



International Applicants

The faculty search process may attract applications from individuals who are neither U.S. citizens nor permanent residents of the United States (green card holders). U.S. citizens and lawful permanent residents of the United States may work without restriction. However, individuals who are not U.S. citizens or permanent residents can work only if they have evidence of valid employment authorization documents or a nonimmigrant work visa (such as H-1B for TN sponsored by FSU). For the purpose of the discussion below, we will refer to individuals who do not have U.S. citizenship or a green card as “foreign nationals.”

Special note: This document provides general information only. If you have questions or you are unsure about whether your department’s search process is in compliance with immigration law, please contact the [Center for Global Engagement](#) (CGE) at the *beginning* of your search for more specific guidance.

Advertisement/Postings

In addition to any other advertising, all faculty positions must be posted on the [FSU job vacancy website](#) for a minimum of 7 calendar days, unless a waiver of advertisement is approved.

Tips to Comply with DOL Guidelines

There must be at least one print advertisement in a national professional journal or 30 days in an electronic national professional journal. The Department of Labor (DOL) will also accept ads on the website/job board of a national association that publishes journals. As evidence of a printed posting, the CGE will need the entire sheet of the professional journal page where the ad appears; the ad content, page number, title of the professional journal, and date of the publication must be legible. Evidence that the ad was posted in an electronic national professional journal or on the website of a national professional association that publishes journals should include a screenshot of the ad as it appears on the website [each day it is posted](#).

Follow these guidelines when writing the advertisement:

1. Include the name of Florida State University and your department.
2. Provide a job description of the vacancy specific enough to apprise U.S. workers of the job opportunity.
3. Indicate the geographic location of the job opportunity with enough specificity to apprise applicants of any travel requirements (e.g. Tallahassee, FL., etc.).

4. If a salary or salary range is listed in the ad and later it turns out that the “prevailing wage rate” for the position is greater than the advertised wage rate, the ad cannot be used for the PERM application filing.
5. The successful candidate must meet all stated requirements, including anything listed under *preferred* in the advertisement.
6. The minimum qualification must identify the degree required. For example, a Ph.D. in Civil Engineering or a Ph.D. in Chemistry or a related field. The ad should not merely ask for “an earned doctorate” without identifying the field or a set of related fields. It is helpful to state “foreign equivalent degree accepted” if a foreign equivalent degree would be acceptable for the job opportunity. It is the candidate’s responsibility to provide proper documentation of the foreign equivalent.

Foreign nationals with degrees from foreign institutions must request a credential evaluation as part of the green card process. CGE can provide assistance.

7. If a candidate may be considered while “ABD,” this should be indicated.” For example, “a Ph.D. or ABD in Finance” or “the completion of all requirements for the Ph.D. in Textiles except for the dissertation.” We may not obtain a labor certification if the successful applicant does not meet the standard specified in the ad.
8. If a sub-specialty is required, it must also be stated (e.g. “20th Century English Literature”).
9. If postdoctoral experience is required, it must be stated in measurable terms. For example, “two years of postdoctoral experience in transportation engineering research.” The same is true for teaching experience. The amount of experience must be quantified. Specify if the department will accept experience gained as a teaching assistant during a degree program.
10. If a professional license is required, it must be stated (e.g. “DEA license required”).
11. Do not include requirements that aren’t an absolute requirement. For example, if you state that you require a degree from a university with a specific accreditation, but you would accept a degree from a foreign institution with a similar, equivalent accreditation, the ad should state that you would accept the similar accreditation. Otherwise, the foreign national with the degree from the foreign university doesn’t meet the requirements of the position.
12. **IMPORTANT:** The job advertisement must be consistent with the duties and requirements listed in any position description.

We recommend all ranked faculty vacancies also be posted on a national level (in addition to posting on FSU’s website). Consider posting in professional journals/periodicals with national distribution; publications of particular interest to female and minority groups; and at colleges and

universities where members of these groups are significantly represented. This should yield a more diverse pool of applicants. All external advertisements should be reviewed by the HR recruiter assigned to your department.

Advertisements Must Include	
✓	Position title and unit/department name.
✓	Explanation of position's duties.
✓	List of all required qualifications
✓	Steps on how to apply.
✓	Criminal History Background Check requirement.
✓	Deadline for receipt of applications or "open until filled" language.
✓	Contact information for a person who can answer questions about the search.
✓	FSU's mandatory EEO & AA statement: <i>FSU is an Equal Opportunity/Access/Affirmative Action/Pro Disabled & Veteran Employer. FSU's Equal Opportunity Statement can be viewed at: http://www.hr.fsu.edu/PDF/Publications/diversity/EEO_Statement.pdf</i>

Optional components include things like: position start date; request for references; a brief description of FSU, with emphasis on diversity and inclusion; and any credentials the applicant will be expected to submit (e.g. CV, publications).

Sponsorship

If a department wishes to hire a foreign national and sponsor the individual's application for work authorization, **there are federally required recruitment and advertising guidelines that apply throughout the search process.** Because many faculty searches yield qualified candidates who are foreign nationals, we recommend that departments conduct the recruitment process according to DOL guidelines from the beginning.

Note: If a department does *not* conduct their search in compliance with the DOL's guidelines and *LATER* decides to sponsor a foreign national's application for a green card, **the department may need to engage in a new recruitment process that meets Department of Labor requirements.**

To sponsor a foreign national for a green card so that the employee may be retained indefinitely, FSU must file a **Program Electronic Review Management (PERM)** labor certification application with the DOL. The purpose of the certification application is to seek a determination that the selected foreign national is the best available qualified person for the job following a fair and open search (teaching faculty) or that there were no U.S. workers with the minimum

qualifications that were willing and able to take the job (non-teaching faculty). Therefore, certain DOL requirements must be followed.

Please note that the PERM process is not the only way we can sponsor a foreign national for a green card. The Immigration Nationality Act allows employer to sponsor foreign nationals under the “Outstanding Professor/Researcher,” “National Interest Waiver,” and “Exceptional Ability” categories; bypassing the DOL process. Please keep in mind that these categories are only allowed for those that are at the top of their field, and are only used when necessary.

PERM Sponsorship:

1. **Special Recruitment — All Teaching Faculty**

This category is for any permanent faculty with a teaching component in the role. This includes, but is not limited to, Assistant Professor, Associate Professor, Professor, and Teaching Faculty.

- Department must prove the best candidate was hired.
- Must advertise in national journal (30 days online or one time print ad) & with FSU job website for at least 7 days), department must keep a copy of each external ad for documentation.
- FSU has 18 months to file for PERM from the offer letter date.

2. **Standard Recruitment —Non-Teaching Faculty**

This category is for all other faculty positions, including Research Faculty.

- Departments should request assistance from the FSU Center for Global Engagement when considering sponsoring a non-teaching faculty member. There are many requirements that have to be met before the advertisement can take place.

Interaction with International Candidates

- During the search process, it is appropriate to ask **all** qualified applicants about eligibility to be employed in the U.S. This information provides guidance as to whether the applicant, if offered a position at FSU:
 - can be employed immediately;
 - whether the university needs to initiate immigration processing on behalf of that applicant; and
 - whether there is sufficient time to employ the applicant by the intended start date.

- Do **NOT** ask a candidate to indicate his or her immigration status or visa classification, **but discuss the topic or agree to get information for them if they initiate the discussion.**
- Do **NOT** ask a candidate about his or her nationality, such questions violate federal law.
- Do **NOT** assume that someone with “a foreign sounding name” or “someone with an accent” is a foreign national.
- **Only two questions about visas are permitted.** If you choose to ask these questions, they must be asked of **ALL** applicants, domestic as well as foreign. Asking these questions selectively (to some, but not all applicants) could lead to discrimination lawsuits.
 1. *Are you currently authorized for employment in the United States, yes or no?*
 2. *Will you now or in the future need sponsorship for a visa status (e.g. H-1B or permanent residence), yes or no?*

Florida State wants to hire the best qualified applicant and does sponsor individuals for the H-1B visa classification and green card. However, because immigration sponsorship *requires each department to pay for the cost*, the decision of whether to sponsor the foreign applicant lies with each department. Candidates are often aware of visa-related issues and may raise the question themselves. It goes without saying that any employment decision made on the basis of an applicant’s national origin, gender, religious belief, age, race or any other protected group status is strictly prohibited.

- If your department decides to sponsor a foreign national’s application for a green card, your department must initiate a request with the Center for Global Engagement.

Questions? Contact the Center for Global Engagement (CGE). CGE is located in the Global and Multicultural Engagement Building also known as The Globe.

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