

UI's Employment Based/Labor Certification PR Steps

Begin process within 12 months of offer of position to file in timely manner

Choose an Attorney

- Attorney must be screened by Legal Counsel (list available)
- Department must agree to pay Labor Certification (LC)
- There are different fees as per attorney - which may have a bearing on the attorney hired

Work with IPO Liaison

- IPO Liaisons with attorney, legal counsel, department & HR during entire process
- IPO Liaison will "introduce" employee to attorney or share pertinent information once attorney is chosen
- Attorney will send fee/retainer agreement for employee and invoice for dept. All must go through liaison before signing to assure that contracts do not bind department or UI to anything other than paying the LC
- IPO will retain the file of documentation with the exception of hiring records.

Approvals and Payment

- Liaison will obtain signatures of approval from Dept. Chair, Legal Counsel and Director of Purchasing (Labor Certification Fee/Retainer Agreement Approval Form)
- After obtaining approvals, Claim Voucher will be issued for check for Labor Certification fees.
- Employee signs fee/retainer agreement
- Agreement, Invoice and Check are sent to Attorney to begin process

Labor Certification process

- Attorney obtains requested documents from employee, IPO and department
- Attorney verifies proper recruitment and position advertisement, including a print ad in a professional Journal or Chronicle of Higher Education. If no print ad the position must be re-advertised to test the market. Dept pays for cost of all ads.
- After a wait of 30 days after posting/publishing, the Attorney files the LC Application with the Dept of Labor
- DOL approves, denies or audits the LC
- Can take as long as 6 months to file LC and up to 1 year for LC approval

Permanent Residency Process

- Attorney files I-140 Immigrant Petition within 90 days of Labor Certification approval. Usually approved within 1-2 years or earlier.
- If the employee's nationality has a current priority date, an I-485 (Adjustment of Status) application may be filed at the same time as the I-140. Otherwise the adjustment of status to register for Permanent Residency cannot take place until an A-number is available. Each year a certain number of alien numbers are available for each nationality.
- Some applicants may wait 6 or more years for a number to become available