The EB-2, Standard Recruitment category is for non-teaching full-time positions that require an advanced degree (Master’s degree or higher), such as scientists and researchers. This category also requires that the employee work for GSU for TWO YEARS prior to starting the process. EB-2, Standard Recruitment differs from EB-2, Special Handling because Special Handling requires classroom teaching. Applications submitted under Standard Recruitment go through three separate steps, including an intensive recruitment process to ensure that no minimally qualified US citizens meet the requirement for the position (versus Special Handling petitions which allow departments to hire the most qualified candidate). After two years of employment with GSU, the Standard Recruitment process to approval (green card issuance) takes 30-42 months.

**WHAT IS A LABOR CERTIFICATION?**

Labor Certification is a finding by the Department of Labor that:

- There are not sufficient U.S. workers in the geographic area of employment who are able, willing, equally qualified, and available to do the job in question, and
The employment of a foreign national will not adversely affect the wages and working conditions of similarly employed U.S. workers

POSITION AND SEARCH REQUIREMENTS

- Employment must be located in the United States.

- Position must be **full-time** and **permanent**:
  - Permanent refers to a position that does not have a definite termination point defined either by a date or the completion of a project or assignment, is not seasonal or intermittent, and is not presently intended or contemplated by the employer that the employment will definitely end at some specified date in the future, such as at the completion of grant-funded research.
  - The applicant must have already worked for GSU for TWO YEARS in H-1B status.

- Must be a bona fide job opportunity:
  - A real job must be open for which the employer is willing to hire an available, qualified U.S. worker.

- Employer must intend to hire the employee permanently; employee must intend to remain in the job permanently.

- Employer must verify, through a structured recruitment process, that no available US citizen applicants are minimally qualified for the position.
  - The employer must prove five forms of recruitment and advertise for at least 30 days
  - The recruitment process must take place within a 180 day period

GENERAL PROCEDURE

The department **MUST** work directly with the ISSS Assistant Director during each step of the labor certification filing to insure that each step meets the regulatory guidelines.

Recruitment Process:
Begin by following the recruitment plan agreed upon between ISSS and the sponsoring department. The recruitment plan **must include** five forms of recruitment. Generally these forms of recruitment are a major regional newspaper such as the Atlanta Journal-Constitution, PantherNet, the GSU Website, and in a local lifestyle news outlet such as Creative Loafing or Atlanta Voice. ISSS requires making a
specific plan of recruitment before the ads are placed because of the overlapping deadlines from news outlets and the strict window of time imposed by USCIS.

**DOCUMENTS NEEDED TO FILE THE LABOR CERTIFICATION**

- Permanent Residency Approval and Intake Form
- Copy of original job offer letter
- A copy of all advertisements placed
- Letter/Report from the search committee chair outlining the recruitment and selection process, including
  - Composition of the search committee
  - Number of applicants
  - Numbers of US workers rejected, categorized by the lawful job-related reasons for such rejections
  - How applications were solicited (ads, GSU website, internal postings, etc.)
  - Description of competitive selection process indicating:
    - Total number of applicants who applied for the job opportunity
    - Screening process: advertising, interviewing, etc.
      - This should include detailed steps taken for recruitment, such as where and when recruitment ads were placed, how many applicants were selected for interviews and how these were screened, and procedures followed during the interview process.
    - Elimination process describing the degree of the beneficiary’s qualifications and stating why no other US worker was minimally qualified and ready, willing, and able to take the position
- Statement from the department that all resumes will be kept for five years from the time of hire
- Original hardcopy and electronic postings of notice of filings. The notices will be created by ISSS and sent to you with specific instructions on how and when to post.
  - ISSS will create electronic and hard copies of the “Notice of Filing.” This is a notice that must be posted internally, announcing the job opportunity to other employees. ISSS will submit the electronic notice to HR and the hard copy notice the sponsoring department, with instructions on how and when to post the notice. Please follow the instructions carefully. If it is not posted for the required length of time, we will need to repeat the posting, which will cause delay.
Once the posting notice has been removed, return it to ISSS. We are required to wait 30 days after the posting is removed before we can file the labor certification.

**WHAT NEXT?**

1. The sponsoring department completes the Permanent Residency Approval and Intake form and submits it to ISSS.

2. ISSS will request a meeting with the sponsoring Department Head, Business manager and international to discuss the recruitment plan.

3. ISSS will request a Prevailing Wage Determination from the Department of Labor. **This process takes 2-4 MONTHS.**
   - A Prevailing Wage is required to ensure the beneficiary is being paid at the same level as a comparable U.S. worker in similar positions.

4. Once ISSS receives the Prevailing Wage Determination, all ads have been run and it is determined that no minimally qualified U.S. citizen is able to accept the job and the 30 day waiting period has passed, the Foreign Labor Certification is submitted. **Approval can take 2-6 MONTHS.**

We MUST receive approval before we can proceed to STEP 2. ISSS will notify you when it is time to begin gathering documents and fees for the I-140.

**STEP 2: I-140 Immigrant Petition**

ISSS files the I-140 with the U.S. Citizenship & Immigration Services (USCIS). It is the University’s petition for permanent residency on behalf of the employee. The documents below are required. We do not begin gathering documents until the labor certification is approved:

- The original letter of appointment or job offer issued after the recruitment for the Labor Certification was completed

- A copy of the employee’s degree(s)
If the degree does not specify the employee’s field of study, a transcript may be required.

- A copy of the employee’s passport
- A copy of the employee’s I-797 (proof of H-1B status)
- A copy of the employee’s I-94 card
- If the employee has dependents, we will also need their immigration documents, passports, and a letter describing each dependent.

Processing of the I-140 by USCIS can take **1-6 months**. In some cases, ISSS can elect premium processing, which takes just 15 days. ISSS will notify you when it is time to proceed.

**STEP 3: I-485**

The employee files this individual application on his/her own. ISSS strongly recommends that the I-485 not be filed until the I-140 has been approved and the employee’s **Priority Date** is current. A Priority Date is each visa holder’s place in line for a green card, and can be found on the I-797. Due to retrogression, an individual may not currently be able to file: [http://travel.state.gov/visa/bulletin/bulletin_1360.html](http://travel.state.gov/visa/bulletin/bulletin_1360.html)

**GREEN CARD:**

- The green card is mailed once the I-485 is approved
  
  **Total Processing Time for Green Card: 30-42 months**

For more information or questions about the process please contact Doreen Clayton in ISSS at [dclayton@gsu.edu](mailto:dclayton@gsu.edu).