

# Carnegie Mellon University

## Office of International Education

5000 Forbes Ave, Warner Hall 3<sup>rd</sup> Floor, Pittsburgh, PA 15213

Phone: (412) 268-5231 • Email: [ois@andrew.cmu.edu](mailto:ois@andrew.cmu.edu) • Web: [www.cmu.edu/oie](http://www.cmu.edu/oie)

### **Procedure for Hiring Attorneys to Process Employment Visas: H, O, or "Green Card" Processing**

#### **Explanation**

It is important that departmental staff and faculty involved in the hiring of foreign nationals understand that the signing of immigration forms/petitions has serious legal implications for the University. All parties should be fully aware that regardless of whether the alien or department plans to pay an attorney for processing of employment visas, in most cases the University is the agent petitioning the US government to hire the alien. For this reason, it is critical that departments follow the procedures outlined below when planning to assist with an application for a non-immigrant work visa (H or O) or permanent residence ("green card"), whether the department is actually paying for the service or not. The Office of International Education (OIE) must collect information from the department at certain points in this process and must sign off on the US Citizenship and Immigration Services (USCIS) document that officially approves the attorney to file on behalf of the University (USCIS form G-28).

- **Go through the appropriate competitive employment process**  
If the position you are hiring for is non-instructional you will need to follow Human Resource procedures.
- **Get approval from the Carnegie Mellon Office of the General Counsel to work with an immigration attorney**  
There are three pre-approved providers of legal services for immigration matters: Cohen & Grigsby, PC (main contacts Larry Lebowitz and John Brendel), Fox Rothschild, LLP (main contact Robert Whitehill), and Klasko, Rulon, Stock & Seltzer, LLP (main contact H. Ronald Klasko). Use of other immigration attorneys must be approved by the Office of the General Counsel before the attorneys can be engaged and before the fees are incurred.
- **Send OIE a packet with:**
  - A cover letter stating your intention to work with an attorney to file an immigrant or employment petition on behalf of the alien.
  - A copy of the approval from the Office of the General Counsel, if applicable. This is not necessary when using the University's pre-approved immigration attorneys (Cohen & Grigsby, PC; Fox Rothschild, LLP; or Klasko, Rulon, Stock & Seltzer, LLP).
  - A copy of the department head's letter of recommendation for H, O, or permanent residency status for the alien. The letter should state, at minimum, the name, position, and qualifications of the alien.

- Processing of Labor Condition Applications or Labor Certifications**  
Remember that in the case of H-1 B petitions, OIE must always file the Labor Condition Application (LCA) with the Department of Labor. The department sends wage information to Human Resources to begin this process. In the case of Labor Certifications, needed for certain types of green card applications, post one copy of notice in the department and one copy at the Human Resources office. Contact Human Resources (not OIE) when the attorney sends you the Labor Certification for public posting.
- Make sure to have department head approval for all signatures on all other USCIS documents**  
The attorney may ask you to sign a number of forms during the application process. Those responsible for signing (typically the Department Head or Director), should read, understand, and be certain that all documents being signed and all representations being made by or on behalf of the University are true. The attorney should be able to provide a clear explanation of the process. If he/she does not, please contact the Office of the General for advice. The department head should have full knowledge of all petitions being filed by the department and is preferably the signatory on all USCIS forms except the G-28, which OIE will sign.
- Have the attorney send the G-28, the "Notice of Entry of Appearance as Attorney or Representative" to OIE for signature along with copies of all forms and supporting documents being submitted before filing the case**  
While the department head or other personnel may have signed the G-28 in the past, the form must now be signed by the director or a foreign scholar advisor at OIE. Copies of the entire case will be kept on file.
- Send OIE the final approval when received by the attorney or the alien**  
Inform the attorney that OIE will need copies of any approvals from USCIS when received.

The following attorneys are pre-approved to handle employment-based H-1B, O, and permanent resident applications on behalf of Carnegie Mellon employees:

Attorney Name	Law Firm Name	Phone	Email	
John Brendel Larry Lebowitz	Cohen & Grigsby, P.C.	412-297-4987 412-297-4979	<a href="mailto:jbrendel@cohenlaw.com">jbrendel@cohenlaw.com</a> <a href="mailto:llebowitz@cohenlaw.com">llebowitz@cohenlaw.com</a>	<a href="http://www.cohenlaw.com">www.cohenlaw.com</a>
Robert S. Whitehill	Fox Rothschild, LLP	412-394-5595	<a href="mailto:rwhitehill@foxrothschild.com">rwhitehill@foxrothschild.com</a>	<a href="http://www.foxrothschild.com">www.foxrothschild.com</a>
H. Ronald Klasko	Klasko, Rulon, Stock & Seltzer, LLP	215-825-8608	<a href="mailto:rklasko@klaskolaw.com">rklasko@klaskolaw.com</a>	<a href="http://www.klaskolaw.com">www.klaskolaw.com</a>

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