posted ad from the job search website on day 1 and on day 30.
- Campus Placement Office posting
- Advertisement in local/ethnic newspapers
- Private employment agencies
- Job fairs
- Trade/Professional newsletters or journals
- Radio and/or TV ads
- Employee referrals with cash incentives
- On-campus recruiting

Placement and costs for these advertising methods will be paid by employing unit.

Employing unit must also obtain an original or copy of such advertisements and proof of placement dates, which become part of the Labor Certification application packet.

Retention by employing unit of all recruitment sources and documents related to the search for five years from the date the Labor Certification is approved.

See http://www.nafsa.org/_/file/_/amresource/20cfr656.htm for the Labor Certification Process from the Code of Federal Regulations: Chapter 20, Part 656.

P&S Pay Grade 35 or Above

ISU employing units, at their discretion, may sponsor candidates hired for full time positions through the non-waiver, open search hiring process and for which the candidate is rated as the **only** qualified candidate in the search pool. The hire must be at the pay grade level of P35 or above into a full time, continuous position or a full time term position that is expected to last at least three years.

The Department Chair and the Dean or the head of a business unit as applicable must submit to the UHR Associate Vice President a memo of support in which they request permission to sponsor the employee for permanent residency and state that they fully expect the appointment to be continued indefinitely.

All **recruitment** must begin no more than 180 days and end no fewer than 30 days before the **application** for the Labor Certification is filed.

The **advertised qualifications** must represent the employer's actual minimum requirements for the job opportunity.

Recruitment advertisement must contain the following:

- Name of Employer
- Application directions
- Description of job that is specific enough to apprise U.S. workers of the opportunity
- Geographic location of the position

Recruitment must include documentation of **each** of the following:

1.) Placement of a job posting with Iowa Workforce Development (IWD) for at least 30 consecutive days (excluding national holidays). In partnership with the National Labor

Exchange (NLX), all positions posted to the university's employment opportunities website are automatically posted on the NLX ([US.jobs](#)) website and Iowa Workforce Development ([IowaJobs](#)) website. These websites automatically pull ISU job postings and allow for broader exposure through both the national and state workforce levels. It generally takes two-three days after the position is posted on the university's employment opportunities website to appear on these outside websites.

Employing unit will print a copy of the posted ad from the IWD website on day 1 and on day 30. This documentation becomes a part of the Labor Certification application packet.

2.) Posting on the ISU Job Opportunities website ([iastatejobs](#)). Placement by UHR Talent Acquisition (Recruitment). Employing unit will print a copy of the posted ad from the ISU website on day 1 and on day 30. This documentation becomes a part of the Labor Certification application packet.

3.) Two print ads in the Sunday newspaper of general circulation in the area of intended employment, i.e. Des Moines Sunday Register/Ames Sunday newspaper advertisements – or one such newspaper advertisement **and** an advertisement in the professional journal most likely to attract qualified candidates. Placement and cost of advertisement by employing unit. Employing unit must also obtain an original or copy of the ad which becomes part of the Labor Certification application packet.

4.) At least two of the following additional methods of recruitment.

- Job search website other than ISU Job Opportunities. Employing unit prints copy of ad from day 1 and day 30.
- Campus Placement Office
- Advertisement in local/ethnic newspapers
- Private employment agencies
- Job fairs
- Trade/Professional newsletters or journals
- Radio and/or TV ads
- Employee referrals with cash incentives
- On-campus recruiting

Placement and costs for these advertising methods will be paid by employing unit.

Employing unit must also obtain an original or copy of such advertisements and proof of placement dates, which become part of the Labor Certification application packet.

Retention by employing unit of all recruitment sources and documents related to the search for five years from the date the Labor Certification is approved.

See http://www.nafsa.org/_/file/_/amresource/20cfr656.htm for the Labor Certification Process from the Code of Federal Regulations: Chapter 20, Part 656.

2.) Outstanding Professor or Researcher

Another method of sponsoring a foreign national for permanent residency in the U.S. is via the Outstanding Professor or Researcher Immigrant Petition. To be eligible for this process the candidate must demonstrate international recognition for their outstanding achievements in a particular academic field.

Outstanding Professor or Researcher
<p>ISU employing units, at their discretion, may sponsor a candidate when an internationally recognized candidate is: 1.) Hired for a tenure or tenure-track teaching position in their academic field OR “permanent” research position in their academic field, 2.) has accrued at least 3 years’ experience teaching or research in that academic area, and 3.) can provide documentary evidence of international recognition for outstanding achievement in at least two of the following areas:</p> <ul style="list-style-type: none"> • Receipt of major prizes or awards for outstanding achievement • Membership in associations that require their members to demonstrate outstanding achievement • Published material in professional publications written by others about the alien's work in the academic field • Participation, either on a panel or individually, as a judge of the work of others in the same or allied academic field • Original scientific or scholarly research contributions in the field • Authorship of scholarly books or articles (in scholarly journals with international circulation) in the field
<p>For a P&S position the Department Chair and the Dean or the head of the business unit as applicable must submit to the UHR Associate Vice President a memo of support in which they request permission to sponsor the employee for permanent residency and state that they fully expect the appointment to be continued indefinitely.</p>
<p>ISSO Files the application with the USCIS together with: a documented offer of employment in a tenured or tenure-track teaching position in the academic field OR a permanent research position in the academic field, evidence of international recognition for outstanding achievement in at least two of the six criteria listed above, and evidence that the candidate has at least 3 years’ of experience teaching and/or research in the academic field.</p>
<p>Retention by ISSO.</p>