



International Students & Scholars
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Foreign Nationals and the Faculty Recruitment Process

Virtually every tenure-track faculty search draws some applicants who are foreign nationals—not citizens or permanent residents (green card holders) of the United States—and Lehigh hires roughly a dozen foreign nationals for tenure-track positions every year. To hire a foreign national to work permanently in the United States, an employer must apply for a permanent labor certification from the U.S. Department of Labor (commonly called PERM). The PERM regulations require employers to meet strict requirements in their recruiting process to prove that no U.S. applicant was qualified for the position.

The Office of International Students and Scholars (OISS) is issuing the following guidelines to help departments and colleges develop faculty recruitment advertisements that meet Department of Labor requirements. These guidelines are designed to protect both the university, which is seeking to hire and retain the best faculty, and prospective new faculty hires, who want to join Lehigh and remain lawfully in the U.S. Following them will help departments and programs conduct successful searches.

The position must be advertised in a national professional journal (e.g. *The Chronicle of Higher Education* or *Inside HigherEd*), in print or online. If the ad is online, it must be public and viewable by applicants without paying subscription or membership fees. Online ads must be posted for at least 30 calendar days. The hiring department is responsible for documenting all advertising related to the search. For print ads, a copy of the entire page containing the ad is required. Online ads should be printed from the website on at least the first day and last day they run.

At minimum, all ads must identify the university, the location of the employment (Bethlehem, PA), the position title and duties, and the minimum qualifications required. An ad cannot state that multiple positions are available without a job title and brief overview of the duties and requirements for each position.

The minimum qualification should identify the specific degree required, for example, “a Ph.D. in Civil Engineering” or “a Ph.D. in Biochemistry, Molecular Biology or a related field.” The ad should not merely ask for “an earned doctorate” without identifying the field or a set of related fields, and the related fields should be limited in scope.

If a candidate may be hired “ABD,” state that. For example, “a Ph.D. or ABD in Finance” or “the completion of all requirements for the Ph.D. in Chemical Engineering except for the dissertation.” If the degree will be required by a specific date, indicate that too. For example, “a Ph.D. in Chemical Engineering is required by the date of hire.” The labor certification may be denied if the candidate does not meet the standard within the timeframe specified in the ad.

If a sub-specialty is required, state it. (“A degree in 20th-Century French Literature.”)

If experience is required, state it in measurable terms. (“Two years post-doctoral experience in Animal Nutrition,” or “two academic years of teaching experience in Physics.”)

If a professional license is required, state it. (“A medical license is required by the date of hire.”)

Do not state “preferred” or “desired” qualifications. The Department of Labor views preferred or desired qualifications as required qualifications because a domestic applicant who does not meet them would be deterred from applying. If a qualification is truly required, state it; otherwise, do not.

Do not list “ideal” qualifications or make vague references to qualifications that are neither quantified (measurable) or qualified. It is important to be specific in position descriptions.

Don’t say: “Must have demonstrated scholarly research potential.”

Do say: “Must have at least two peer-reviewed publications in the field of insert name the field.”

Don’t say: “Candidates must show evidence of commitment to research and excellence in teaching.”

Do say: “Candidates must have one year of research experience in the area of identify area/field and two academic years of teaching insert subject matter at the university level, with documented positive student or colleague reviews.”

An employer cannot tailor the job requirements to a foreign national’s credentials. The Department of Labor requires employers to report only the actual minimum requirements in the labor certification application, and the regulations state that the employer “must not have hired workers with less training or experience for jobs substantially comparable to that involved in the job opportunity.” Thus, departments must be consistent with prior hiring practices when setting minimum requirements.

Please consult with OISS as you are developing your advertisement if there are questions about whether ad content will exceed what the Department of Labor considers to be “normal” for the position. Publishing an advertisement requiring such qualifications may result in an audit of the labor certification application or even a denial. At the Provost Office level, all advertisements will be sent to OISS for review before posting.