



Division of International Student and Scholar Support
International Student Services
Immigration Services

GUIDANCE FOR TENURE TRACK FACULTY SEARCHES TESTING THE U.S. LABOR MARKET*

OVERVIEW

- **To qualify for Permanent Employment Certification (PERM/faculty labor certification) sponsorship,** the University must demonstrate to the U.S. Department of Labor (USDOL) that the search committee selected the foreign national faculty candidate after a “good faith” effort to recruit “U.S. workers” through a “competitive recruitment and selection process” and the foreign national candidate “was found to be more qualified than any of the U.S. workers who applied for the job.” See [20 CFR § 656.18](#).
- The term “U.S. workers” includes U.S. citizens and non-U.S. citizens with long-term work authorization (e.g., individuals with U.S. permanent resident status a.k.a. “green card,” refugees/asylees, etc.)
- The term “non-U.S. workers” means non-U.S. citizens who need USC sponsorship for work authorization.

BEFORE

- **Review Position Eligibility**
 - The position must be a tenure-track/tenured faculty appointment with primary teaching duties and requiring a terminal degree. See policy [HR 1.25](#).
- **Prepare Advertisements**
 - **Limit description of qualifications to those necessary for the position.** Avoid referring to “preferred” / “desired” / “ideal” qualifications, as USDOL considers those to be equivalent to minimum requirements.
 - For ABD applicants to meet advertised requirements, the ad must include a statement such as “The position requires a PhD in [field/s] by start date of employment (ABDs considered at time of application).”
 - Open rank searches must refer to rank-specific requirements aligned with academic policy.
 - Avoid conditional tense (“should”) when describing requirements (“must”).
 - The advertisement must include the word “teaching.”
 - If the search intends to attract applicants with a specific teaching or research specialty, use the term “expertise” instead of “experience.”
 - **Avoid** a conditional deadline (e.g., “for full consideration, apply before...”). Best practice is to use a hard deadline (“applications due by [date]...”) or to leave open until filled.

- **Avoid** referring to citizenship or immigration status unless the position duties are restricted by law, regulation, executive order, or government contract (e.g., a faculty appointment requiring eligibility for access to federal facilities that requires U.S. citizenship or U.S. permanent resident status).
- **Post ad in a national professional print journal** (or alternatively, the corresponding e-journal), such as *Diverse: Issues in Higher Education* (or <https://diversejobs.net/>), *The Chronicle of Higher Education* (or <https://jobs.chronicle.com/>), or similar outlet. The ad may include one or more available positions in the Department/College/School, and **must**:
 - summarize minimum requirements (e.g., “PhD in [field/s] by employment start date (ABDs considered at time of application) with potential for excellence in teaching and research”);
 - refer to USCJobs application link and include EOE/AA statement; and
 - be published for at least 30 days before the application deadline or selection of interviewees.
 - not be pointer ad (lacking required details).
- **Keep all evidence** for other ads (for online ads, receipts/emails with dates posted/removed/ad text details, listserv messages, emails sent to colleagues at other institutions, conference job board postings etc.).

DURING

- **Print to PDF the full text of each ad while “live” online, both on the first day and on the last day of posting period.** Avoid “screen shot” – provide entire page with URL and date in the margins. Commonly referred to as tearsheets.
- **Wait at least 30 days from national journal ad publication date before interviewing candidates**, as evidence of a good faith effort to allow qualified U.S. applicants adequate time to apply and be considered. **USC requires posting of at least 45 days.**
- **If non-U.S. citizen becomes a finalist for campus interview, do not ask the candidate to discuss his/her immigration status;** instead, contact immigration@sc.edu.
- **If non-U.S. citizen will receive an offer**, share with immigration@sc.edu, as well as all addenda or amended offers. Avoid use of “instructor” contingency paragraph (e.g., if PhD is not completed by start date...).
- **Prepare a hiring proposal in PeopleAdmin and use the offer letter template provided in the system**, which includes contingency (“If you are a non-U.S. citizen...”).
- **Please do not assign PeopleAdmin onboarding to non-U.S. citizens.** HR-OIS is responsible for onboarding. If employment start date is within the next few months, prepare for possible delays due to DOL and USCIS processing times (subject to change).

AFTER

- **Close USCJobs posting** timely to avoid submission of additional applications after offer/acceptance.
- Retain all search materials for 6.5 years from offer letter issuance date.
- HR-OIS facilitates onboarding process at the appropriate time.

*Recruiting from a global talent pool is a USC requirement, not a governmental/regulatory requirement.

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