



Office of International Student and Scholar Services
Center for International Studies
261 MSC, One University Boulevard
St. Louis, Missouri 63121
USA
Telephone 1.314.516.5229
Fax 1.314.516.5636
Email iss@umsl.edu

Faculty Labor Certification and "Special Handling for College or University Teachers"

Labor Certification is a process for obtaining Permanent Residency status in the US. The process is lengthy and requires extensive documentation. When at all possible, applications filed for permanent and tenure track faculty will use the Special Handling process.

The “**Special Handling**” process of the Labor Certification Application is a variation of the Labor Certification process. The application must be filed no later than 18 months after the date the job was officially offered to a foreign national. The process is similar to the Alien Labor Certification, but the Department of Labor (DOL) gives high priority to these types of cases and does not require the same stringent standards that are applied to the standard Labor Certification Application process. Additionally, Special Handling is processed much more quickly, if documentary evidence is available and meets all DOL criteria, applications are usually approved in less than four months. The DOL has chosen to limit Special Handling procedures to college and university professors. Professors qualify only if they engage in classroom teaching; positions involving strictly research or other non-teaching duties do not qualify for special handling.

Labor Certification (Special Handling) Overview:

1. Certification by the Department of Labor that the search process for the position identified the best qualified, available candidate for the permanent, tenure-track position following a national search.
2. After receiving certification, Form I-140 will be filed for an immigrant visa to be made available for the international faculty member, also referred to as the “beneficiary.”
3. After the I-140 is approved, the international faculty member will then file for adjustment of status to Permanent Resident on I-485. While a very general overview of the process will be provided by the University, it is the international faculty member’s responsibility to complete this application and submit all the necessary documents to Citizenship and Immigration Services.

Documentation of Recruiting Efforts:

All advertisements for the position must include the following:

- Job Title,
- Duties, and
- Minimum Requirements for the position.

At least one of the advertisements must be in a national professional journal and at least one of the advertisement must be in a **print** format (newspaper, paper journal).

Rev 1/2009

DOCUMENTS NEEDED FOR SPECIAL HANDLING LABOR CERTIFICATION:

Documents provided by Department

- Permanent Residency Case initiation form. Available at:
<http://www.umsl.edu/services/intelstu/scholars/pr.html>
- Completed and signed Special Handling Information Summary (see below)
- Copy of initial job offer letter
- Evaluation of Applicants Report. See below for instructions and sample.
- Selection Committee Report. See Appendix III for instructions and sample.
- A copy of the advertisement(s) placed in professional journals.
- Documentation of any other recruitment efforts undertaken (letters sent to other institutions or professional colleagues, postings on electronic bulletin boards, etc.)
- A copy of the Labor Certification Notice. This notice must be posted in the hiring department for ten business days. ISSS will supply this form, properly completed, to the appropriate department for posting after receiving the application materials.
- Check for \$475 made out to "US Citizenship and Immigration Services". The fee schedule is available at: <http://uscis.gov/graphics/formsfee/forms/index.htm> Form I-140 will be filed on behalf of the beneficiary. It is not necessary that this check be sent at the same time as the rest of the documents, but it should be received in ISSS within 4-6 weeks of the rest of the packet.

Documents provided by Beneficiary

- Personal Beneficiary Form. Available at:
<http://www.umsl.edu/services/intelstu/scholars/pr.html>
 - Copy of passport identity page, most recently issued visa, and current I-94
 - If beneficiary's native alphabet is other than Roman letters, please include a separate sheet of paper with the foreign name and home address both in the native language as well as English
- Documentation supporting the applicant's claims to education, training, and experience:
 - Letters from previous employers verifying professional experience
 - Final copy of all awarded graduate degree transcripts,
 - curriculum vita

Any documents in a language other than English (including Latin) must be accompanied by a translation certified by the translator as to the accuracy of the translation and his/her ability to translate. A signed statement as follows is sufficient for this purpose: "I am familiar with the English and the _____ languages and I certify that this is a true and complete translation of the _____ (type of document)." Photocopies of documents such as diplomas are acceptable. See sample letter below documenting professional experience.

Procedures Following Labor Certification Once the Department of Labor has approved the application for labor certification, ISSS will petition the US Citizenship and Immigration Services on behalf of the alien. This is done by filing a Form I-140 with the approval of the labor certification, appropriate supporting documentation and the \$475 check made payable to the "USCIS." The approval by the USCIS of the I-140 is currently taking up to a year. This varies depending on the work load at the USCIS Nebraska Service Center.

SPECIAL HANDLING LABOR CERTIFICATION INFORMATION SUMMARY
FOR TEACHING POSITION AT UM-ST. LOUIS

Name of beneficiary: _____

Department/College employing the beneficiary: _____

Date official offer was made _____ Current yearly salary _____

Position Information

Position Title _____ Department _____

What are the job duties?

Required degree ___ Master's ___ Doctorate (___ ABD acceptable) Field _____

Is there an alternate field of study that is acceptable? ___ yes ___ no

If 'yes,' specify acceptable alternative _____

Is a foreign educational equivalent acceptable? ___ yes ___ no

Required training (include skills acquired as a student or postdoc)

Number of months _____ Field(s) _____

Required work experience

Number of months _____ Field(s) _____

Required licensure _____

Is there a foreign language requirement? ___ yes ___ no Language(s) _____

If 'yes,' provide a statement outlining the business necessity of foreign language knowledge.

Additional requirements (e.g. work in a particular specialization, promise as a researcher):

Number of staff (non-student employees) employee will supervise _____

Occupational title of direct supervisor _____

Are these requirements normal for the occupation? ___ yes ___ no

If no, please explain additional requirements.

Recruitment

Have there been any lay offs in any occupations related to this position? ___ yes ___ no

If yes, please describe position title, duties, and requirements:

How many applications were received for the position? _____

List the print journal(s) the ad was published in:

Title _____ Issue _____ Page _____
Is this a national professional journal? ___ yes ___ no

Title _____ Issue _____ Page _____
Is this a national professional journal? ___ yes ___ no

Title _____ Issue _____ Page _____
Is this a national professional journal? ___ yes ___ no

List other advertisements or notices: for on-line postings, include URL and dates posted; for letters sent to others institutions, include a copy of the letter and a list of the institutions.

Submitted by: _____
Signature

Name and Title

Date

Example Of Written Statement Of Attestation And Affirmation
(Letter must be on letterhead and signed by Department Chair or hiring official)

US Citizenship and Immigration Services
Nebraska Service Center
PO Box 87140
Lincoln NE 68501-7140

Dear Sir or Madam:

Re: *<Applicant's name>*

The qualifications of *<name>* for the position of *<job title>* were a close match to our advertised and anticipated needs. His/her educational background in *<field>* is very strong, as reflected by an academic pedigree that includes *<number of years>* of experience as a *<job title>* at *<institution>*. His/her research plans fit very well in the strategic plans of the *<department>* and of UM St. Louis. *<name>* expressed an interest in teaching at the undergraduate level in *<field>* and at the graduate level in *<field>*, which were the advertised teaching needs of candidates for the position. *<name>* has an excellent publication record and developing national recognition, which are clear indications of his academic achievements.

A candidate who was considered of equal qualification is a United States worker, but this candidate withdrew from consideration. *<name>* is more qualified than are all other United States workers who remained in consideration for the position.

Sincerely,

<name and title>

Sample Letter Documenting Professional Experience
(This letter should be from each employer listed by the beneficiary)

US Citizenship and Immigration Services
Nebraska Service Center
PO Box 87140
Lincoln NE 68501-7140

Dear Sir or Madam:

Re: <Applicant's name>

This is to certify that <name> worked at <institution> in <department> as <job title>, between <beginning date> and <ending date>, and had the following responsibilities:

Outline of job duties

Also include information on additional position titles along with specific dates of appointments

Sincerely,

<name and title>

Evaluation of Applicants Report

On the form, the “screening criteria” refers to requirements that were published in the advertising and are the criteria by which applicants were evaluated. “Observed characteristics” refer to characteristics that were noted during the interview.

1. Put the alien applicant’s name in the blank at the beginning of the “applicants” column. Use only letters to identify the other applicants. This preserves confidentiality.
2. In the “applicants” column, after naming the alien labor certification applicant, list all applicants.
3. Under both “screening criteria” and “observed characteristics” you will see capital letters. These refer to the various requirements and characteristics on the basis of which applicants were rated. These qualifications and characteristics should match those listed in Section C of this cover sheet. Use the “Key” at the bottom of the form to list what criteria and characteristics were used to rate the applicants. For example, the “A” under “screening criteria” refers to academic degree.
4. Build a scale that gives a numerical value to each criteria for each applicant (e.g., 5=high and 1=low; 5=best qualified and 1=not qualified). If a simple “yes” or “no” suffices (e.g., Ph.D.), place that note in corresponding box. In the boxes along the row after each applicant’s name or letter, write “yes” or “no” or whatever term is needed to show how each applicant was rated with respect to each requirement or characteristic. Total the points in the appropriate column.
5. Add comments, if necessary (offered/declined, withdrew, etc).

Example for position in Biochemistry

	Screening Criteria					Observed Characteristics		Total	Comments
	A	B	C	D	E	F	G		
Juan Rodriguez	Yes	5	5	5	5	5	5	30	selected
CANDIDATE B	Yes	5	5	4	5	5	4	28	
CANDIDATE C	Yes	4	3	4	5	2	2	20	
CANDIDATE D	Yes	4	4	3	4	2	3	21	
CANDIDATE E	Yes	4	3	1	2			10	
CANDIDATE F	Yes	3	1	3	3			10	
CANDIDATE G	Yes	3	3	2	1			9	
CANDIDATE H	Yes	3	3	1	1			8	
<i>List must include all applicants</i>									

Key to criteria

A = completed doctorate (or ABD) in Biochemistry or closely related discipline

B = Biochemistry training and research interests, as evidenced by documentation of academic and scientific productivity

C = Ability to develop vigorous, externally funded research program

D = Ability to teach specialized courses at graduate level, upper level undergraduate courses in biochemistry, and entry level courses in general chemistry.

E = Departmentally relevant research interests in Biochemistry

F = Quality of presentation to faculty, demonstrating knowledge of the academic area, as well as providing compatibility with the interests and areas of expertise of current faculty

G = Evaluation of future research possibilities and teaching plans

Scale

Yes or No

5 = high – 1 = low

5 = high – 1 = low

5 = high – 1 = low

5 = high – 1 = low

5 = high – 1 = low

5 = high – 1 = low

Selection Committee Report

Attach a copy of the final report of the search committee that selected the alien applicant. Refer to all candidates by letter, as on Evaluation of Applicants Report. All candidates should be accounted for in the report.

Example for position in Biochemistry

In October 2002, the Department of Biochemistry was authorized to search for a faculty member to fill a vacant Assistant Professor position.

The Committee screened applicants initially on the following criteria; the results of which are entered on the attached chart:

- Ph.D. in biochemistry or a closely related discipline;
- Education should include preparation in Biochemistry and demonstrate related research interests;
- Ability to develop a vigorous research program, supported by external funding;
- Ability to teach effectively specialized courses at the graduate level, upper level undergraduate courses in biochemistry, and entry level general chemistry courses

The authorized position was advertised in the December 2002 issue of *Jobs in Biochemistry*, and the January 2003 issue of *International Directory of Biochemical Positions*. These are the standard periodicals to advertise positions in the field of Biochemistry.

A Search Committee was constituted that consisted of Professors Smith (Committee Chair), Johnson, and Brown. This committee screened all applications for the position and selected candidates for interview at UM St. Louis. A total of 41 applications were received for this position. All of the applicants either have or are anticipating shortly completing a Ph.D. in biochemistry or a closely related discipline. Additionally, all applicants appeared to present at least minimal evidence of teaching ability.

The Department of Biochemistry began the screening process in May 2002 and continued through March 2003. In addition to consideration of the minimum qualifications for the position, the process of screening included evaluation of educational training, letters of recommendation regarding research accomplishments and potential, published research, and letters regarding teaching experience and ability. During the course of the initial screening, candidates E, H, K, L, M, and AA - LL were ruled out because they presented minimal or no evidence of ability to teach effectively specialized courses at the graduate level, upper level undergraduate courses in organic chemistry, and entry level general chemistry courses. Candidates F, J, O, and Q through Z were ruled out because they presented minimal or no evidence of the ability to develop a vigorous, externally funded research program. Candidates G, I, N, and P were excluded from further consideration because they showed minimal or modest evidence of research interests at the interface of chemistry and biology. The remaining four candidates were selected to be interviewed.

Dr. Martinez and Candidates B, C, and D were invited to UM St. Louis for on-campus interviews. Each candidate delivered a 50 minute seminar of her/his past research accomplishments, and a 90 minute description of future research and teaching plans. In addition, small faculty groups joined each candidate for meals and small group discussions. This process provided each candidate with broad exposure to our personnel and programs, and ensured that all involved faculty could make informed judgments about each candidate.

The tenure track faculty of the Department of Biochemistry was consulted in making the final selection from among the interviewed candidates of the person to fill the aforementioned tenure track line. Candidate D was judged to have a language problem because of his pronounced accent and there were numerous concerns that he would be unable to function effectively in the undergraduate classroom. There was also an unevenness of this candidate's presentation of future research plans. Though some aspects of his proposals were well conceived, well described and well defended, other aspects were just the opposite. Therefore, this candidate was not suitable. Candidate C manifested a lack of enthusiasm for the research that he had accomplished, and the faculty expressed misgivings about his future research plans. Therefore, candidate C was deemed unsuitable for the position. While candidate B was a strong applicant, it was the unanimous opinion of the Department of Biochemistry that Dr. Martinez was the best-qualified candidate and would make an excellent addition to the faculty.

Upon presentation of Martinez's record, the Dean of the College of Arts and Sciences concurred. On March 15, 2003, Dr. Martinez was officially selected as the nominee for the stated position, and a letter offering him the position was issued by the Provost.

Albert Smith,
Professor and Department Chair