



## EB-2 “Special Handling” Information for Academic Departments

*The EB-2 PERM “Special Handling” for “college and university teachers” is the process whereby an employer must demonstrate that the foreign national was found to be more qualified than any of the U.S. workers who applied for the job. When recruiting for positions, it is important that departments keep in mind the possibility of a foreign national being chosen as the final candidate. Departments can prepare for this by following Global HR’s suggested guidelines.*

The process is initiated by Department HR representatives via iStart. Once basic eligibility is determined, it is the responsibility of the department to compile all applicable evidence outlined below and submit it to Global HR. Global HR is responsible for completing the steps below and assembling the petition and submitting it to USCIS. The department is responsible for any fees associated with the I-140 petition.

### Application Process

#### Department Submits Request & Documents to Global Human Resources

Departments must submit the Permanent Residency for Faculty & Researchers e-forms in iStart. These forms will assist Global HR determine eligibility. Once eligibility has been determined, department HR will complete the I-140 Checklist for EB-2, Advanced Degree Holder (Special Handling) e-form. Departments will then submit the required documentation to Global HR directly. Please see the required documents below.

#### Prevailing Wage Determination

Global HR will prepare and submit a Request for Prevailing Wage Determination with the Department of Labor (DOL). This is mandatory and can take several months.

#### Internal Posting Notice

After the Prevailing Wage Determination is submitted, Global HR will provide an internal posting notice to the department. This notice is prepared by Global HR and is posted online on GTHR’s website. The posting is also sent to the department HR representative to be physically posted at the location of employment in two conspicuous locations. It is important to pay close attention to the timing of the posting, as there are stringent timelines that must be followed before the next steps can be taken in the EB-2 process.



### **Application for Permanent Employment Certification**

Once the prevailing wage has been determined and the notice has been posted for the required amount of time, Global HR will complete the PERM (Program Electronic Review Management) application by submitting the Form ETA 9089 "Application for Permanent Employment Certification." This form is submitted electronically through the Department of Labor's online portal as part of the labor certification process for employment-based immigration to the United States.

### **Form I-140, Immigrant Petition for Alien Worker**

Once the PERM application has been certified, Global HR will file the I-140 with USCIS.

### **Adjustment of Status**

Once the I-140 is approved and there are visas available in the EB-2 employment category, the employee can apply for an Adjustment of Status whereby the employee requests to adjust their nonimmigrant status to that of permanent resident. This is a personal application and includes multiple forms. Please refer to the USCIS website for instructions: [uscis.gov/greencard](https://uscis.gov/greencard). The employee is responsible for filing the petition after the I-140 has been approved and paying the fees. The employee may work with outside counsel of their choice and at their expense.

### **Document needed from the Department**

Once the recruitment and selection processes have ended, the department must initiate the Permanent Residence process in iStart and be prepared to provide the following to Global HR:

1. Offer Letter
  - Date of letter starts 18-month clock. Please note this is not the same date as the start date. This is the date the offer was made to the candidate.
  - Must indicate tenure-track or permanent position
  - Must include the signed acceptance of the candidate
2. Statement Regarding Candidate's Qualifications
  - Written statement attesting to the candidate's educational, professional qualifications and academic achievements
  - The candidate's qualifications must be shown to match up with the advertised qualifications and must be met at the time of selection

### 3. Print or Online Advertisement

- Print Ad
  - The ad must contain the job title, the job duties (including teaching), minimum requirements and geographic location
  - Ad must be placed in a national professional journal
  - Submit the original tear sheet
    - Must indicate the name of the journal and date(s) of publication
- Online Ad
  - The ad must contain the job title, the job duties (including teaching), minimum requirements and geographic location
  - Ad must be placed in an online national professional journal for a minimum of 30 calendar days
    - Please note that job boards and professional associations do not meet this requirement
    - Submit printout of the webpage containing the ad on the first day of publication and the last date of publication. Must indicate the name of the online journal and web address
- Evidence of any other advertisements

*Best practices when recruiting for a faculty position:*

- If the ad was placed in print in a national professional journal, save a tear sheet (page on which the ad appeared) from the journal. Make sure the name of the journal and date/issue are indicated.
- If the ad was placed online, print the ad and save the invoice showing the length of advertising period.
- Alternatively, or in addition to the above, print the ad on the first day it runs and again on the 30<sup>th</sup> day. Ensure that the URL and date printed is indicated.

### 4. Recruitment Report

- Recruitment report signed by an official of the Institute who has actual hiring authority, which outlines in detail the complete recruitment procedures undertaken
- Must include:
  - Total number of applicants



- Lawful job-related reasons why candidate selected is more qualified than each U.S. worker who applied
  - Must compare the successful candidate's qualifications with all others in the applicant pool
  - Must use the minimum and preferred qualifications indicated in the job advertisement and show how each candidate was fairly and objectively evaluated on these criteria
  - "Not Qualified" is not a sufficient reason for disqualifying a candidate
5. Search Committee Report
- Report of committee members making recommendation or selection of the candidate
  - This report must state the names and titles of the members of the search committee
6. Applicant Résumés/CVs or applications
- Copies of the résumés, CVs, or applications for ALL applicants in the pool
  - Can be limited to only those seriously considered

**Global HR has created these templates as a guide. Please provide each on department letterhead signed by the appropriate party.**

- [Job Advertisement](#)
- [Statement on Qualifications](#)
- [Recruitment Report Cover Letter](#)
- [Recruitment Report](#)
- [Search Committee Report](#)
- [Re-Selection Letter](#)