

Georgetown University Labor Certification Instructions and Forms for Non-Teaching Positions

Labor Certification is the first step in applying for a green card for a Georgetown University employee if the employer can prove there are no minimally qualified and available U.S. workers to do the job. Labor Certification is used to sponsor internationals in positions including, but not limited to, research only faculty, research associates, research assistants/technicians, computer systems analysts, or other staff employees for permanent residency.

Prior to filing a Labor Certification application, the employer must document that it has adequately tested the labor market in the preceding six months without finding any qualified U.S. workers. The U.S. Department of Labor's main goal is to protect U.S. workers. If there is an available, qualified U.S. worker, the DOL will not issue a Labor Certification.

Please note that all work is done by the employer, not the employee. The employer is also responsible for the advertising costs. This cost cannot be passed on to the employee.

Following are instructions on how to process a Labor Certification application for a Georgetown employee. Please note that OIP must process the application. Use of outside attorneys is not allowed unless permission is received from OIP.

STEP BY STEP INSTRUCTIONS:

1. Complete Georgetown University Permanent Residency Request Form Labor Certification Part One, Employee Portion, Dependent Supplement and Document Certification) and submit it to OIP with the official position description on file with Human Resources (if staff position), and a copy of the employee's CV and diploma(s) and transcripts.

Considerations when completing the request form:

If you make the job requirements so restrictive that only the alien can fill the job, DOL can deny the application. You may however, require any relevant and essential degrees, abilities, and experience. Ultimately, Labor Certification is granted only if we can prove that the alien is the only qualified applicant. If a U.S. citizen or resident is qualified and available, DOL will not issue a Labor Certification, even though the alien may be more qualified.

- Minimum requirements to do the job must be listed. You may not require experience which you gave the alien. For example, if a research associate came to your lab directly from graduate school and has been working in your lab for one year, the minimum requirement for the job is the Ph.D., NOT the Ph.D. and one year of experience. DOL's position is that if you hired the alien without experience and provided it, you could hire a U.S. worker without experience and provide it.
- The alien must have all of the qualifications for the job (degrees, certificates, experience, etc.) at the time the Labor Certification is filed and be able to prove those qualifications after the Labor Certification is approved. For example, if the job requires a Ph.D. degree and the alien is currently in graduate school and will be awarded the degree in the future, then the alien does not qualify for the job.
- If experience is required, the alien generally must have obtained it outside Georgetown. Any such experience will need to be documented with statements from those employers which describe it in such a way that it is clear to a Department of Labor or Immigration Officer that the experience is relevant.

DRAFT ADVERTISEMENT - RESEARCH ASSOCIATE. Ph.D. in basket weaving or fiber arts. One year of experience in flat and round cord weaving of three dimensional shapes. Will design and construct nonwaterpermeable woven, tied, and knotted baskets with a temperature tolerance in excess of 100 degrees centigrade using quercus, lithocarpus, carya (pawcohiccora), and related genera and certain species of gramineae. Send resume to Dr. John Doe, Dept., Georgetown University, 3900 Reservoir Rd. NW, Washington, DC 20057.

2. OIP will review the application, determine if the salary meets the required prevailing wage for the position and that the requirements do not exceed the Department of Labor standards, and return the advertisement to the Department with detailed instructions on how to proceed. OIP will also place a job order with the State Workforce Agency for 30 days as required.
3. The Department must then place two print advertisements on two different Sundays in the Washington Post. If the job requires experience and an advanced degree and a professional journal normally would be used to advertise the job opportunity, you may place an ad in the professional journal most likely to bring responses from U.S. workers in lieu of one of the Sunday advertisements. ***The original newspaper pages should be submitted to OIP as documentation.*** If this is not available, proof of publication furnished by the newspaper is acceptable. (Note: It may also be a good idea to advertise on the Washington Post Jobs website - see additional recruitment requirements under #7.)
4. The Department should then post the job internally for 10 business days in two locations using the Notice of Job Availability in this packet. These postings should remain unobstructed throughout the time of the posting and should be posted in locations that are used for general information or public notices and that can be easily accessed by current employees who may qualify for the job. The Notice must contain the same information as the newspaper advertisement including a name, address, and telephone number that applicants may use to inquire about or apply for the job. ***The bottom of the salary range listed on this posting should not be less than the prevailing wage of which OIP will inform you.***
5. When removed, note the removal date on the posting and retain it for inclusion with other advertising and recruitment evidence to be sent to OIP. Be sure to write or type the alien's name on a small piece of paper and staple it to the posting. Do not write the alien's name on the posting.
6. The Department must post the Notice of Job Availability in any in-house media normally used for recruitment purposes and forward documentation that the notice was posted in the in-house media to OIP. An example of "in-house media" is a departmental newsletter, whether electronic or printed, which normally publishes job announcements as a means of encouraging employees to apply for job openings within the organization. (The Human Resources website is not considered in-house media.) If positions similar to the one in question are not advertised in in-house media, only the "bulletin board" posting described above is required.
7. The Department must then use **three** other means of advertisement. Documentation for any and all advertising must be furnished to OIP. Please note that you should use the three most appropriate means to attract U.S. workers to the position. Not all of these means will be appropriate for the position. Acceptable means of advertising are:
 - Georgetown University Human Resources website. Document this by providing dated copies of pages that advertised the position. Although the regulations do not stipulate how long this advertisement needs to be posted, it is recommended that it be posted for two weeks. (Please note that for faculty, advertisements can be placed on the Department website.) **Please communicate with your HR Generalist that the posting is for a Labor Certification application and request that the salary NOT be listed.**

- Job search website other than Georgetown's. Document this by providing copies of the Washington Post web page generated in conjunction with the print advertisement. Other job search web sites may also be used, but dated copies of web pages should be provided. **Please do NOT list the salary in these postings.**
 - Campus placement office: Document this by providing a copy of the notice of job opportunity provided to the campus placement office. If posting at the Georgetown MBNA Career Center, visit their web site: <http://careerweb.georgetown.edu>. Please do **NOT** list the salary in these postings.
 - Trade or professional organizations: Document this by providing copies of pages of newsletters or trade journals containing advertisements.
 - Job fair: Documentation should include brochures advertising the fair and/or newspaper advertisements in which Georgetown is named as a participant.
 - On-campus recruiting: Documentation should include copies of the notification issued or posted by the university's placement office naming the employer and the date it conducted interviews.
 - Private employment firms
 - Local and ethnic newspapers: Document this by providing a copy of the page in the newspaper that contains the advertisement.
 - Radio and television advertisements: Document this by providing a copy of the text of the advertisement along with a written confirmation from the radio or television station stating when the advertisement was aired.
 - Employee referral program: not applicable to Georgetown
8. The supervisor should then collect the resumes received in response to the advertisements and review them to determine whether they appear to meet the minimum requirements for the position as stated on the official position description and in the advertisement.

Review the resumes of all applicants responding to the advertisements as soon as possible after receipt. Contact applicants who on the basis of their application appear to be qualified *as soon as possible*. You should attempt to contact the applicant via telephone and document each attempt. If you are unable to reach the applicant by telephone or email, you should send a letter via certified mail requesting the applicant contact you to arrange an interview. The foreign national employee should not be involved in this process in any way. The position must remain open for at least 30 days following the last advertisement.

The purpose of the Labor Certification process is to protect U.S. workers. U.S. workers are defined as citizens, permanent residents, asylees and refugees. Persons in the U.S. in temporary visa classes such as F, J or H are not U.S. workers for the purpose of Labor Certification, and technically are not required to be considered for the position. However, you should retain their applications and CVs for reporting purposes.

Reject U.S. applicants only for lawful job related reasons. To be rejected, the U.S. applicant must lack one or more of the required credentials or the required experience. Being "unqualified for the job" is a lawful reason for rejection. Being "not as qualified as the alien" is not a lawful reason for rejection. A U.S. worker is considered able and qualified for the job opportunity if the worker can acquire the skills necessary to perform the duties involved in the occupation during a reasonable period of on-the-job training.

If there is at least one U.S. worker who meets the minimum requirements, Georgetown cannot proceed with a Labor Certification application. Please inform OIP if this is the case.

9. If there are no minimally qualified U.S. workers, the Department should then write a Recruitment Report describing in detail the recruitment efforts, the results and stating that the alien is the only qualified applicant. This statement should be very detailed. A sample can be found in Part Two of the Labor Certification forms. It should list the sources used for recruitment, the number of U.S. workers who applied, the names of the applicants, the number of applicants interviewed, the number of U.S.

workers rejected, categorized by the lawful job-related reasons for not hiring each, and the wages and working conditions offered. This report should be on Georgetown letterhead and should be signed by the supervisor and/or the Department Chair.

10. The Department should then submit the Permanent Residency Request Form-Labor Certification Part Two, the Recruitment Report, all original advertisements, the original internal postings, and copies of all resumes/applications for the job to OIP.
11. OIP will prepare the application and file it electronically with the U.S. Department of Labor. Normal processing takes up to 120 days once submitted unless the application is audited by the DOL. If the application is certified, Georgetown can then sponsor the international employee for Permanent Residency with U.S. Citizenship & Immigration Services.

Georgetown University Permanent Residency Request Form Labor Certification Part One

This form should be completed by the sponsoring Department.

Section 1. The following information should be provided about the sponsoring Department.

Department:
Supervisor name:
Supervisor title:
Telephone number:
E-mail address:
Name of Department Administrator:
Telephone number:
E-mail address:

Section 2. Please complete this section with the information that is on file with Human Resources for the position.

Name of employee being sponsored:
Employee's start date at GU:
If employed for less than one year, explain why the employee should be exempt from the one-year requirement.
Job title:
Annual salary:
Is the position full-time? <i>(if not, please explain below)</i> :
Is the position funded for the next three years? <i>(if not, please explain below)</i> :
Does the Department intend to employ this individual for the foreseeable future?
Does the individual supervise anyone? <i>(if yes, how many)</i> :
Complete address where work is to be performed:
<u>Minimum</u> education level required for the position:
Major field of study:
Is training required for the position? If yes, number of months required _____, Field of training _____
Is experience in the job offered required for the job? If yes, number of months required _____
Is there an alternate field of study that is acceptable? If yes, specify _____
Is there an alternate combination of education and experience that is acceptable? If yes (i.e., M.D. is accepted in lieu of Ph.D., Bachelor's plus 2 years experience is acceptable in lieu of Master's), specify _____
Is a foreign educational equivalent acceptable?

Is experience in an alternate occupation acceptable?
 If yes, number of months experience in alternate occupation _____, job title of acceptable alternate occupation _____

Job duties (Please describe the job duties, responsibilities and activities of the position. Provide enough detail to allow for appropriate classification and comparison with similar positions at other employers):

Are the job requirements normal for the occupation?
 If no, please explain _____

Is knowledge of a foreign language required to perform the job duties?
 If yes, please explain _____

Specific skills or other requirements:

Does the position involve a combination of occupations?

Has there been a layoff in the area of intended employment in the occupation within the last six months?

Draft advertisement: *The advertisement must: (1) include the name of the employer, (2) direct applicants to send resumes to the employer, (3) provide a description of the job specific enough to apprise U.S. workers of the job opportunity, (4) represent the actual requirements and not be tailored to the individual's education and experience, (5) indicate the location of the position, and (6) not list the salary.*

By signing this application, I am committing the Department and Georgetown University to sponsoring this employee for permanent residency.

Department/Personnel Administrator Signature:	Date:
Supervisor Signature:	Date:
Department Chair Signature:	Date:
Name of Chair (printed):	

Checklist for submission to OIP:

- Labor Certification Part One
- Official position description on file with Human Resources
- Employee's CV, diploma and academic transcripts
- Labor Certification Employee Portion, Dependent Supplement, and Document Certification
- Employee's work experience letters (if experience is required for the position)

Georgetown University Permanent Residency Request Form Labor Certification - Employee Portion

Section I. Employee Information

Last name:
First name:
Middle name:
Social Security Number:
Current home address:
Home telephone number:
Work telephone number:
Fax number:
E-mail address:
Date of birth:
Country of citizenship:
City of birth:
State of birth:
Country of birth:
Country of permanent residence:
Current visa status:
Expiration date of visa status:
Alien registration number (A#, if applicable):
I-94 card number:
Date of most recent arrival to U.S. (month/day/year):
Has an immigrant petition ever been filed on your behalf? If yes, explain
Are you in exclusion or deportation proceedings? If yes, explain
Please indicate where you would like to obtain your green card: <input type="checkbox"/> Inside the U.S. through U.S. Citizenship & Immigration Services <input type="checkbox"/> Outside the U.S. at the following U.S. Consulate _____
If you are not permitted to apply for adjustment of status in the United States and must apply at a Consulate abroad, where is the nearest U.S. Consulate in your home country? _____
Address in your home country:
Will family members immigrate with you? If yes, please complete Dependent Supplement.
Highest degree received:
Major field of study:
Year highest degree received:
Institution degree granted from: Address of conferring institution:
List any special skills or knowledge you have acquired. Do not list any skills or knowledge gained at Georgetown.

List any formal training programs in which you have participated outside of your degree and/or work experience.

Section 2. Work experience: List all jobs you have held during the last three years. Also list any other experience that qualifies you for the job. Attach additional sheets if necessary. Please also indicate where you have obtained the specific skills or other requirements listed on page 6 of the Labor Certification Part One.

Note: If you are using this experience to qualify for your current position, you will be required to obtain letter(s) from former employer(s) giving the name, address, and title of the employer and a description of the experience, including specific dates of the employment and specific duties prior to the filing of the I-140 immigrant petition.

Job 1.

Employer name:

Employer complete mailing address (including country and zip/postal code):

Type of business:

Job title:

Start date (month/day/year):

End date (month/day/year):

Number of hours worked per week:

Job Duties :

What tools, machines, equipment, skills, qualifications, certifications, licenses, etc. did you use?

Supervisor's Name:

Supervisor's Telephone Number:

Job 2.

Employer name:

Employer complete mailing address (including country and zip/postal code):

Type of business:

Job title:

Start date (month/day/year):

End date (month/day/year):

Number of hours worked per week:

Job Duties:

What tools, machines, equipment, skills, qualifications, certifications, licenses, etc. did you use?
Supervisor's Name:
Supervisor's Telephone Number:

Job 3.

Employer name:
Employer complete mailing address (including country and zip/postal code):
Type of business:
Job title:
Start date (month/day/year):
End date (month/day/year):
Number of hours worked per week:
Job Duties:
What tools, machines, equipment, skills, qualifications, certifications, licenses, etc. did you use?
Supervisor's Name:
Supervisor's Telephone Number:

Job 4.

Employer name:
Employer complete mailing address (including country and zip/postal code):
Type of business:
Job title:
Start date (month/day/year):
End date (month/day/year):
Number of hours worked per week:
Job Duties:
What tools, machines, equipment, skills, qualifications, certifications, licenses, etc. did you use?
Supervisor's Name:
Supervisor's Telephone Number:

Job 5.

Employer name:
Employer complete mailing address (including country and zip/postal code):
Type of business:
Job title:
Start date (month/day/year):
End date (month/day/year):
Number of hours worked per week:
Job Duties:
What tools, machines, equipment, skills, qualifications, certifications, licenses, etc. did you use?
Supervisor's Name:
Supervisor's Telephone Number:

I certify that this information is true and correct and that I intend to accept the position offered if I am granted a labor certification, visa or an adjustment of status based on this application.

(Employee signature)

(Date)

Georgetown University Permanent Residency Request Form Employee Dependent Supplement

Please provide the information about the family members who will immigrate with you.

Last name:	First name:
Relationship to you (check one): <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Son <input type="checkbox"/> Daughter	Date of birth (month/day/year): Country of birth:
Current address, if different from yours:	

Last name:	First name:
Relationship to you (check one): <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Son <input type="checkbox"/> Daughter	Date of birth (month/day/year): Country of birth:
Current address, if different from yours:	

Last name:	First name:
Relationship to you (check one): <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Son <input type="checkbox"/> Daughter	Date of birth (month/day/year): Country of birth:
Current address, if different from yours:	

Last name:	First name:
Relationship to you (check one): <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Son <input type="checkbox"/> Daughter	Date of birth (month/day/year): Country of birth:
Current address, if different from yours:	

Georgetown University Permanent Residency Request Form Employee Document Certification

This certification is prepared in compliance with U.S. Citizenship & Immigration Services (USCIS) regulations relating to the verification of documents.

NOTE: In general, adults should certify their own documents. Parents may do certifications for children.

Name of person whose documents are being certified: _____

Date of birth (month/day/year): _____

Country of birth: _____

Copies of documents submitted are exact photocopies of unaltered original documents and I understand that I may be required to submit original documents to an immigration or consular official at a later date.

Signature of person certifying: _____

Full name of person certifying: _____

Date signed: _____

I hereby certify the following conditions of employment:

1. The offered wage equals or exceeds the prevailing wage and the employer will pay the prevailing wage from the time permanent residency is granted or from the time the alien is admitted to the U.S. to take up the certified employment.
2. The wage is not based on commissions, bonuses or other incentives, unless the employer guarantees a wage paid on a weekly, bi-weekly, or monthly basis that equals or exceeds the prevailing wage.
3. I have enough funds available to pay the wage or salary offered to the alien.
4. I will be able to place the alien on the payroll on or before the date of the alien's proposed entrance to the U.S.
5. The employer's job opportunity does not involve unlawful discrimination, by race, creed, color, national origin, age, sex, religion, handicap, or citizenship.
6. The employer's job opportunity is not:
 - a. Vacant because the former occupant is on strike or is being locked out in the course of a labor dispute involving a work stoppage; or
 - b. At issue in a labor dispute involving a work stoppage.
7. The job opportunity's terms, conditions, and occupational environment are not contrary to Federal, State or local law.
8. The job opportunity has been and is clearly open to any U.S. worker.
9. The U.S. workers who applied for the opportunity were rejected for lawful job-related reasons.
10. The job opportunity is for full-time permanent employment.

Department/Personnel Administrator Signature:	Date:
Supervisor Signature:	Date:
Department Chair Signature:	Date:
Name of Chair (printed)	

Checklist for submission to OIP:

- Labor Certification Part Two
- Recruitment Report
- All original advertisements
- Original internal postings
- Copies of all resumes received for the job

Sample Recruitment Report For Labor Certification Applications For Non-Teaching positions At Georgetown University

To be printed on Georgetown letterhead

Date

Re: Labor certification application on behalf of Ms. Jane Doe

To Whom It May Concern:

The following report details the recruitment efforts and the results for the position of Research Assistant IV for the Department of Oncology at Georgetown University.

Recruitment Efforts

The position of Research Assistant IV was advertised in two Sunday Washington Post print editions on November 18, 2007 and November 25, 2007. In addition to these print ads, the position was posted on the Washington Post Jobs website from November 18 to November 25, 2007, on the Georgetown University Human Resources website from November 19, 2007 to November 30, 2007 and with the Georgetown University campus placement office from November 19, 2007 to November 30, 2007.

The Notice of Job Availability was also posted internally in two conspicuous locations within the Department for 10 business days from November 5, 2007 to November 16, 2007.

Results

We received a total of 7 applications for the position and interviewed one candidate. Following are the lawful job-related reasons why each U.S. worker was rejected:

The following candidates did not have the required Master's degree in a biological science:

Nancy Lee
Bob Williams
Joseph Alvarez

The following candidates did not have the required one year of laboratory research experience:

Sandy Galib
George Washington

Suzanne Yu appeared to meet the minimum requirements for the position and was contacted for an interview on December 15, 2007. During the interview she indicated that she was on an H-1B temporary worker visa and therefore is not a U.S. worker.

It is our conclusion that Ms. Jane Doe, currently working in the Research Assistant IV position in the Department of Oncology at Georgetown University, was the only qualified applicant. She has a Master's degree in Biology and two years of laboratory research experience which qualifies her for this position,

Wages and Working Conditions

The salary offered for this position is \$35,000/year. The normal work hours are 8:30a.m. to 5:00p.m. with occasional night and weekend work depending on what studies need to be done. The work setting is a normal lab setting.

Sincerely,

Department Chair

Supervisor

NOTICE OF JOB AVAILABILITY

Title:

Duties:

Requirements:

Salary range:

Contact:

Date Posted:

Date Removed:

X _____
Employer Signature

This notice is posted in connection with the filing of an application for permanent alien labor certification.

Any person may provide evidence bearing on the application to the Regional Certifying Officer of the Department of Labor at the following address:

Certifying Officer, U.S. Department of Labor, Employment & Training Administration,
Foreign Labor Certification National Processing Center
Harris Tower, 233 Peachtree Street, Suite 410
Atlanta, GA 30303