

**POLICY: Hiring International Faculty Members**  
**EFFECTIVE DATE: September 2020; Updated August 2021**

In certain circumstances, Lake Forest College may employ, or make employment offers to international faculty members when U.S. citizens or permanent residents of equal training, experience and competence are unavailable. Such a determination can be made only after a thoroughly documented search and evaluation process. Employment of international faculty members will be authorized under the provisions of this policy and when conditions and visa requirements established by Federal law are assured and documented.

Lake Forest College may choose to sponsor full-time and/or tenure track teaching faculty for a nonimmigrant classification and subsequently for employment-based Lawful Permanent Residence (“LPR”) status (also known as a “*green card*”). Such requests must be submitted to the Director of Human Resources and to the Dean of Faculty office.

For sponsorship of either a nonimmigrant classification or LPR status, the College assumes the role of sponsor and all the responsibilities associated with the sponsorship. Departments are required to document that there is the reasonable expectation of continued employment, as set forth in the College policies for annual and all other review processes. The Director of Human Resources is permitted to authorize a private attorney to represent the College in any nonimmigrant and immigrant petition or application proceedings.

Any offer of employment to an international faculty member is considered temporary and is subject to the terms and conditions of the specific visa category’s work authorization. Prior to making an offer of employment, the Dean of the Faculty (in consultation with the hiring department) must consult with the Director of Human Resources to determine an appropriate visa category for the position and to determine if there are any obstacles that may interfere with the successful completion of the employment-based green card process.

Once an offer has been accepted, the College will initially sponsor international faculty for H-1B classification, which is suitable for most international faculty who will perform work in a specialized skill area. The Director of Human Resources will collect information from the prospective H-1B beneficiary and provide documents to an attorney who then files the petition to US Citizenship and Immigration Services (USCIS). The H-1B classification allows for a period of stay of up to three years and can be renewed for a total period of stay of six years, unless the international faculty member has completed certain stages of the employment-based green card process, as discussed below, which may allow the extension of his/her status beyond the six-year maximum.

The College will assume all costs associated with the H-1B petition filing with the USCIS, including legal and government filings fees, that are required by law. Additionally, the College will assume the costs associated with sponsoring H-4 dependents. The College will not cover legal fees or government filing fees relating to H-1B Premium Processing or Employment Authorization Documents for an eligible H-4 dependent spouse.

Lake Forest College also sponsors international faculty members for an employment-based green card as soon as possible from the time of the accepted offer. A green card allows international faculty members and their dependents to permanently remain and be employed in the United States. Generally, the employment-based green card process is a three-step process.

The first step is Labor Certification (“PERM Process”) with the Department of Labor (“DOL”). The second step is the Immigrant Petition with the USCIS and the third step is the Adjustment of Status Application (or Consular Processing) with the USCIS.

Labor Certification for international faculty can take one of two forms. The first is PERM Special Handling, which requires the College to file the PERM Application **within 18-months of the date of an offer of employment predicated on the following:**

- A competitive recruitment was conducted, including print or electronic advertisement in a professional journal, Inside Higher Ed, or similar publications
- Additional posting on professional website or other online medium

If the PERM Special Handling does not apply, the College will conduct a standard PERM process, which includes a period of mandatory recruitment for the offered position. As part of the process, the Director of Human Resources will collect information from the prospective LPR beneficiary and provide documents to an attorney. The College will work with the attorney to conduct the PERM Special Handling or standard PERM process. Both the PERM Special Handling and the standard PERM processes require the College to file a request for a Prevailing Wage Determination with the Department of Labor. Processing times for these determinations vary from four months to over six months and are outside of the College’s control. If the PERM process is successful, the College will file the PERM Application with the DOL.

The second (Immigrant Petition) and third (Adjustment of Status) steps of the employment-based green card process are filed with the USCIS after the PERM Application is approved by the DOL. The Immigrant Petition process can be expedited with the filing of Premium Processing, which requires an additional government filing fee (currently \$2,500). The faculty member may choose to pay the premium processing fee, which the College does not cover.

The Adjustment of Status is the third and final stage of the employment-based green card process. The international faculty member’s dependents are also included at this stage. Applications for Employment Authorization (EAD) and Advance Parole (Travel Document) are also prepared and filed with the Adjustment of Status application. Currently, the government filing fee for the EAD and Travel Document is covered by the Adjustment of Status application government filing fee and is subject to government policy changes.

The ability to file the Adjustment of Status application and complete the green card process will depend upon the availability of an immigrant visa as determined by the international faculty member's priority date and the employment-based preference category. Because the demand for immigrant visas exceeds the number of visas available in each government fiscal year, backlogs currently exist in certain categories. If the priority date is not current, the international faculty member will not be able to file the Adjustment of Status until the priority date becomes current. After the PERM Application is approved, the College will coordinate a call with the attorney and the international faculty member to discuss the timing of the preparation and filing of the Adjustment of Status, specifically whether the international faculty member is eligible to file the Immigrant Petition and the Adjustment of Status concurrently.

The College will cover the following costs (legal fees and government filing fees) associated with sponsoring a faculty member for the LPR status: (1) PERM process; (2) Immigrant Petition; and (3) Adjustment of Status for the international faculty member. The International faculty member will be responsible for all costs (legal fees and government filing fees) associated with the Adjustment of Status applications for each of their dependents.