



Office of Global Services (OGS)
202.687.5867
Car Barn, Suite 210
globalservices.georgetown.edu

LABOR CERTIFICATION REQUEST FOR NON- TEACHING POSITIONS

Permanent Residency Sponsorship Policy

Georgetown University sponsors certain faculty, researchers and specialized staff for Permanent Residency. The following criteria must be met for an individual to be sponsored:

- The position must be permanent in nature and must be full time. (Students, postdoctoral fellows, visiting scholars, temporary and part-time employees are not eligible for sponsorship.)
- The individual must already be employed in this permanent position. Pending promotions must actually be finalized before the paperwork will be processed.
- The position must require at least a **Master's degree** and specialized training and knowledge.
- The individual must have been employed by Georgetown for at least one year. This one-year waiting period is not required by federal immigration laws; it is a University policy. This requirement is waived for tenure-line positions.
- The Department must intend to employ the individual for at least three more years. Funding for the position for a three year period must be guaranteed. The green card sponsorship process may take at least three years, and the job should be available to the applicant at the end of this process.
- The approval of the Department Chair, supervisor, and Department Administrator must be obtained. Although general information regarding green card procedures and categories may be discussed beforehand, the Office of Global Services (OGS) will not initiate Georgetown-sponsored permanent residency applications until approval is received from the Department.
- The Department must cover all advertising costs and the I-140 immigrant petition fee.

Please note that Human Resources and/or Faculty policies with regard to employment apply, and nothing in this policy implies otherwise.

All paperwork related to Georgetown-sponsored permanent residency must go through OGS to ensure accuracy and consistency of University information that is sent to the U.S. Government. Upon approval by OGS, the University department may choose to hire an attorney to file the paperwork. However, all paperwork must be approved by and sent to the U.S Government by OGS. Immigration paperwork signed by faculty supervisors or principal investigators without approval from both OGS and the Department Chair is not considered valid documentation.

General Information

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.

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 (DOL) 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 OGS must process the application. Use of outside attorneys is not allowed unless permission is received from OGS.

To initiate process, submit to OGS:

Department

- Labor Certification Part One
- Official position description

Employee

- Employee portion
- Dependent supplement
- CV & educational documentation
- Work experience letters documenting employee has experience and skills required in Department portion

STEP BY STEP INSTRUCTIONS

1

Complete Georgetown University Labor Certification Request Form Part One, Employee Portion, Dependent Supplement and Document Certification) and submit it to OGS with the official position description on file with Human Resources (if staff/AAP position), a copy of the employee's CV and diploma(s) and transcripts and work experience letters documenting employee has the experience and skills required in Department portion prior to their Georgetown employment (unless prior GU job is not substantially comparable to current position and is at least 50% different).

Considerations when completing the request form:

If you make the job requirements so restrictive that only the employee 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 employee is the only qualified applicant. If a U.S. citizen, U.S. permanent resident, refugee or asylee is qualified and available, DOL will not issue a Labor Certification, even though the employee may be more qualified.

- **Minimum requirements** to do the job must be listed. You may not require experience which you gave the employee. DOL's position is that if you hired the employee without experience and provided it, you could hire a U.S. worker without experience and provide it. Preferences should not be included.
- The employee must meet all of the qualifications for the job (degrees, certificates, experience, etc.). If experience is required, the employee 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.
- It must be clear in all the advertisements where the position is located. Be sure that the ads indicate the **job location** (Washington, DC or elsewhere).
- **All advertisements should match** and indicate the minimum requirements. **Preferences should not be listed** in any advertisements as they cannot be used to disqualify any applicants.

2

OGS will review the application, file a Prevailing Wage Request with the Department of Labor, and once the prevailing wage is issued (approx. 3 months), provide the Department with detailed instructions on how to proceed. OGS will also place a job order with the State Workforce Agency for 30 days as required.

3

3

The Department should first request that the position be posted on the Human Resources website (if staff or AAP position) so that applicants can be directed to apply through this website. **Please communicate with your HR Generalist that the posting is for a Labor Certification application and request that the salary NOT be listed.** The location of the position must be in the ad. This will also qualify as one of the 3 required additional recruiting steps (see below).

All advertisements must list the location of the position (Washington, D.C. or elsewhere).

4

The Department must then place two print advertisements on two different Sundays in the Washington Post. Departments can work with Hoya Staffing to place these ads. **The original newspaper pages should be submitted to OGS as documentation.** If this is not available, proof of publication furnished by the newspaper is acceptable.

5

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.**

6

The Department must use **three** means of advertisement in addition to the print ads. You should use the three most appropriate means to attract U.S. workers to the position. The options listed below are the ones normally used. If you would like to use other means, please contact OGS.

Georgetown University Human Resources website. Document this by providing dated copies of pages that advertised the position. It is recommended that it be posted for long enough for the other advertisements to direct applicants to apply here. (Please note that for faculty, advertisements can be placed on the Department website.) **Please do list the location of the position but do NOT list the salary in this posting.**

Job search website other than Georgetown's. Document this by providing copies of the Washington Post Jobs web page. **Please do list the location of the position but do NOT list the salary in this posting.**

The position must remain open for at least 30 days following the last advertisement.

Campus placement office. Document this by providing a copy of the notice of job opportunity provided to the campus

placement office. **Please do list the location of the position but do NOT list the salary in this posting.**



As soon as possible after receipt, the supervisor should review the resumes of all applicants and contact those who appear to be qualified based on the minimum requirements for the position. The foreign national employee should not be involved in this process in any way.

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. If qualified applicants are determined not to be U.S. workers, you will need to provide a statement along with supporting documentation explaining what process or steps you took to assess each one of these applicants. The statement will need to include how you determined that the applicant was not a U.S. worker.



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 employee" 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 OGS if this is the case.**



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 employee 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.



The Department should then submit the Labor Certification Request Form Part Two, the Recruitment Report, all original advertisements, the original internal postings, and copies of all resumes/applications for the job to OGS.



OGS will prepare the application and file it electronically with the U.S. Department of Labor. Normal processing takes approximately 6-8 months 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.



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LABOR CERTIFICATION REQUEST DEPARTMENT PORTION

This is a two-step process. Checklist for submission to OGS for Part 1:

- Request Form (Labor Certification Request Department Portion, Employee Portion, Dependent Supplement and Employee Document Certification). Do not submit Part 2 at this time.
- Official Position Description,
- Copy of the employee’s CV and educational documentation, and
- Work experience letters, if necessary.

Section 1. The following information should be provided by the Department. Please type. Please send an electronic copy to Sandra Layton prior to signature to allow for copying and pasting the information. Once signed, please send the originals.

Department	
Supervisor Name	
Supervisor Title	
Name of Department Administrator	
Telephone Number	
Email Address	

Section 2. Please complete this about the position.

Name of employee being sponsored	
Address where employee works	
Employee Start Date at GU	

<i>If employed for less than one year, explain why employee should be exempt from the one-year requirement</i>	
Job Title	
Annual Salary	
Is this position full-time?	
<i>If no, please explain:</i>	
Work schedule (e.g. 9am-5pm)	
Is travel required in order to perform the job duties?	
<i>If yes, please explain:</i>	
Is the position funded for the next three years? This is required for sponsorship.	
Does the Department intend to employ this individual for the foreseeable future?	
Does the individual supervise anyone?	<i>If yes, how many employees?</i>
Minimum education level required for the position	
Major Field of study	
Is training required for the position?	
<i>If yes, list the number of months required AND field of training</i>	

<p>Is experience in the job offered required for the job? <i>Employee must have this experience before working at GU.</i></p>		<p><i>If yes, number of months required</i></p>	
<p><i>Indicate occupation required for experience:</i></p>			
<p>Is there an alternate field of study that is acceptable?</p>			
<p><i>If yes, please specify:</i></p>			
<p>Is there an alternate combination of education and experience that is acceptable?</p>			
<p><i>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. Note that DOL/USCIS consider a Master's equivalent to a Bachelor's + 5 years' experience.</i></p>			
<p>Is a foreign educational equivalent acceptable?</p>			
<p>Is experience in an alternate occupation acceptable?</p>			
<p><i>If yes, number of months experience in alternate occupation:</i></p>		<p><i>Job title of acceptable alternate occupation:</i></p>	

<p><u>Job Duties</u> (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)</p>	
<p>Are the job requirements normal for the occupation?</p>	
<p><i>If no, please explain:</i></p>	
<p>Is knowledge of a foreign language required to perform the job duties? <i>If yes, please explain.</i></p>	
<p>Specific skills or other requirements <i>Employee must have had these prior to working at GU.</i></p>	

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?	

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)			



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LABOR CERTIFICATION REQUEST EMPLOYEE PORTION

Section 1. The following information should be provided by the employee. Please type. Please send an electronic copy to Sandra Layton prior to signature to allow for copying and pasting the information. Once signed, please send the originals with the Department portion.

Employee's Full Name			
Current Home Address			
Home Telephone #		Work Telephone #	
Email Address			
Address in home country Street Name and Number			
Apartment #			
City or Town			
State/Province			
Postal Code			
Country			
Date of Birth		City/State of Birth	
Country of Permanent Residence		Country of Citizenship	
Current Visa Status		Expiration Date of Visa Status	
A# (if applicable)		Form I-94 Number	
Date of most recent arrival to the US <i>(month/day/year)</i>			
Has an immigrant petition ever been filed on your behalf?			

If yes, please explain:	
Are you in exclusion or deportation proceedings?	
Indicate where you would like to obtain your green card:	<ul style="list-style-type: none"> ○ Inside the U.S. through U.S. Citizenship & Immigration Services ○ Outside the U.S. at the following U.S. Consulate: _____
If you are not permitted to apply for adjustment of status in the U.S. and must apply at a Consulate abroad, where is the nearest U.S. Consulate in your home country?	
Will family members immigrate with you? <i>*If yes, please complete Dependent Supplement.</i>	
Highest Degree Received	
Major Field of Study	
Year Highest Degree Received	
Institution Degree Granted From	
Complete Address of Conferring Institution	
Special skills or knowledge you have. Do not list any skills or knowledge gained at GU.	
Formal training outside of degree or work experience.	

Section 2. Work Experience: List all jobs you have held that are related or qualify you for the job. Attach additional sheets if necessary. *Note: If experience is required for your position, please be aware that you need to obtain letter(s) from former employer(s) giving the name, address, position title and a description of the experience, including specific dates of employment and specific duties and skills prior to filing with USCIS.*

Job 1			
Employer Name			
Employer complete mailing address (including country and 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			
Tools, machines, equipment, skills, qualifications, certifications, licenses, etc. used			
Supervisor's Name			
Supervisor's Telephone			

Job 2			
Employer Name			
Employer complete mailing address (including country and 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			
Tools, machines, equipment, skills, qualifications, certifications, licenses, etc. used			
Supervisor's Name			
Supervisor's Telephone			

Job 3			
Employer Name			
Employer complete mailing address (including country and 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			
Tools, machines, equipment, skills, qualifications, certifications, licenses, etc. used			
Supervisor's Name			
Supervisor's Telephone			

Job 4			
Employer Name			
Employer complete mailing address (including country and 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			
Tools, machines, equipment, skills, qualifications, certifications, licenses, etc. used			
Supervisor's Name			
Supervisor's Telephone			

Job 5			
Employer Name			
Employer complete mailing address (including country and 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			
Tools, machines, equipment, skills, qualifications, certifications, licenses, etc. used			
Supervisor's Name			
Supervisor's Telephone			

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	



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LABOR CERTIFICATION REQUEST DEPENDENT SUPPLEMENT

Provide the following information about family members who will immigrate with you.

Spouse	
Last Name	
First Name	
Date of Birth (month/day/year)	
Country of Birth	

Child 1	
Last Name	
First Name	
Date of Birth (month/day/year)	
Country of Birth	

Child 2	
Last Name	
First Name	
Date of Birth (month/day/year)	
Country of Birth	

Child 3	
Last Name	
First Name	
Date of Birth (month/day/year)	
Country of Birth	



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LABOR CERTIFICATION REQUEST PART 2

This is a two-step process. Checklist for submission to OGS for Part 2:

- Labor Certification Request Part 2
- Recruitment Report,
- All original advertisements,
- Original internal postings, and
- Copies of all resumes/applications for the job, sorted by reason for rejection.

This should be submitted to OGS at the end of the recruitment process.

The Recruitment Report should describe in detail the recruitment efforts, the results and state that the employee is the only qualified applicant. This statement should be very detailed. It should list the sources used for recruitment, the number of U.S. workers who applied, the names of these 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.

If U.S. workers were rejected, explain why the applicants could not attain the skills required during a reasonable period of on-the-job training.

If qualified applicants were determined not to be U.S. workers, provide a statement along with any supporting documentation explaining what process or steps you took to assess each one of these applicants. The statement will need to include how you determined that the applicant was not a U.S. worker.

This report should be on Georgetown letterhead and should be signed by the supervisor and/or the Department Chair. A sample is included in this packet.

Section 1. Two Sunday advertisements in the Washington Post are required.

Name of employee being sponsored	
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Date of first advertisement in the Sunday Washington Post	
Date of second advertisement in the Sunday Washington Post	

Section 2. Labor certification applications require that the job be posted internally for 10 business days in two locations using the Notice of Job Availability in this packet.

Dates the Notice of Job Availability was posted		to	
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Section 3. Labor certification applications require three additional means of advertising. Please indicate which three means were used with the start and end dates.

Dates posted on GU Human Resources website		to	
Dates listed with job search website (i.e., Washington Post Jobs)		to	
Dates advertised with campus placement office		to	
Dates advertised with trade or professional organization		to	
Dates advertised at job fair		to	
Dates of on-campus recruiting		to	
Dates listed with private employment firm		to	
Dates listed with local or ethnic newspaper		to	
Dates advertised with radio and TV ads		to	

Section 4. Results

How many people applied for the position?	
How many applicants were interviewed?	
Did any applicant meet the minimum qualifications for the position?	

I hereby certify the following conditions of employment:

- 1) The offered wage equals or exceeds the prevailing wage.
- 2) I have enough funds available to pay the wage or salary offered to the employee.
- 3) The employer's job opportunity does not involve unlawful discrimination, by race, creed, color, national origin, age, sex, religion, handicap, or citizenship.
- 4) 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.
- 5) The job opportunity's terms, conditions, and occupational environment are not contrary to Federal, State or local law.
- 6) The job opportunity has been and is clearly open to any U.S. worker.
- 7) The U.S. workers who applied for the opportunity were rejected for lawful job-related reasons.
- 8) 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)			

**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 Associate for the Department of Oncology at Georgetown University.

Recruitment Efforts: The position of Research Associate was advertised in two Sunday Washington Post print editions on November 18, 2018 and November 25, 2018. In addition to these print ads, the position was posted on the Washington Post Jobs website from November 18 to November 25, 2018, on the Georgetown University Human Resources website from November 19, 2018 to November 30, 2018 and with the George Washington University campus placement office from November 19, 2018 to November 30, 2018.

The Notice of Job Availability was also posted internally in two conspicuous locations within the Department for 10 business days from November 5, 2018 to November 16, 2018.

Results: We received a total of 7 applications for the position and interviewed all candidates. 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

If U.S. workers were rejected, explain why the applicants could not attain the skills required during a reasonable period of on-the-job training.

Suzanne Yu appeared to meet the minimum requirements for the position and was contacted for an interview on December 15, 2018. During the interview she indicated that she was on an H-1B temporary worker visa and therefore is not a U.S. worker. (If

qualified applicants are determined not to be U.S. workers, you will need to provide a statement along with supporting documentation explaining what process or steps you took to assess each one of these applicants. The statement will need to include how you determined that the applicant was not a U.S. worker.)

It is our conclusion that Ms. Jane Doe, currently working in the Research Associate 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 \$50,000/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
Title

NOTICE OF JOB AVAILABILITY

Title			
Duties			
<i>This position is located in Washington, DC.</i>			
Requirements			
Salary Range			
Contact Name		Email	
Contact Address			
Date Posted		Date Removed	
Employer Signature			
<p>This notice is posted in connection with the filing of an application for permanent employee labor certification.</p> <p>Any person may provide evidence bearing on the application to the Regional Certifying Officer of the Department of Labor at the following address:</p> <p style="text-align: center;">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</p>			