



## **HIRING INTERNATIONAL APPLICANTS**

### **Who Is an “International” Applicant?**

An “international” applicant is someone who will need to be sponsored by the University in order to apply for an appropriate visa to work as a University employee.

### **When to Ask If a Candidate Is International**

Wait until finalists have been identified and are being invited for an interview with the hiring authority. It is critical that **each finalist** 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 a candidate who identifies himself or herself as being international at any stage of the hiring process, you may advise them to contact International Student & Scholar Services (ISSS) to discuss any visa concerns. If you hire an international candidate, ISSS will assist with any visa paperwork. The earlier you consult with ISSS, the better, as the immigration process takes a significant amount of time. The appropriate documents and petitions must be timely filed with the Department of Labor and/or the Department of Homeland Security to avoid delayed start dates.

### **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, please ensure that the ad meets the requirements for Special Handling Labor Certification for University Teachers (SHLC). Careful attention to the ad language at this stage will make the need to conduct another search after an international is hired far less likely. While hiring units should continue to post ads in any appropriate scholarly journals, a print ad is no longer required for the SHLC. One of the acceptable online postings is [InsideHigherEd.com](http://InsideHigherEd.com), a site where the ad is automatically posted when an ad is placed in **CU Careers**. See the “Drafting Ads” section below for more specific guidance.

### **Export Control Considerations**

Certain positions may have access to information, technology or types of equipment that are export controlled. Standard language should be created for inclusion in job postings and offer letters when access to controlled technologies is required. A license may be required before foreign national employees can participate on a project or have access to certain technology, data or equipment. Consult with Human Resources, and the Offices of University Counsel and Regulatory Compliance for assistance in drafting language.



### **How Can ISSS Assist?**

**AD REVIEW:** ISSS can review your recruitment ad to ensure that it meets both Department of Labor (DOL) and U.S. Citizenship and Immigration Services (USCIS) requirements. This is especially important if an international candidate for whom the University will want to obtain a green card might be selected. Consult with ISSS before you place your ad, if that is the case. If the candidate is being hired for a project which is export controlled, special language may need to be added to the job advertisement. Please contact the [Export Control Office](#) or Human Resources for assistance.

**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 also identify and mitigate any barriers to smooth immigration processing. Offering the candidate an opportunity to meet with ISSS as part of the recruitment process is a good recruitment tool, as it shows candidates that the University has the resources and expertise to handle employment-based immigration matters.

**EXPLAINING THE PROCESS:** ISSS can help both the hiring unit and the candidate understand the process and timeline necessary to obtain the appropriate immigration status and work authorization for an international hire. There are often different visa types and strategies that can be used, and ISSS can help hiring units navigate the various options and choose the approach that best meets the needs of both the hiring unit and the international candidate.

**PERMANENT RESIDENT SEARCH FILE RETENTION:** Search files are typically 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.

## **DRAFTING ADS FOR FACULTY TEACHING POSITIONS THAT MEET REQUIREMENTS FOR SPECIAL HANDLING LABOR CERTIFICATION**

### **ADS MUST INCLUDE THE FOLLOWING ITEMS:**

1. Job title.
2. Job duties.
3. Minimum requirements for the job, including degree level and field of study. Ideally, no preferred requirements will be included, as the U.S. Department of Labor treats ANY stated requirements as minimum requirements.

**AD PLACEMENT:** Hiring unit MUST run at least one on-line in an appropriate professional journal/publication with national or international circulation. One of the acceptable online postings is [InsideHigherEd.com](http://InsideHigherEd.com).

**BE SPECIFIC:** Use a precise job title and specific requirements, including degree, area of specialization, and any licensing or board certification requirements. Enumerate the job duties. If experience is required, specify the exact amount.

**VERY CAREFULLY CONSIDER THE REQUIREMENTS:** Do not require experience unless the position actually requires it. If your department will accept someone with either ABD or Ph.D., either M.D. or Ph.D., clearly state this. If you require 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. Critically, an application for labor certification will only be certified for an employee who met ALL stated requirements at the time of offer.



**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.

**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 to qualify for the advertised position. This means that only experience gained through previous employment with employers other than the University of Colorado Denver | Anschutz may be used to show that a candidate met the stated requirements.

**LABOR CERTIFICATION APPLICATION DEADLINE:** In order to use a completed teaching faculty search as evidence to the Department of Labor that the candidate selected was the most qualified candidate for the position, 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. Note that there may be other viable paths to permanent residency, including an Outstanding Professor/Researcher petition, which does not require labor certification.

### CONTACTS

**Human Resources Contact:** Florie Montoya, [Florie.Montoya@ucdenver.edu](mailto:Florie.Montoya@ucdenver.edu), 303-315-2741

**ISSS Contacts:** Michelle Larson-Krieg, [Michelle.Larson-krieg@ucdenver.edu](mailto:Michelle.Larson-krieg@ucdenver.edu), 303-315-2235 and Amy Bello, [Amy.Bello@ucdenver.edu](mailto:Amy.Bello@ucdenver.edu), 303-724-0795

**Export Control Contact:** Christine Ahearn, [Christine.Ahearn@ucdenver.edu](mailto:Christine.Ahearn@ucdenver.edu); 303-724-0245