



Labor Certification / Permanent Residency # 350.005

INITIAL EFFECTIVE DATE:	LAST REVISION DATE:	RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT
December 10, 2007	May 14, 2024	Office of the Provost, Planning and Finance

POLICY STATEMENT

1. The University shall not promise, upon recruitment or initial hire of a foreign national employee, to support the candidate’s application for permanent residence.
2. The University’s sponsorship for an application for Labor Certification can be initiated after the employee completes a minimum of one year of full-time employment with the University. The labor certification/permanent residency process may not be initiated without the approval of the appropriate unit administrator/dean, and area vice president, and ultimately the Office of Provost, Planning and Finance for faculty positions or Human Resources for administrative positions. Once approved, all labor certifications must be processed through the law firm retained by the University.
3. The University reserves the right to end the sponsorship and petitioning process at any time and for any reason.

SCOPE

This policy applies to current and prospective employees, including but not limited to current University employees with employment immigration visas, University visa candidates, managers who supervise current employees with visas, managers who may supervise visa candidates and hiring managers.

REASON FOR POLICY

This policy states the university’s legal requirements and self-imposed expectations for providing employment-based sponsorship to its current and prospective employees who are



foreign nationals. The policy serves that function by providing useful information to hiring units, as well as current and prospective employees.

DEFINITIONS

TERM	DEFINITIONS
Permanent Residence	The right to live and work in the United States for any employer for no set time limit. Persons may be sponsored to become permanent residents through a close family member, an employer, or by themselves.
Labor Certification	A permanent labor certification issued by the Department of Labor (DOL) allows an employer to hire a foreign worker to work permanently in the United States. In most instances, before the U.S. employer can submit an immigration petition to the Department of Homeland Security's U.S. Citizenship and Immigration Services (USCIS), the employer must obtain a certified labor certification application from the DOL's Employment and Training Administration (ETA). The DOL must certify to the USCIS that there are not sufficient U.S. workers able, willing, qualified and available to accept the job opportunity in the area of intended employment and that employment of the foreign worker will not adversely affect the wages and working conditions of similarly employed U.S. workers.

ROLES AND RESPONSIBILITIES

Sponsoring Department/unit/office:

Provide accurate documents following FIU immigration process guidelines.

Office of Provost, Planning and Finance:

Oversee and monitor the internal employer-based immigration sponsorship process.

RELATED RESOURCES

- U.S. Citizenship and Immigration Services (USCIS)
- United States Department of Labor
- FIU Immigration Process Website



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CONTACTS

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HISTORY

Initial Effective Date: December 10, 2007

Review Dates (*review performed, no updates*): N/A

Revision Dates (*updates made to document*): Adopted December 10, 2007 May 14, 2024;



Labor Certification / Permanent Residency # 350.005a

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PROCEDURE STATEMENT

1. A unit/department wishing to sponsor an employee for permanent residency must present a proposal for the University to consider whether to file a Labor Certification application. The unit/department must include in its proposal the account number to which all associated charges will be billed as all fees related to obtaining the labor certification must be paid by each unit/department.
2. The unit/department must submit the proposal for approval to the unit administrator/director/dean and the Office of the Provost, Planning and Finance for faculty positions or the Human Resources for administrative positions including approval for the expenditure of the funds necessary for the application.
3. The Office of the Provost, Planning and Finance/ Human Resources may:
 - a. In consultation with the Law Firm retained by the University to decide to seek an EB-1 Permanent Residence status instead of a Labor Certification, or
 - b. Approve submission of the Labor Certification application, or
 - c. Deny submission of the Labor Certification application.
4. If the decision is to proceed under 3a or 3b above, the unit/department is directed to submit a questionnaire to the immigration law firm retained by the University, to prepare and file labor certifications on behalf of the University and the employee. The unit/department shall provide information and documents requested and pay their fees at the rate already negotiated by the University.