

Memo to: New Brunswick, RBHS, Newark, and Camden Deans, Area Deans, Department Chairs, and Directors of Centers and Institutes (C&Is)

From: Eric Garfunkel, Vice President for Global Affairs
Asenath Dande, Director, International Faculty and Scholar Services
Office of the Executive Vice President for Academic Affairs

Subject: Department of Labor requirements for Permanent Residence (Green Card) sponsorship if the hired candidate is a foreign national

Please read carefully before advertising for a faculty position.

When a foreign national is hired for a faculty position, the University initially sponsors the individual for a temporary H-1B visa. If eligible, shortly after the individual arrives and begins working at Rutgers, the department is expected to initiate the process to sponsor the foreign national for a green card. Due to Department of Labor deadlines, delayed initiation may extend the timeline for the green card sponsorship process and may require a new advertisement to be placed. Please see [University Policy 60.1.2](#) on Employment of Foreign Nationals for eligible titles.

Rutgers generally uses one of two paths to sponsor a foreign faculty member for a green card: PERM Labor Certification or Outstanding Professor/Researcher. More information about these paths is posted on Rutgers Global's website at: <https://global.rutgers.edu/permanent-residence-sponsorship-based-employment-rutgers>.

As most new PhDs do not meet the "Outstanding Professor / Researcher" criteria at the time they are initially hired into faculty positions, Rutgers frequently finds it necessary to use the "PERM" path to permanent residence sponsorship for new foreign national hires. This process requires the University to file a PERM Labor Certification with the U.S. Department of Labor (DOL), showing that the department selected the faculty member through a "competitive recruitment and selection process." The employing department must document that they completed the recruitment and selection process in compliance with special DOL regulations, which includes advertising the position in a **national professional journal**.

The DOL has very specific content requirements for these journal advertisements, which must be met as part of the original recruitment process prior to the faculty member's hiring. The advertisement must include:

- 1) The name of the Rutgers Hiring department
- 2) Work location (City, State)
- 3) Position Title
- 4) Detailed Job Duties (specifically listing teaching duties and the subject(s) being taught)
- 5) Minimum Job Requirements (degree and acceptable field(s) of study)
- 6) Name and Contact Information for questions related to the recruitment

Please visit this [link](#) for detailed PERM recruitment requirements.

Departments planning to conduct faculty searches this fall should bear in mind that if a foreign national emerges as the top candidate in your search, Rutgers' sponsorship of that candidate for a PERM-based green card will be possible only if your department is able to document that your search followed and met

the DOL requirement requirements. Given that there is always a chance in any search that the top candidate may be a foreign national and given that PERM recruitment rules begin to apply at the point the first advertisement for the position is published, **we strongly recommend that you comply with DOL rules for every search your department conducts for eligible faculty.** Schools may also choose to conduct general multi-department searches in lieu of having individual departments advertise on their own.

To ensure compliance with DOL rules in such cases, Deans' offices are urged to consult with Asenath Dande (adande@global.rutgers.edu), Director of International Faculty and Scholar Services, prior to placing the initial advertisement. International Faculty and Scholar Services staff are available to answer questions regarding these requirements and to review any draft advertisements. RU–Newark units should consult with Sallie Kasper (sakasper@newark.rutgers.edu) for Newark faculty hiring.

CC: EVPAA
Chancellors
Provosts
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