**Checklist and guidance for an Employment-Based Second Preference PERM (Program for Electronic Review Management) Special Handling application for WMU tenure-track professors**

At WMU, all Permanent Residency cases are assigned to outside legal counsel. Below is guidance on advertising, competitive selection, and document retention for future use in the immigration process.

Follow all WMU university policies and procedures that are outside the purview of this office such as Human Resources, Provost Office, and Institutional Equity, etc. Below are additional immigration sponsorship requirements.

Position:

* Create an open position for teaching university classes
* Position must require an advanced degree to qualify for Employment-Based Second Preference category (Holder of Advanced Degree)
* Position must be a permanent position
* Do not put a foreign-native requirement in the position requirements that could be deemed adverse or unfair to US workers

Advertising:

* Publish a print advertisement in one issue of a national professional journal (i.e., Chronicle of Higher Education)
* Ensure the advertisement also includes the following to address immigration requirements:
* Job title
* Geographic area of employment
* Job Duties
* Job Requirements (include any advanced degree requirement for future PERM advance degree category)

(Note: ABD is not a degree to qualify for PERM advanced degree category)

* Retain the “tearsheet” of the actual ad copy as future evidence bearing the name and date of the advertisement. This is the sheet torn out of the actual journal. If you are unable to secure this, then as substitute obtain a certified copy of the tearsheet from the publication source which evidences the text of the ad copy, date and name of publication. This will be needed for a future PERM case.

Note: An alternative to a print advertisement:

Another acceptable alternative to the print ad in a national professional journal is the use of an electronic or web-based national professional journal instead of a print journal when conducting recruitment under the Department of Labor regulations for college and university teachers. An employer may satisfy this regulatory provision by posting an electronic ad for at least 30 calendar days on the journal’s website. 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 the text of the advertisement. The employer should evidence the ad text by printing screen shots of the ad text proving the 30-day duration, (on day 1 and day 30), along with invoice proof, and request a certified copy of the ad text and duration. This proof must be retained for future use.

Selection:

* Conduct a good faith search for U.S. worker candidates (at least 30 days after last ad requirement)
* The selected candidate must meet all requirements in the advertisement
* Retain detailed documentation explaining why selected candidate was objectively more qualified *as of the date of selection* than all of the other applicants. (If an offer was extended to another candidate but rejected, include that explanation as well.)
* Draft a Recruitment Report (which is an original signed statement by the WMU departmental hiring authority and printed on WMU letterhead) that outlines the recruitment procedures undertaken and which must set forth:
1. The names and title of the faculty who served on the Search Committee;
2. The exact number of resumes received in response to the advertisement;
3. The criteria used to review the resumes;
4. The names of the top candidates for the position;
5. The reasons why the selected candidate was identified as more qualified than any of the other candidates; and
6. The exact date that the Committee decided to offer the position to the final candidate. This is known as the date of selection and must appear on the PERM application.
* Retain the original signed recruitment report which will be needed for a future PERM case.
* Maintain confidentiality and ensure that any selected candidate competing for the position is not involved in or privy to the confidential details of the competitive selection process.

Communication:

* Contact the Director of Immigration Services immediately upon selection to allow for timely notification of potential permanent residency sponsorship (if candidate needs future immigration sponsorship to work).

Please note: The current WMU application does not require candidates to answer whether or not they will need immigration sponsorship for employment, therefore you will need to ascertain this through another means. Please be reminded it is unlawful to ask applicants what is their immigration status. However, it is lawful to ask *will you now or in the future require visa sponsorship for employment at WMU*. If asked, the same question should be asked of all candidates for fairness.

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