

HIRING OF A FOREIGN NATIONAL APPLICANT

A foreign national is a person who is not a U.S. citizen or a permanent resident of the United States. Most foreign nationals will need an employment based work authorization visa in order to be employed at UW-La Crosse. UW–La Crosse supports and assists tenure-track faculty with H-1B work authorization visas and the immigrant petition for employment based permanent residency.

When hiring a foreign national, there are additional steps the search and screen committee must take in order to document that a fair and comprehensive recruitment process was completed. As part of the US Department of Labor's (DOL) permanent labor certification process (which leads toward permanent resident status), the DOL reviews our recruitment procedures and the qualifications of the person hired, relative to the advertised duties and required qualifications.

The following is a list of tasks the search and screen committee will be asked to complete when a foreign national is hired into a tenure-track faculty position:

- Verify hiring college's approval for the fees for the employment based visa and permanent residency.
- Provide copies of emails and/or phone records for last contact with all candidates when we advised them that the position was filled. For those interviewed, also provide copies of emails and/or phone records of initial contact offering interview opportunity.
- Complete a questionnaire regarding who was pre-screened and who was campus interviewed (names, dates).
- Provide a detailed written report of the recruitment process and a list of 4-5 attributes of the foreign national that led to their hiring.
- Complete a matrix listing all applicants and indicating whether they met the minimum qualification for the position, as well as indicating whether or not they possessed each of the attributes of the foreign national that led to the foreign national's hiring.
- Review and approve letter to Department of Labor, prepared by Human Resources, which will be signed by the hiring department's Chair and Dean/Director, and covers the information required by the DOL's §656.18 (detailed on the following page).

Specific DOL §656.18 requirements

- **(1)** A statement, signed by an official who has actual hiring authority from the employer outlining in detail the complete recruitment procedures undertaken; and which must set forth:
 - (i)** The total number of applicants for the job opportunity;
 - (ii)** The specific lawful job-related reasons why the alien is more qualified than each U.S. worker who applied for the job; and
- **(2)** A final report of the faculty, student, and/or administrative body making the recommendation or selection of the alien, at the completion of the competitive recruitment and selection process;
- **(3)** A copy of at least one advertisement for the job opportunity placed in a national professional journal, giving the name and the date(s) of publication; and which states the job title, duties, and requirements; *[HR's placement of the web based ad on the Chronicle website satisfies this requirement.]*
- **(4)** Evidence of all other recruitment sources utilized; and
- **(5)** A written statement attesting to the degree of the alien's educational or professional qualifications and academic achievements.

In addition to the extra steps the search and screen committee must perform, the hiring department and the human resources department have additional work when a foreign national is hired, in order to process the work authorization visa and subsequent immigrant petition for employment based permanent residency. The human resources website contains detailed information about the complete process involved in obtaining employment based visas and permanent residency status and the additional work associated with hiring a foreign national.