

Susan W. Scheer

ATTORNEY AT LAW

MEMBER OF NJ BAR

THE LIBERTY BUILDING
18 MACCULLOCH AVENUE
MORRISTOWN, NJ 07960

PRACTICE LIMITED TO
U.S. IMMIGRATION LAW

TEL: 973-984-8400
FAX: 973-984-8490

TO: POTENTIAL CLIENT

FROM: SUSAN W. SCHEER, ESQ.

RE: LABOR CERTIFICATION APPLICATION

In response to your possible interest in assisting in the preparation of a Labor Certification Application, enclosed find the following:

- 1. PERSONAL QUESTIONNAIRE - (review and complete)**
In addition to completing the items on the form, please provide a brief description of the duties performed (or to be performed) by you, the employee.
- 2. LABOR CERTIFICATION SUMMARY - (for reference)**
For your information, there are two employment-based subcategories for the Employee. One is commonly called the "Other Worker/Unskilled Category" which does not require a high level of experience, but which takes a minimum of 6-7 years to process (i.e., housekeeper, dishwasher). The other traditional category (Skilled/Professional Worker) requires 2 years prior experience and takes a minimum of 4-5 years to process. A third classification is Reduction in Recruitment (RIR), requiring a demonstration of recruitment efforts prior to filing, resulting in the shortening of the process to 3 to 4 years.
- 3. LCA PRELIMINARY DOCUMENTS CHECKLIST – (for reference in assembling documentation)**
- 4. AFFIDAVIT OF PRIOR EXPERIENCE - English and Spanish, as applicable. Please return it to the office as soon as possible. – (to be completed and signed by prior employer, NOT Sponsor).**
- 5. SYNOPSIS OF MATTERS HANDLED BY LAW OFFICE - (for reference)**
- 6. RETAINER AGREEMENT, in duplicate for review.** The agreement reflects terms for processing your case. If acceptable, please return one signed copy for our files.
- 7. SELF-ADDRESSED ENVELOPE - (for return of questionnaire)**

If you have any questions, do not hesitate to be in touch with my office. Kindly return the above items as soon as possible, in order to proceed with the preparation of the documents. Thank you for your time and cooperation.

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PERSONAL ANALYSIS QUESTIONNAIRE

RE: NAME _____
MATTER _____
REFERRED BY _____
DATE OF CONSULTATION _____

PLEASE FILL OUT THIS FORM THE BEST YOU CAN AND RETURN IT TO OUR OFFICE. WE NEED TO KNOW THIS INFORMATION IN ORDER TO EFFECTIVELY ASSIST YOU AND SUCCESSFULLY COMPLETE YOUR IMMIGRATION CASE. AS ALWAYS, ALL THE INFORMATION YOU SUPPLY US WILL BE KEPT **STRICTLY CONFIDENTIAL.**

GENERAL INFORMATION

NAME: _____
LAST NAME FIRST MIDDLE

OTHER NAMES, ALIASES, MAIDEN NAME, IF MARRIED: _____

PRESENT ADDRESS: _____
NUMBER, STREET, APT# CITY STATE ZIP CODE

TELEPHONE: () _____ WORK: () _____

OTHER: () _____ FAX: () _____

PERMANENT MAILING ADDRESS IF DIFFERENT: _____

PLACE OF BIRTH: _____ CITIZENSHIP: _____
CITY, STATE, COUNTRY

DATE OF BIRTH: ____ / ____ / ____ MARITAL STATUS: _____ SEX: _____

WERE YOUR PARENTS OR GRANDPARENTS BORN IN THE U.S. OR DID THEY EVER LIVE IN THE U.S.?
YES _____ NO _____

HAVE YOU EVER BEEN APPREHENDED BY INS OR APPEARED BEFORE AN INS JUDGE IN ANY PROCEEDING? YES NO (IF SO, PLEASE EXPLAIN ON THE REVERSE SIDE OF THIS PAGE & FORWARD COPIES OF I.N.S. CORRESPONDENCE.)

EDUCATION: UNIVERSITIES, COLLEGE, TRADE SCHOOLS:

NAME _____ FROM/TO _____

CITY/COUNTRY _____

FIELD OF STUDY _____ DEGREE _____

NAME _____ FROM/TO _____

CITY/COUNTRY _____

FIELD OF STUDY _____ DEGREE _____

EMPLOYMENT:

PRESENT OCCUPATION/JOB TITLE: _____ SOC. SEC.#: _____

EMPLOYER: _____ EMPLOYED FROM: _____ TO: _____

NAME & ADDRESS: _____

SALARY: _____ TELEPHONE () _____ FAX () _____

DUTIES: _____

PRIOR OCCUPATION/JOB TITLE: _____ SOC. SEC.#: _____

EMPLOYER: _____ EMPLOYED FROM: _____ TO: _____

NAME & ADDRESS: _____

SALARY: _____ TELEPHONE () _____ FAX () _____

DUTIES: _____

PRIOR OCCUPATION/JOB TITLE: _____ SOC. SEC.#: _____

EMPLOYER: _____ EMPLOYED FROM: _____ TO: _____

NAME & ADDRESS: _____

SALARY: _____ TELEPHONE () _____ FAX () _____

DUTIES: _____

INFORMATION ABOUT FAMILY

SPOUSE'S NAME: _____ DATE OF BIRTH: ____/____/____

MAIDEN NAME: _____ SPOUSE'S NATIONALITY: _____

IS YOUR SPOUSE LIVING WITH YOU? ___YES___NO SPOUSE'S OCCUPATION: _____

DATE OF MARRIAGE: ____/____/____ PLACE OF MARRIAGE: _____
City State Country

CHILD NAME: _____ DATE OF BIRTH: _____
CITY/COUNTRY OF BIRTH: _____
RESIDENCE: _____

CHILD NAME: _____ DATE OF BIRTH: _____
CITY/COUNTRY OF BIRTH: _____
RESIDENCE: _____

CHILD NAME: _____ DATE OF BIRTH: _____
CITY/COUNTRY OF BIRTH: _____
RESIDENCE: _____

PASSPORT INFORMATION

NUMBER: _____ COUNTRY: _____
VALID TO: _____ NUMBER OF ENTRIES: _____

AMERICAN VISA INFORMATION

DATE ISSUED: ____ / ____ / ____ PLACE ISSUED: _____
TYPE OF VISA: _____ VALID TO: _____
I-94 ENTRY DOCUMENT # _____ VALID TO: _____

DATE OF LAST ARRIVAL AT U.S.: ____ / ____ / ____

PLACE OF LAST ARRIVAL AT U.S. _____
City State USA
Country

WERE YOU AN EXCHANGE (J-1) VISITOR? ____ YES ____ NO IF SO, WHEN: ____ / ____ / ____

HAVE YOU EVER FILED DOCUMENTS WITH THE I.N.S. TO OBTAIN A WORKER PERMIT, GREEN CARD, ASYLUM OR CITIZENSHIP OR RECEIVED ANY CORRESPONDENCE FROM THE I.N.S., OR THE AMERICAN CONSULATE ABROAD? IF YES, PLEASE GIVE DETAILS ON REVERSE, i.e., WHAT FILED, WHEN, WHERE, RESULT.

Susan W. Scheer

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EMPLOYMENT SPONSORSHIP LABOR CERTIFICATION PROCEDURES (Obtaining a "Greencard" through Employment)

PURPOSE

To obtain permanent resident status, based on appropriate job offer.

DURATION

Once individual has acquired permanent resident status ("greencard"), status is indefinite unless abandoned or lost by specific actions.

PREFERENCE CATEGORIES:

Second Preference: Professionals holding advanced degrees, and persons of exceptional ability in the sciences, arts, and business (40,000).

Third Preference: Professionals holding bachelor's degrees, skilled workers with at least two years experience, and other workers whose skills are in short supply in the U.S. (40,000). (Unskilled workers are subject to a sublimit of 10,000).

MISCELLANEOUS INFORMATION:

- Offer of employment must be for full-time position.
- Alien (Employee) must meet minimum qualifications in experience and education as set forth in the job description/offer.
- Advertisement for position must appear in local newspaper for three days for purposes of testing labor market for available, qualified U.S. workers.
NOTE: *If evidence of recruitment (copies of tearsheets for the insertions) is attached to the initial filing, the salary does not have to be reflected in the advertisement.*
- Department of Labor must certify that qualified U.S. workers are not available for the position.
- Employer must be able to demonstrate that alien's salary can be paid.

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LCA PRELIMINARY DOCUMENTS CHECKLIST (Labor Certification Application)

The following is a list of documentation/information required by our office to commence the preparation and filing of the Labor Certification Application.

EMPLOYER DOCUMENTS:

GENERAL

- **Employer Questionnaire** to include job title, detailed job description, salary and other compensation.
- **Contact person** name, address, telephone and fax numbers.
- **Promotional piece or/and brochure** highlighting major focus and clients of company. (If restaurant, copy of menu is required.)
- **FEIN Number** (Federal Employer Identification Number). (If household, Social Security # of Employer.)

FINANCIAL

(Corresponding to year of filing with Department of Labor up to the INS approval)

- **Tax Return:** Copy of U.S. Federal Corporate Income Tax Returns, with all schedules and attachments or copy of Form 1040, with schedule C attached.
- **Annual Report:** Copy of Annual Reports, with audited or reviewed financial statements.
- **Balance Sheet:** Copy of Balance Sheets, which list assets and liabilities.
- **Accountant's letter:** Evidence employer had the ability to pay the certified wage or salary as of date of filing the Form ETA-750.

LCA PRELIMINARY DOCUMENTS CHECKLIST (Labor Certification Application)

ALIEN'S DOCUMENTS:

- Completed Biographic Questionnaire (Personal Analysis Questionnaire).
- Copy of passport of self and family member(s).
- Copies of academic or professional credentials, i.e., diploma certifications/licenses, if necessary.
- Copies of birth certificate(s)
- Copies of marriage certificate and/or divorce judgment(s) of applicant and spouse/children (with translations as necessary). (There will be an additional processing fee for inclusion of family members.)
- Copy of INS documentation or correspondence, including applications and approvals forwarded/received by alien (if any).
- Copy of Reference Letters from previous employers, highlighting duties, key projects and clients, if prior experience requirement appears at #14, Offer of Employment.
- Proof of physical presence in U.S. in December 2000 (10 pieces).
- Passport size photographs in color (2).

Upon our receipt of the above-noted items, the office will commence preparation of the Labor Certification process.

DECLARACION DE EXPERIENCIA

REPRESENTA A
DECLARANTE _____

COMPANIA _____

DIRECCION _____

HABIENDO JURADO ANTE LA LEY,
DECLARA Y DICE:

CIUDAD _____ PAIS _____

EL SIGUIENTE INDIVIDUO:

NOMBRE _____

DIRECCION _____

CIUDAD _____ PAIS _____

AHORA RESIDIENDO:

DIRECCION _____

CIUDAD _____ PAIS _____

FUE EMPLEADO EN LA CAPACIDAD:

TITULO DE TRABAJO _____

LAS OBLIGACIONES A REALIZAR ERA: _____

_____ Y SE REALIZARON DE UNA MANERA profesional.

QUE SE LE PAGARON A EL/ELLA \$ _____ POR SEMANA/ANO, Y QUE EL/ELLA TRABAJO
40 HORAS POR SEMANA.

DESDE _____ A _____
FECHA FECHA

LO ANTERIOR FUE JURADO ANTE MI ESTE
DIA _____ DE _____, 2002

FIRMA DEL DECLARANTE
NOMBRE:
TITULO:

AFFIDAVIT OF PRIOR EXPERIENCE

The undersigned, representing

_____ **Company or Dwelling**

_____ **Street Address**

_____ **City State Country**

certify that being duly sworn, depose and say:

The following individual:

_____ **Name**

_____ **Street Address**

_____ **City State Country**

Was employed in the following capacity:

_____ **Job Title**

The duties performed were/are: _____

a) from _____ to _____
Date Date

That the following tools were used: _____

That he/she was paid \$ _____ per week/year, and that he/she worked 40 hours per week.

Signature affixed/Sworn to before me
this _____ day of _____, 2002

_____ **Signature of Declarant**

Name:

Title:

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SYNOPSIS OF MATTERS HANDLED BY LAW OFFICE

The following is a summary of services handled by my office. Such services are limited to matters arising under the laws of the Immigration & Naturalization Service. These matters most commonly involve:

1. U.S. Employers who seek to hire foreign professionals or skilled workers, or to transfer foreign personnel to existing or newly established branches in the U.S., on a temporary or permanent basis.
2. U.S. citizens or lawful permanent residents who wish to petition to have alien relatives (residing in the U.S. or abroad) enter the U.S. for a limited period of time or to remain in the U.S. permanently.
3. Aliens residing in the U.S. or abroad, who desire to lawfully enter or remain in the U.S. permanently as immigrants or temporarily as non-immigrants (for a limited period of time and limited purposes, i.e., students, tourists, workers.)

It is possible for an immigrant visa petition to be filed on behalf of an alien by: (a) a close relative as noted in Item 2 above; or (b) by an Employer who can demonstrate that it is not possible to find a U.S. worker to fill the specific position (i.e., live-in housekeeper, foreign car mechanic, specialty chef, skilled machine operators, nurse, architect, engineer) for which the alien is qualified.

4. Aliens who are subject to exclusion or deportation proceedings as a consequence of an illegal entry to the U.S. or who have violated the permitted period or limited purpose of entry.
5. U.S. Employers who desire assistance in complying with the Employee Verification requirements (Form I-9) of the immigration law (IRCA) which took effect in November, 1986.

If my office can be of assistance to you in connection with these or any other related matters, feel free to contact us.

R E T A I N E R
Labor Certification Application

Employer:

Employee:

The undersigned hereby retains the SUSAN W. SCHEER, Esq., Attorney at Law, The Liberty Building, 18 Macculloch Avenue, Morristown, New Jersey 07960, in connection with the processing of the above matter. The undersigned has been informed of the steps to be taken to process this matter and agrees to pay the legal fee of \$4,800.00 + Disbursements, for the following services:

- Consultation with client and preparation of Labor Certification Application.
- Preparation/submission of application to Employer and Client for review.
- Filing of application with the Department of Labor
- Monitor processing of application with the DOL (local and regional offices)
- Preparation and filing of immigrant visa petition with I.N.S.
- Monitor processing of petition with I.N.S.

*** Fees for preparation of final stage of case; i.e. Adjustment of Status Application along with documentation review and counseling of client prior to final visa appointment: establishing and maintaining contact with U.S. Embassy and/or National Visa Center to facilitate preliminary Consular and Agency checks; scheduling of final visa appointment will be determined at time of approval of immigrant visa petition or change of Immigration Law. Client understands that fee for additional family members to be included in final Adjustment/Visa Appointment will be an additional minimum of \$1,000 per individual. In addition, if client desires attorney representation/appearance at visa interview, additional amount to be due and payable. ***

Payment of the above stated fee shall be made as follows:

\$ 750.00 - upon commencement of case (initial payment)

\$ 500.00 - one month after commencement

\$ 500.00 - two months after commencement

\$250.00 Monthly payment commencing after payment of the initial \$1,750.00

IN THE EVENT CASE IS DISCONTINUED THROUGH NO FAULT OF THE ATTORNEY'S OFFICE, 50% OF PREVIOUS PAYMENTS MAY BE CREDITED TOWARDS A NEW CASE IF ACCOUNT IS CURRENT AS PER RETAINER. THERE WILL BE NO REFUNDS OF ANY MONIES PAID. THERE ARE NO REFUNDS OR CREDITS TO THIRD PARTY CASES.

IN THE EVENT THE FOLLOWING ARE REQUIRED, ADDITIONAL FEE TO BE CHARGED:

Rebuttal to Notice of Findings, issued by Dept. of Labor \$500.00 - \$750.00

Motion to Re-open/Reconsider – submitted to INS \$750.00 - \$1,250.00

All filing fees and disbursements are the responsibility of the client. Payments received shall be applied first to disbursements then to reduce the account balance for legal fees. In the event there is a balance remaining at the completion of the case or at the time a visa appointment is scheduled, the remaining balance, if any, shall be accelerated and become due and payable immediately. The client further understands that the above fee does not include appearances by attorney in any United States Court, including any immigration court, or at INS interviews; if required, fee will be determined prior to court/INS appearance.

The undersigned has read the above retainer, understands the meaning of its terms and has received a copy of the same.

Employee:

Employer:

Date: _____

Susan W. Scheer, Esq. _____