



**University at Buffalo**  
*The State University of New York*

**Office of International Education**  
Immigration Services

## **SPECIAL HANDLING LABOR CERTIFICATION**

### **General Overview**

Among the various options, foreign nationals who have been selected through a competitive recruitment and selection process and who occupy teaching (professorial) positions that are tenure-track may be eligible to seek permanent residency through PERM Special Handling Labor Certification.

Under this process, there are three steps to permanent residency:

- (1) The preparation and submission of a PERM Special Handling Labor Certification to the U.S. Department of Labor
  - The hiring department demonstrates to the U.S. Department of Labor that, after a competitive recruitment and selection process, the foreign national was found to be more qualified than any of the U.S. workers who had applied for the position.
- (2) The preparation and submission of an Immigrant Petition to the U.S. Citizenship & Immigration Services (USCIS)
  - The hiring department petitions the USCIS for permanent residency on behalf of the international employee
- (3) The preparation and submission of an Adjustment of Status Application
  - After approval of the Immigrant Petition, the international employee applies to “adjust” or change his/her temporary status to permanent. At the end, the individual receives the so-called “green card”.

### **PERM Special Handling Labor Certification**

As a precondition of filing the PERM Special Handling Labor Certification Application with the U.S. Department of Labor,

- (1) the individual must occupy a teaching, tenure-track position;

- (2) the individual must have been selected for the position within less than 18 months (calculated from the date of the offer letter) of the submission of the Special Handling Labor Certification; and
- (3) the recruitment for the position must have had at least one advertisement placed in a national professional journal for the particular discipline.

As the initial step of this process, the Immigration Services office requires the hiring department to forward a copy of the Affirmative Action Search Report in order to determine the international employee's eligibility under the above-referenced requirements.

When it has been determined that the international employee meets the PERM Special Handling Labor Certification requirements, the Immigration Services office will prepare a recruitment report on behalf of the hiring department. It will also prepare and submit an online PERM Special Handling Application.

### **Immigrant Petition**

Upon certification (approval) of the PERM Special Handling Labor Certification application, the Immigration Services office will prepare and submit the Immigrant Petition on behalf of the international employee.

In summary, the Immigrant Petition seeks the authorization (from the USCIS) to extend an offer of employment which is of indefinite duration. Upon approval of the Immigrant Petition by the USCIS, the international employee (and any dependent family members) will proceed to the third step – the Adjustment of Status Application.

### **Adjustment of Status Application**

Individuals for whom an immigrant visa is immediately available may apply for permanent residency in the U.S. by submitting an Adjustment of Status Application ("AOS"). The AOS Application, once approved, will change (or adjust) the international employee's temporary nonimmigrant status to permanent status (Lawful Permanent Residence).

As part of the Adjustment of Status Application, applicants will need to undergo a medical examination by a U.S. Citizenship and Immigration Services' civil surgeon (who can be found at

[https://egov.uscis.gov/crisgwi/go?action=offices.type&OfficeLocator.office\\_type=CIV](https://egov.uscis.gov/crisgwi/go?action=offices.type&OfficeLocator.office_type=CIV), as well as provide his/her biometrics (fingerprints and other identifying information) after the case is submitted. The USCIS will send the applicant a notice for the biometrics appointment.

Upon approval of the Adjustment of Status Application, the international employee will be conferred permanent residency and receive the so-called “green card”.

### **Filing Fees**

The U.S. Department of Labor does not currently charge a filing fee for the submission of the PERM Special Handling Labor Certification.

The U.S. Citizenship and Immigration Services charges a filing fee of \$475 for the submission of the Immigrant Petition. Filing fees of \$1,010 for anyone 14 years or older and \$600 for anyone under the age of 14 are also required for the Adjustment of Status application.

Checks should be made payable to the “U.S. Citizenship and Immigration Services”.

### **Legal Services Fee**

To cover the costs associated with the preparation and submission of the PERM Special Handling Labor Certification Application and related stages (Immigrant Petition and Adjustment of Status Application), the Immigration Services office charges a legal service fee of \$4,500. Of this fee, \$1,500 for the PERM Labor Certification stage must be paid by the employer. There is also a \$500 charge for the preparation of any Adjustment of Status Applications on behalf of the principal applicant’s dependents.