HIRING INTERNATIONAL APPLICANTS

Who Is An “International” Applicant?
An applicant who will need paperwork from the University in order to apply for an appropriate visa to work as an employee at the University is identified by the University as an “international” applicant.

When To Ask If Candidate Is International
During the finalist stage when finalists have been identified and are being invited for an interview with the hiring authority, each finalist should be asked about their ability to be employed lawfully in the United States.

What To Ask?
“As a condition of employment, the University of Colorado Denver must verify your employment eligibility. Will you now or in the future require the University of Colorado Denver to sponsor you for a visa or Lawful Permanent Residency in order to be eligible for employment?”

What If A Candidate Is An International Applicant?
If you have candidates who identify themselves as being international, you may advise them to contact International Student & Scholar Services (ISSS) to discuss their visa requirements. If you hire an international for your opening, ISSS will assist with any visa paperwork. Early consultation with ISSS is crucial in order to have the appropriate documents and petitions timely filed with the Department of Labor and/or the Department of Homeland Security.

When Searches Can Be Used to Assist Employee with Permanent Residence
If you plan to conduct a national search for teaching faculty (Instructor to Full Professor), and you believe that the applicant pool is likely to include an international who wishes to seek permanent residency, you should run a print ad in at least one issue of a professional journal and keep a copy of the original tear sheet. The Chronicle of Higher Education is an acceptable option. Running the print ad at this stage will eliminate the need to conduct another search after an international is hired. In Jobs at CU ensure that you document where the position will be posted and attach a copy of the language for all external postings. See also “Drafting Ads” section below.

Permanent Resident Search File Retention
Typically search files are retained for two years from the date of the end of the search. If you have completed a search for a candidate that will be used for permanent residency, the search file must be maintained for five years. If you are unable to store search files for this required period, you can forward the search file to ISSS who will store the records for you.
How Can International Student & Scholar Services Assist?

AD REVIEW: ISSS can look over your recruitment ad to ensure that your ad contains the necessary elements to meet Department of Labor (DOL) and Department of Homeland Security (DHS) requirements. This is especially important if you think you could end up with an international candidate for whom the University will want to obtain a green card. Consult with ISSS before you place your ad, if that is the case.

CANDIDATE CONSULTATION: ISSS will be happy to meet with your international finalists to help determine potential eligibility for permanent residency status before the individual is hired into a tenure-track, tenure-eligible, or long-term permanent position. ISSS can determine if there are any barriers to smooth immigration processing. This is also a good recruitment tool, as it shows candidates that immigration work can be done through the University.

EXPLANATION OF PROCESS: ISSS can help the hiring unit and the candidate understand the process and timing for obtaining the proper immigration status for an international hire. Different visa types can be appropriate for the hire. Each visa type will involve different processing times:

- **J-1** documents can be completed by ISSS within 5 days after receiving a complete request package. This visa cannot be used for tenure-track or tenure-eligible faculty positions. No government filing fees required from hiring unit.

- **H1-B** visa processing takes a minimum of four weeks processing time in ISSS and requires a Labor Condition Application (LCA) to DOL and a petition to USCIS. Processing at USCIS can take 4 to 6 months. With premium processing, this time is shortened to approximately two weeks. USCIS filing fees are required and must be paid by hiring unit.

- **Lawful Permanent Residency (green card)** takes a year or more and usually involves both DOL and USCIS.

- **Teaching faculty labor certification applications** are handled by ISSS staff.

- **Non-teaching permanent positions** required the assistance of an outside immigration attorney for which hiring unit must pay.

DRAFTING APPROPRIATE ADS FOR TEACHING FACULTY POSITIONS AT THE UNIVERSITY OF COLORADO IF INTERNATIONAL APPLICANTS POSSIBLE

**ADS MUST INCLUDE THE FOLLOWING ITEMS:**

2. Job duties.
3. Minimum requirements for the job, including degree level and field of study. Do not include preferred requirements, as DOL treats ANY stated requirements as minimum requirements.

**PRINT ADS:** Hiring unit MUST run at least one print ad in an appropriate professional journal/publication with national or international circulation. Web-based ads may be sufficient under certain circumstances, but are still risky at this time. Consult with ISSS if you have any questions about ad placement.

**BE SPECIFIC:** use a precise job title, and requirements, including degree, area of specialization, and any licensing or board certification requirements. Enumerate the job duties. Do not require years of experience unless the position actually requires it.

**CONTACT INFORMATION:** Include clear contact information in your ad.
PREVAILING WAGE: The University must comply with DOL regulations to pay as much as or more than the prevailing wage for a position. If you require more than two years of experience, the DOL’s prevailing wage determination may be higher than the salary you are able to offer. Consider requiring “working knowledge of_________” instead of “X years of experience in_________.”

CALCULATING EXPERIENCE TIME: Time spent in a degree program cannot count towards experience, if experience is required.

EXPERIENCE GAINED WITH THE UNIVERSITY OF COLORADO DENVER: A candidate cannot use experience gained with the same employer in the same job in order to qualify for the advertised position.

KEEP TO THE STATED REQUIREMENTS: Do not offer the position to someone who does not have the minimum qualifications included in the advertisement. If your department will accept someone with either ABD or Ph.D., either M.D. or Ph.D., clearly state this. If you require only a Ph.D., the candidate must have the Ph.D. in hand at the time of the offer. Remember that ALL stated requirements are considered minimum requirements by DOL.

TEACHING FACULTY DEADLINE: In order to use a completed teaching faculty search, ISSS must file a labor certification application (often the first step for Lawful Permanent Residency) for any teaching faculty hire within 18 months from the letter of offer.

Good advance planning will help new international hires obtain the appropriate visa for work authorization in a timely manner. Please consult with ISSS early in the process.

International Hire Contacts: Florie Montoya, Human Resources, 303-315-2741; Michelle Larson-Krieg, ISSS, 303-315-2235

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