

EB-2 Special Handling Information for Academic Departments

*The labor certification standard for "college and university teachers" requires an employer to show that the alien was found to be more qualified than any of the U.S. workers who applied for the job. This is a particularly advantageous standard, because it allows a college or university employer to move forward with a labor certification for an individual who was determined to be the **best qualified** for the job¹. (In non-college/university teaching positions the standard is whether any U.S. workers who applied for the job possessed the minimum requirements for the job, and rejection of a U.S. worker who has the minimum requirements is grounds for denying the labor certification application, even if the alien is better qualified.)*

For citizens of India and China an EB-2 petition may not be desirable, as the immigrant visas for Indian and Chinese citizens are retrogressed. Individuals from these two countries will not be eligible to apply for a green card for years.

Global Human Resources Requirements/Resources

Document Summary

- 1) Offer Letter
 - Date of letter starts 18-month clock
 - 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

¹ 20 C.F.R. §656.18(b) and (d)

- Ad must be placed in an online *national professional journal* for a minimum of 30 calendar days
 - Submit print out 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
- 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
- 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

Online Information

<http://www.ohr.gatech.edu/global/immigrationservices/permanent%2oresidence>

Templates Available upon Request

- Job Advertisement
- Recruitment Report
- Re-Selection Letter
- Search Committee Report