



University at Buffalo
The State University of New York

Office of International Education
Immigration Services

MEMORANDUM

To : Vice Presidents, Vice Provosts, Deans and Department Chairs

From : Oscar A. Budde, Associate Vice Provost for Immigration Services and Director, UB Immigration Services, Office of International Education

Date : January 27, 2012

Subject : Online Special Handling Procedures for International Teaching Faculty

ANNOUNCEMENT REGARDING PERMISSIBILITY OF ONLINE ADVERTISEMENTS AS PART OF SPECIAL HANDLING PROCEDURES FOR INTERNATIONAL TEACHING FACULTY

International tenure track or tenured faculty who have undergone a competitive recruitment and selection process may be eligible to file for permanent residency pursuant to the Special Handling provisions of the U.S. Department of Labor (“DOL”). The Special Handling pathway to permanent residency is the most frequently used and most reliable one for international teaching faculty at UB. Before September 8, 2011, DOL required that the recruitment for the position must have included at least one advertisement placed in a professional print journal of national circulation appropriate for the particular discipline and likely to produce qualified applicants. As of September 28, 2011, in a revision of its September 8, 2011 Frequently Asked Questions, the U.S. Department of Labor no longer requires a print advertisement in a national professional journal.ⁱ DOL now permits electronic or web-based advertising in lieu of print advertising. In light of this change in DOL policy, a department at the University at Buffalo wishing to avail itself of the U.S. Department of Labor’s September 28, 2011 electronic or web-based advertising guidelines pertaining to Special Handling must adhere to the following:

1. Utilize an electronic or web-based national professional journal that is recognized as one of the profession’s generally accepted recruitment sources.
2. The advertisement for the job opportunity for which certification is sought must be posted for at least 30 calendar days on the journal’s website.
3. Documentation of the placement of an advertisement in an electronic or web-based national professional journal must include evidence of the start and end dates of the advertisement placement and of the text of the advertisement. Screen prints of the advertisement from the start date and the 31st date of posting, and an invoice documenting the start and end dates are sufficient. All such evidence must be preserved by the department for a period of at

least five (5) years after the U.S. Department of Labor issues the labor certification. A copy of the evidence must be provided to UB Immigration Services (UBIS) as part of the Special Handling Request Packet.

The Office of International Education hereby adopts and incorporates DOL's September 28, 2011 online advertisement guidelines into its Special Handling procedures. The long awaited change in DOL's advertisement requirements from print to online advertisements has noteworthy advantages. Generally, online advertisements are significantly less costly than print advertisements. University at Buffalo departments should experience significant cost savings by switching to online advertisements. Online advertisements generally offer greater flexibility than print advertisements in terms of submission deadlines, permitting departments to exercise greater control over their recruitment process. Also, producing the documentation necessary to establish compliance with DOL's advertisement requirement should be much easier to achieve with online advertisements than it was with print advertisements.

A department that cannot be certain that it will be able to meet all three of the above-noted requirements should continue to place advertisements in a national print journal of the profession in order to avail itself of the benefits of Special Handling.

As always, the advertisement must contain the name of the UB department, position title, job duties – specifically listing teaching duties – and minimum job requirements. DOL also requires that the ad refer applicants to the department with appropriate contact information.

Departments should keep in mind that in addition to the above-noted electronic or web-based advertisement requirements applicable in the immigration context, DOL also monitors the employer's compliance with a host of other regulations that pertain to the hiring of international tenure track or tenured faculty who may be eligible for the Special Handling provisions pursuant to permanent residency petitions. In particular, we advise departments to take the following guidance into account:

1. Departments should use online professional journals that are recognized by the profession as generally accepted recruitment resources. The online journal should be the one that is most likely to reach potential job applicants. In the absence of a discipline-specific online journal, departments should contact UBIS for suggestions of online journals recognized in higher education as legitimate recruitment resources.
2. The employee must meet the minimum qualifications for the job opportunity at the time that he or she is selected. Thus, the letter of offer can only be issued after the selected candidate meets all of the minimum job requirements, including degree requirement (e.g., ABD, Ph.D., terminal degree, etc.).
3. All advertisements and postings must contain identical language.

4. On UBJobs the position should be listed as being open until a specific date and with the following notation "...or until filled."
5. DOL considers preferred qualifications to be the equivalent of minimum qualifications.

Workshops covering Special Handling procedures are given twice each semester. The next workshops are scheduled for Friday, February 3, 2012 at 12:00pm and Wednesday, February 8, 2012 at 4:00pm. The workshops will be held in Capen Hall 31, North Campus. Information concerning future workshops will be advertised.

For further information, please refer to the UB Immigration Services (UBIS) website, which can be found at <http://wings.buffalo.edu/intlservices/pr.html>.

If you should have any questions, do not hesitate to contact UBIS at (716) 645-2355 or (716) 645-5550.

cc: Bruce D. McCombe, Interim Provost
Stephen C. Dunnett, Vice Provost for International Education

¹ <http://www.foreignlaborcert.doleta.gov/faqsanswers.cfm#cutrec6>. Refer to PERM Program/College and University Teachers – Recruitment/FAQ #6.