

Change in Immigration Petition Law

Many colleges and units seek to employ non-tenure track faculty and other staff who are foreign nationals. The permanent residency visa petition procedure for these individuals includes a labor certification application, which is reviewed by an attorney on behalf of the University. In the past, the unit hiring a foreign national would usually directly reimburse the employee for any legal expenses incurred in the preparation of the petition, or require the employee to absorb the costs. These procedures are no longer permitted due to a change in the federal law effective July 16, 2007. **Employers are now required to pay all fees and costs associated with the labor certification application. Specifically, expenses may not be passed on to the employee in any form, including, but not limited to: wage concessions, deductions from wages, salary, or benefits; kickbacks; “in-kind” payments; or provision of free labor by the employee to the University.**

Under Ohio law, legal work performed on behalf of the University must be performed by the Office of Legal Affairs or other entities given permission to perform work by the Ohio Attorney General. Legal Affairs is the *only* department that has the authority to retain outside legal counsel to represent the University. Therefore, all labor certifications must be prepared by a firm retained by Legal Affairs to provide immigration services. Accordingly, all departments will need to fill out a “Request for Legal Counsel” form requesting an outside law firm to represent the department in the permanent residency process. The “Request for Legal Counsel” form may be found on OLA’s website at legal.osu.edu/forms.php. The “Request for Legal Counsel” form should be submitted to Mary G. Menkedick Ionno, Associate Legal Counsel, Office of Legal Affairs by fax at 292-8699 or by email at menkedick-ionno.1@osu.edu. Those requests are usually processed within a few days, but the department must wait to proceed until it receives confirmation from OLA that requested legal counsel has been approved to represent the University.

If you have any questions regarding this procedure, they may be directed to Mary G. Menkedick Ionno at the e-mail listed above.