

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 SPONSOR

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. QUESTIONNAIRE REGARDING YOUR COMPANY - (review and complete)

In addition to answering the items on the form, please provide a brief description of the duties performed (or to be performed) by the Employee and enumerate the difficulties you have previously encountered as an Employer finding qualified and reliable workers to fill this position. Include the possible reasons for these difficulties (i.e. high turnover, low pay, unusual hours, unusual job duties or health risks.)

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. SYNOPSIS OF MATTERS HANDLED BY LAW OFFICE - (for reference)

4. LCA PRELIMINARY DOCUMENTS CHECKLIST - (for reference in assembling documentation)

5. 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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EMPLOYER QUESTIONNAIRE

DATE: _____

EMPLOYER: _____

EMPLOYEE: _____

JOB TITLE: _____

(Position must require 2 years experience)

To Whom It May Concern:

My office has met with the above-noted individual in connection with your possible interest in becoming an employer sponsor in the labor certification process. Ultimately, a successful conclusion of this process will result in lawful permanent residency ("green card" status) for the individual. Complete the following which our office will utilize to complete the Department of Labor and Immigration & Naturalization Service forms required for this process. This questionnaire is for our internal use only and is considered confidential material.

SECTION 1. NAME OF BUSINESS.

FULL NAME of corporation or business entity:

NAME AND TITLE OF INDIVIDUAL WHO WILL SIGN PAPERWORK:

NAME: _____ TITLE: _____

Principal Place of Business:

Street City State/Zip

Place of Employment, if different:

Street City State/Zip

Telephone, Fax and Tax ID Number:

Telephone: _____ Fax: _____ Tax ID Number: _____

NATURE OF BUSINESS: Please provide description of the nature of your company's business, including market, service or product focus, and list of current or potential clients/customers:

TOTAL NO. OF EMPLOYEES: _____

GROSS ANNUAL INCOME: _____ **NET:** _____

DATE BUSINESS ESTABLISHED: _____

SECTION II. JOB OFFERED:

TITLE OF JOB BEING OFFERED TO/JOB BEING HELD BY ALIEN: _____

START DATE: _____

JOB DESCRIPTION: Provide **DETAILS** about type of work being/to be performed.

TYPES OF TOOLS, MACHINERY OR EQUIPMENT UTILIZED/TO BE UTILIZED, if any. (Please use industry specific names/descriptions, if applicable.)

SECTION III: MINIMUM REQUIREMENTS FOR PERFORMANCE OF THE DUTIES OF THE POSITION:

EDUCATION: _____

EXPERIENCE: _____

SECTION IV: JOB SPECIFICS:

Will Employee supervise any employees? _____. If yes, indicate # and job title(s)? _____

Title of Employee's Supervisor: _____

Schedule (to include days of week and hours (from/to):

Salary: \$ _____ per wk/yr \$ _____ per hr, if applicable

ADDITIONAL INFORMATION: (if desired)

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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.

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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.