



Foreign National Employee	Hiring Sponsoring Department	Office of International Affairs (OIA)	External Agencies (TWC / DOL / CIS)
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**Preliminary Phase:
Foreign National Eligibility for PR with Underlying PERM Labor Certification**

Review all materials available on OIA's web site pertaining to **permanent residency sponsorship**, including:

- Guidelines for Sponsorship of Permanent Residency
- Overview of the Permanent Residency Process through Alien Labor Certification – PERM
- Permanent Residency Through Special Handling Permanent Labor Certification flowchart

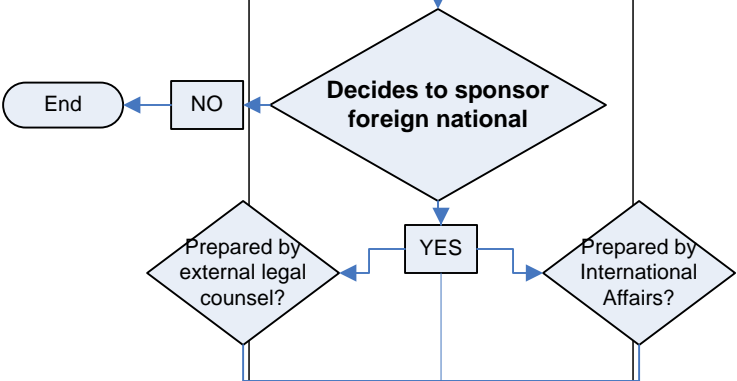
Meet / provide OIA **preliminary documents to establish eligibility** of employee:

- Up-to-date CV
- PR BioData Form on web
- Copies of immigration documents
- Copy of Job Offer Letter
- Copy of job description

Review preliminary documents

Prepare and forward **advisory** communication to employee and sponsoring department

Employee, sponsoring department and /or OIA meet to resolve any questions or concerns regarding the process, timelines, fees, commitment, etc.



Provide **written administration approval letter** signed by School Dean, Department Chair – Division Head for supporting sponsoring of PR

PRE-FILING of PERM Form ETA 9089: Advertisement, Recruitment, Reporting, and Documentation

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PHASE I: Pre-filing / filing of PERM Labor Certification -Form ETA 9089- Advertisement, Recruitment, Reporting, and Documenting

Provide **standard job description / Offer** for job title which includes:

- Job duties for position
- Minimum Requirements normally required

Request **Prevailing Wage Determination** from State Workforce Agency, which must be **valid at time of filing**

TWC / SWA determines prevailing wage for position requested according to area of employment

Prepare **Notice of Filing**

Post Notice of Filing a labor certification for **10 consecutive business days** at location of employment where US workers can readily read it AND in all in-house electronic media or printed in accordance with institutional procedures

SPECIAL HANDLING occupations with teaching classroom duties: **Conduct / Use own competitive recruitment process** to document selection of best qualified person within 18 months of filing PERM LC

Prepare **Recruitment Report** stating:

- Total number of applicants,
- Lawful reasons why foreign national was **better** qualified than each applicant,
- Final recommendation made by search committee after recruitment & selection to hire foreign national

and attaching:

- Written statement attesting to qualifications and achievements of foreign worker,
- Evidence of all recruitment sources, and
- Copy of at least one Ad placed in a printed professional journal with name and dates published.

Prepare Retention File to hold for 5 years, including evidence of:

- Prevailing Wage Determination from the SWA
- Documentation of compliance with internal notice posting
- Documentation related to job offer and the foreign worker qualifications for the job
- Documentation of recruitment efforts for special handling filed under 656.18.
- Copy of signed Form ETA 9089

Draft Form ETA 9089 (and ETA 750B) and submit to OIA for electronic completion

Prepare and submit electronic PERM Form ETA 9089 through new portal system *iCERT* (as of July 1/09) to DOL Office of Foreign Labor Certification (OFLC)

DOL OFLC processes Application for Permanent Employment Certification

