Labor Certification with Special Handling

OSU uses Special Handling Labor Certification (LC) to apply for employment-base permanent residence for fulltime permanent positions with classroom teaching duties. In the Special Handling LC process, OSU must verify that the selected faculty member was the most qualified applicant for the position and met all minimum and preferred qualifications when offered the job. This instruction packet is limited to the Special Handling LC process. General PR information can be found at http://oregonstate.edu/international/atosu/scholars/pr.

In general, the LC is a determination and confirmation by the US Department of Labor (DOL) that there are not sufficient U.S. workers, able, willing, qualified and available to fill the position offered to a specific nonimmigrant. It is also a certification that the employment of that person will not adversely affect the wages and working conditions of U.S. workers similarly employed. The special handling process must be completed and the labor certification filed within 18 months of the date of the letter of offer. An ad must have been placed in a professional journal. As part of the LC process, the employing department must outline all recruitment efforts, to satisfy regulatory provisions of 20 CFR § 656.18 (b).

Applying for permanent residence (PR) is a three part process

1. **Labor Certification**
   OSU must verify to the US Dept of Labor (DOL) that the selected candidate was the most qualified applicant for the position; OSU files Labor Certification with DOL. If Labor Certification is approved, OSU is allowed to petition to US Immigration (USCIS) on behalf of the employee.

2. **OSU files I-140**
   The I-140 is the employer’s petition to USCIS to allow an employee to apply for PR based on employment. The I-140 is filed in the EB-2 Members of the Professions Holding Advance Degrees.

3. **Employee files I-485**
   When eligible, the employee can apply to USCIS to adjust their status. Eligibility is based on country of birth & if visa allotments for that country are “oversubscribed”.

Department/Scholar Requirements

1) **Complete worksheet for the ETA 9089** (scholar)
   Scholar fills out this form, information is used for inputting into the DOL system. (See attached.)

2) **Current resume or CV** (scholar)
   The resume or CV must be signed and dated, in blue ink, by the scholar.

3) **Copies of relevant degrees** (scholar)
   - If the degree does not clearly state the discipline, attach verification of discipline in which the degree was earned. This can be either in the form of a letter from the institution where the degree was received or copies of transcripts.
   - If degree earned outside of the US, need proof that degree is equivalent to US degree. Contact ISFS for additional information.

4) **Experience Letters** (scholar)
   - Prior to requesting letters, need Verification of Requirements (item #5) from department
   - Request letters from previous employers verifying that employee gained experience in X at the institution/company, need to address ALL minimum and preferred qualifications for position.
   - Letter should include the name, address and title of the employer. The letter must also contain a detailed description of experience of the employee, including specific dates of the employment and specific duties.
5) **Verification of Requirements (department)**
   ISFS will ask for this document **first**. This document will spell out the screening criteria used for all of the minimum and preferred qualifications for the position and will ask how the employee met each of the qualifications.

6) **Statement of Recruitment Efforts (department)**
   The department chair, or dean of the college writes a detailed letter outlining recruitment efforts. The letter should include a list of committee members. If written references were required include copies of letters received. If references were contacted by phone, the department chair or search committee chair should include a summary of these phone calls in the Statement of Recruitment Efforts. Only include total number of applicants, do not mention specifics about candidates.

7) **Applicant Screening Summary (department)**
   Download Applicant Screening Summary (aka application disposition worksheet) from PeopleAdmin. List should include all applicants who applied for the position and specific job-related reasons the applicant was not advanced to the state of application process.

8) **List of applicants interviewed, but not hired (department)**
   List of all finalists who were interviewed (phone and/or in person). List qualifications of each applicant and compare to qualifications of hired employee.

9) **Final Report of the Hiring Committee (department)**
   The committee chair or the head of the department should write a letter about what the hiring committee did in the final stages of identifying a finalist.

10) **Statement of Qualifications (department)**
    Include a written statement attesting to the degree of the alien's educational or professional qualifications and academic achievements. State why selected candidate was the most qualified for the position.

11) **Paper/Online Advertisement and Posting Details (department)**
    This must be from a national print or online professional journal. If online, submit proof of posting for 30 days plus text of advertisement. Include copies of ALL advertisements placed & supporting documents.

12) **List of how position announcement was promoted (department)**
    Create a list of where and how the position was announced, in addition to the print ad listed in #11. Example: EOI distribution list through Printing & Mailing (aka Affirmative Action lists). Only lists items for which you can submit proof.

13) **Statement of Teaching Responsibilities (department)**
    The department chair, or dean of the college must sign a statement that confirms the individual's teaching responsibilities and include the names of the courses taught, if possible.

Submit all documentation to ISFS. Documentation will be used to submit a prevailing wage determination to the DOL, create an internal posting and to submit a labor certification for the DOL.

Please note that ISFS charges a $2,000 fee for processing a request for permanent residence. The fee will be assessed after the labor certification is approved by the US Department of Labor.