



Guidelines Regarding the Use of Outside Immigration Attorneys

Overview

Only the Office of General Counsel (OGC) has the authority to approve the retention of outside legal counsel to represent the University of Pittsburgh and its schools, divisions, and departments.

Effective immediately, all employment-based immigration petitions for which the University of Pittsburgh is the petitioner must be prepared by the Office of International Services (OIS) unless the Director of OIS, in consultation with the University's OGC, authorizes the use of an outside immigration attorney.

When authorized to use an outside immigration attorney, internationals and their departments will need to use one of the three firms authorized for use by the University's OGC to provide immigration services (see below for list). *The hiring unit and/or the international is responsible for the payment of all legal fees and administrative costs associated with all immigration petitions.* Furthermore, it is important to note that, under current law, all expenses related to a permanent labor certification, including recruitment costs, may not be passed on to the foreign national. In these cases, the department must pay all costs associated with the permanent labor certification. Please consult with OIS or your immigration attorney for additional information.

The purposes of these guidelines are:

1. To ensure top quality immigration-related legal services are provided to the University of Pittsburgh and foreign national beneficiaries;
2. To ensure consistency and accuracy in the representations made to federal agencies on behalf of the University;
3. To provide accountability at the highest institutional levels for petitions filed on behalf of the University of Pittsburgh;
4. To ensure compliance with the University's employment policies and practices, as well as any applicable laws; and
5. To provide a reliable means of collecting and storing data on our foreign national employees, as required by law (H1-B public access files and PERM audit files) and for the University's own data collection needs.

Scope of Work

The Office of International Services is responsible for processing the following types of employment-based immigration petitions:

1. All H1-B petitions;*
2. All employment-based permanent residency cases in the Outstanding Professors or Researchers (EB-1B) category;*
3. Teaching Faculty permanent residency cases eligible for “special handling” PERM process (*NOTE: The special handling petition must be filed within 18 months of the date of the offer letter. Otherwise, petition may be processed by a retained law firm under a different permanent residency category*);*
4. J-1 professors, research scholars, short-term scholars and specialists and general advising regarding the Exchange Visitor Program;
5. O-1 Aliens of Extraordinary Ability;* and
6. TN visas*.

** OIS may forward complicated cases to outside counsel as appropriate.*

The approved law firms identified below may be used for processing the following types of employment-based immigration petitions, provided that authorization has been granted by OIS, in consultation with OGC, and in accordance with the procedures outlined herein:

1. All permanent residency petitions not processed by OIS (e.g., Extraordinary Ability, Non-Special Handling PERM cases, National Interest Waivers, etc.);
2. Any other specialized cases as deemed appropriate by OIS in consultation with OGC (e.g., P visas for Performing artists or athletes, etc.).

The Approved Firms

The following firms have been approved for retention by the Office of General Counsel to provide employment-based immigration services:

Buchanan Ingersoll & Rooney

One Oxford Centre
301 Grant Street, 20th Floor
Pittsburgh, PA 15219-1410
www.buchananingersoll.com

Ellen Freeman
412.562.1537 (p)
ellen.freeman@bipc.com

Fox Rothschild

625 Liberty Avenue, 29th Floor,
Pittsburgh, PA 15222-3115
www.foxrothschild.com

Robert S. Whitehill
412.391.1334 (p)
rwhitehill@foxrothschild.com

Catherine V. Wadhvani
412.394.5540
cwadhvani@foxrothschild.com

Spilman Thomas & Battle

One Oxford Centre, Suite 3440
301 Grant Street
Pittsburgh, PA 15219
www.spilmanlaw.com

Allison L. Carr
412.325.3324 (p)
acarr@spilmanlaw.com

Larissa C. Dean
304.291.7924 (p)
ldean@spilmanlaw.com

The approved law firms identified below may be used for the following types of cases, provided that authorization has been granted by OIS, in consultation with OGC, and in accordance with the procedures outlined herein:

1. Interested Government Agency (IGA) waivers for the two-year home country physical presence requirement set forth at INA 212(e) (NOTE: The most common IGA waiver that Pitt supports is the Health and Human Services waiver).

The Approved Firms

The following firms have been approved for retention by the Office of General Counsel to provide services related to IGA 212(e) waivers:

Klasko, Rulon, Stock & Seltzer
317 Madison Avenue, Suite 1518
New York, NY 10017
www.klaskolaw.com

Suzanne Seltzer
212.796.8840 (p)
sseltzer@klaskolaw.com

Siskind Susser Bland PC
1028 Oakhaven Road
Memphis, TN 38119
www.visalaw.com

Greg Siskind
901.682.6455 (p)
gsiskind@visalaw.com

Wolfsdorf Immigration Law Group
1416 2nd Street
Santa Monica, CA 90401
www.wolfsdorf.com

Rita Sostrin
rsostrin@wolfsdorf.com

***SPECIAL NOTE:** Employees and/or their departments should not contact outside counsel directly until approval has been granted to use outside counsel.*

Process for Using Approved Immigration Counsel

1. Department decides to hire a foreign national or otherwise retain his/her services.
2. Department consults with Immigration Specialist in OIS.
3. If it is determined that the use of an outside immigration attorney may be necessary in the case, the Department will be instructed to download the “**Request for Use of Outside Immigration Attorney**” form (see attached); otherwise, the Immigration Specialist will assist the department with the case.
4. Department completes the form and selects the attorney it would like to work with from the approved list of immigration attorneys (see above) or leaves this line blank if it would like OIS to select an attorney from the list for this case.
5. Department emails a scanned copy of the form or faxes it to the Director of OIS at dclubb@pitt.edu or 412.624.7105. In addition, the foreign national’s CV is attached, along with any supporting documentation from the department outlining the reason(s) for pursuing the use of outside counsel.
6. OIS Director reviews the request to verify that the case is not the type of case that OIS handles internally and to ensure that the case looks appropriate (i.e., the position is permanent in an LPR case, the person listed as the authorized signatory is a dean, director, or department chair, etc.). The OIS Director also selects an attorney for this case if the department has left that line blank.
7. OIS faxes or emails approved “**Request for Use of Outside Immigration Attorney**” form to the selected attorney.
8. If the attorney is interested in accepting the case, he or she completes the bottom portion of the “**Request for Use of Outside Immigration Attorney**” form. The attorney emails or faxes the form back to the Director of OIS within **three business days**.

9. OIS Director sends confirmation email to attorney and to department contact confirming that approval has been granted and communication may now take place between the department and the attorney.
10. Using the information on the form, the attorney contacts the designated contact person in the department to schedule an intake meeting or teleconference with the department contact, immediate supervisor, and foreign national beneficiary.
11. Departments communicate information about the case directly with the attorney. OIS, however, will serve as a point of contact for attorney questions about the University and for department questions about general immigration information. The attorney will provide OIS with copies of all application materials and will otherwise keep OIS well informed as the case is being process.
12. When the case is ready for filing, the authorized signatory in OIS signs all appropriate paperwork. **(NOTE: Only the OIS Director or Associate Director is authorized to sign immigration forms such as the G-28, I-140, I-129, etc. on behalf of the University. No department faculty or staff member is authorized to sign these forms).**
13. If the case is a permanent residency case, the attorney mails an audit file containing all documents on the audit file checklist to OIS within 10 business days of the filing with USCIS. OIS maintains all audit files.
14. Attorney informs department and OIS of the case status. When US Citizenship and Immigration Services (USCIS) issues an approval, denial, or Request for Further Evidence (RFE), the attorney also faxes or mails a copy to the department and OIS within 10 business days of the date it arrives in his or her office.

Summary of Roles and Responsibilities

Following is a summary of roles and responsibilities regarding immigration services performed by approved outside immigration counsel on behalf of the University of Pittsburgh. The main scope of work covers non-special handling permanent residency petitions and Interested Government Agency J-Waiver petitions. It is possible, however, that certain special handling cases or H1-B cases will be referred to approved immigration counsel, at the discretion of the Office of International Services (OIS), in consultation with the Office of General Counsel (OGC).

University Hiring Department

- Completes the Request for Use of Outside Immigration Attorney and secures approval to use outside counsel.
- The department contact person is responsible for gathering information, posting positions (when required) and securing appropriate signatures (**NOTE: Only the OIS Director or Associate Director is authorized to sign the immigration forms for the attorneys (e.g., G-28, I-140, I-129, etc.).** Other responsibilities are outlined by the attorney.
- Ensures that a new Form I-9 is completed when the foreign national changes immigration status.
- Works with the attorney on the Approved Immigration Attorney list about specific matters that they have been retained to handle.

Office of International Services (OIS)

- Reviews and approves/denies the Request for Use of Outside Immigration Attorney form.
- Works with the department and outside attorney as appropriate for each case.
- Provides information and workshops to University departments to explain the processes and give general information about visa categories and how immigration processes fit in to regular hiring processes (see www.hr.pitt.edu/orgdev/ois.htm for a workshop series through the Faculty & Staff Development Program).
- Maintains all public inspections/access files and audit files for all University cases.
- Reviews US Citizenship and Immigration Services (USCIS) approval and denial notices, Request for Evidence (RFE) notices, and RFE responses.

- Serves as primary contact for attorney questions regarding University policy (except for questions more legal in nature, for which OGC will be the primary contact) or department questions about general immigration issues.
- OIS Director or Associate Director signs all immigration forms, such as the G-28, I-140, I-129, etc. on behalf of the University (No department faculty or staff member is authorized to sign these forms).

Pitt Approved Immigration Attorney

- Works directly with department representatives and foreign national beneficiaries in processing cases.
- Provides OIS with copies of all application materials and otherwise keeps OIS well informed as the case is being processed.
- Provides OIS with copies of USCIS approval and denial notices, RFE notices, and RFE responses within 10 days of receipt.
- For PERM cases, provides OIS with a complete copy of the audit file containing all of the documents on the audit file checklist within 30 days after the approval is received.

Office of General Counsel

- Serves as primary liaison on behalf of the University of Pittsburgh regarding any special intervention required with outside legal counsel.
- Serves as primary contact with outside legal counsel on issues of a legal nature or with legal implications.
- Provides advice regarding legal strategy concerning University-wide policies as opposed to particular case management issues, which OIS will handle.

University Resources and Links

Office of International Services

For information about the processing of employer-sponsored immigration petitions, visit the OIS Web site at www.ois.pitt.edu or contact the Immigration Specialist assigned to your school or department (see www.ois.pitt.edu/pdf/SchoolDeptAssign.pdf for a complete listing). For questions regarding the guidelines on approved immigration attorneys, please contact the Director or Associate Director in OIS at 412.624.7123.

Office of General Counsel

For questions regarding the approved immigration counsel program, contact Alan Pittler, Associate General Counsel (apittler@pitt.edu).

Office of Human Resources

For information regarding hiring and employment practices for University *staff* members (excluding faculty), contact the HR Manager for your school, college or division.