



The University of Pittsburgh
Office of International Services

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.

In regard to employment-based immigration petitions for which the University of Pittsburgh is the petitioner, the Office of International Services (OIS) has primary responsibility for preparation and submission, unless the hiring department receives authorization from OIS to use an outside immigration attorney.

When authorized to use an outside immigration attorney, foreign national employees and their sponsoring departments must use one of the firms approved by the University's OGC to provide immigration services. These are listed below. Please note that when retaining the services of an attorney, the hiring unit and/or the foreign national employee is responsible for the payment of all associated legal fees and administrative costs. In addition, current law requires that all expenses related to a permanent labor certification (PERM), including recruitment costs, must be paid for by the employer. These costs may not be passed on to the employee. You are welcome to consult with OIS or the 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.

NOTE: Employees and/or their departments should not contact an outside immigration attorney directly until approval has been granted by OIS.

Scope of Work

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

1. All H1-B (Temporary Worker) and O-1 (Aliens of Extraordinary Ability) petitions;*
2. All first-preference employment-based permanent residency cases in the Outstanding Professors or Researchers (EB-1B) category;*
3. All second-preference (Members of the Professions Holding Advanced Degrees (EB-2)) and third-preference (Professional or Skilled Worker (EB-3)) employment-based permanent residency cases.* This responsibility excludes the permanent labor certification (PERM) which must be processed by an approved immigration attorney.
4. J-1 professors, research scholars, short-term scholars, specialists, and interns, to include general advising regarding the Exchange Visitor Program; and
5. TN petitions.*

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

Employment-based Immigration Petitions

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. Permanent Labor Certification (PERM) cases and other employment-based immigration petitions forwarded by OIS;
2. Any other specialized cases as deemed appropriate by OIS in consultation with OGC.

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Spilman Thomas & Battle
48 Donley Street
Suite 800
Morgantown, WV 26501
www.spilmanlaw.com

Larissa C. Dean
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Interested Government Agency Waivers

The following firms have been approved for retention by the Office of General Counsel to provide services related to **physicians** seeking Health and Human Services (HHS) 212(e) waivers and to **non-physicians** seeking Interested Government Agency (IGA) 212(e) waivers, to include those for HHS:

Sostrin Immigration Lawyers, LLP
16030 Ventura Boulevard, Suite 300
Encino, CA 91436
www.sostrinimmigration.com

Rita Sostrin
818-435-3500
rsostrin@sostrinimmigration.com

Ingrid Brey, PC
15124 Kercheval Avenue
Grosse Pointe Park, MI 48230
www.breylaw.com

Ingrid Brey
313-822-8888
info@breylaw.com

Process for Using Approved Immigration Counsel

1. The department decides to hire a foreign national and consults with an immigration specialist in OIS.
2. If it is determined that the use of an outside immigration attorney is necessary, 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.
3. The department completes the form and emails or faxes it to the OIS director (gdcook@pitt.edu or 412.624.7105), attaching the foreign national’s CV and any relevant documentation supporting the reason(s) for pursuing the use of outside counsel. The department may select the attorney it would like to work with from the approved list (see above) or have OIS select an attorney.
4. OIS director reviews the request and, if approved, emails the request form to the selected attorney. If the attorney is interested in accepting the case, he or she completes the bottom portion of the request form and returns it to OIS within **three business days**.
5. 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.
6. The attorney contacts the designated contact person in the department to schedule an initial consultation with the department contact, immediate supervisor, the foreign national beneficiary, the assigned HR manager, and the OIS director.
7. The attorney will provide a billing agreement which outlines the services to be provided and applicable fees. The hiring department and/or employee are responsible for paying all fees. However, the OIS director must sign the billing agreement. The OIS director will consult with the hiring department before signing and returning the agreement to the attorney. The department will also be provided with a signed copy.
8. The 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.

9. 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-related forms, such as the ETA-9089, G-28, HHS 426, I-140, I-129, etc., on behalf of the University.**)
10. The attorney mails a file copy of the case and the original audit file (permanent labor certification) to OIS within 10 business days of submission to USCIS or DOL. OIS maintains all audit files.
11. The 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.

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 an immigration specialist at ois@pitt.edu. For questions regarding the guidelines on approved immigration attorneys, please contact the OIS director at gdcook@pitt.edu or 412.624.7123.

Office of General Counsel

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

Office of Human Resources

For information regarding hiring and employment practices for University **staff** members, contact the recruiter for your department or contact Michelle Fullem, Director of Recruiting and Client Services at mrs100@pitt.edu or 412.624.8062.

Faculty Affairs

For information regarding hiring and employment practices for University faculty, visit the Faculty Affairs web site at www.provost.pitt.edu/faculty-affairs/.



The University of Pittsburgh
Office of International Services _____

Request for Use of Outside Immigration Attorney

Please print or type clearly. When complete, fax this form to OIS at 412.624.7105.

1. Foreign National's Legal Name: _____
2. Foreign National's Date of Birth: _____
2. Foreign National's Email Address: _____
3. Is the foreign national currently in the United States? Yes No
4. Is the foreign national currently employed at Pitt? Yes No

a. If "yes," please provide the following information:

ii. Department: _____

iii. Position Title: _____

If the position is a tenure track teaching position, please answer the following additional questions:

a. Was a print ad placed in a professional publication? Yes No

b. If yes, please provide the publication name and date: _____

c. What is the date of the initial offer letter? _____

iv. Salary: _____

v. Visa Classification: _____

b. If "no," please provide the following information:

ii. Current employer: _____

iii. Visa Classification: _____

iv. Proposed Position Title at Pitt: _____

If the position is a tenure track teaching position, please answer the following additional questions:

a. Was a print ad placed in a professional publication? Yes No

b. If yes, please provide the publication name and date: _____

c. What is the date of the position offer letter? _____

5. Sponsoring Department: _____

6. Name of Dean, Director, or Chair¹ who will sign hiring paperwork: _____

7. Designated Department Contact for Case*:

** The designated department case contact is strongly encouraged to review information on the use of retained immigration counsel at www.ois.pitt.edu.*

Name: _____ Title: _____

Phone: _____ Fax: _____ Email: _____

Campus Mailing Address: _____

8. Type of Case (if known):

- LPR EB-1A
- PERM (Permanent Labor Certification)
- LPR EB-2 NIW
- J-1 IGA Waiver
- H-1B
- O-1
- Other: _____

8. Preferred Attorney² (from Pitt approved Immigration Attorney list only): _____

** If you do not have a preferred attorney, leave this line blank. OIS will assign an attorney to assist you with this case.*

Signature of Dean, Director or Chair: _____		
Print Name: _____		Date: _____
OIS Use ONLY		
Attorney-Case Approved:	Yes	No
OIS Authorized Signature: _____		Date: _____
Date Sent to Attorney: _____		
Attorney Use ONLY		
Attorney-Case Accepted:	Yes	No
Attorney Signature: _____		Date: _____

¹ While a Dean, Director, or Department Chair has authority to sign hiring paperwork, please note that only the OIS Director or Associate Director are authorized to sign official immigration forms (e.g., G-28, I-140, I-129, etc.) on behalf of the University.

² The assigned attorney will contact the department contact within 3 business days to schedule a meeting with the department contact, immediate supervisor, assigned HR manager, assigned immigration specialist, and foreign national employee. If your case appears to be a special recruitment permanent labor certification case or any other case that OIS processes internally, OIS will contact you.