DEPARTMENTS

Special Handling Labor Certification Procedure for Montana State University

There are two phases of the Special Recruitment Labor Certification option that can lead to the green card

Phase one is the filing of the labor certification application along with support documentation to the Department of Labor. This process can take as much as one year from time of filing. The Stern & Curray immigration attorney firm will take care of Phase one. Sally O’Neill will act as liaison and coordinator for MSU for this phase.

Phase two is the filing of the approved labor certification with supporting documentation to the USCIS along with Form I-140. Sally O’Neill at MSU/OIP will be taking care of phase two.

Phase One

1. Sally meets with the applicant and the department to determine if they want to proceed with a Special Handling Labor Certification. If so, Sally authorizes Stern & Curray to commence work on the application.

2. Stern & Curray sends an invoice to Sally for the fees and costs involved in the Special Handling Labor Certification Application in the amount of $3,180, ($3,000 attorney’s fees, $180 for the firm’s internal expenses). Sally will forward the invoice to the department and the department will make the payment to Stern & Curray directly.

3. **Departments gather and submit the following information directly to Stern and Curray. Please use FEDEX. (Refer to address on last page)**
   a. Completed recruitment questionnaire and supporting recruitment documents
   b. Copy of offer letter to the applicant.
   c. Copy of search committee’s recommendation to the head of the department at the completion of the recruitment process.
   d. Letter signed by the head of the department outlining the complete recruitment procedure undertaken by the search committee to fill the applicant’s position.
   e. Copy of applicant’s resume/CV and educational documents.

4. Stern & Curray schedules an appointment with the applicant and Sally to discuss the application process and specifics regarding the Special Handling Labor Certification Application.

5. Stern & Curray prepares the draft Job description document, experience letter, and prevailing wage determination for review.

6. Applicant obtains experience letter(s).
7. Stern & Curray files the Prevailing Wage Request.

8. Stern & Curray prepares a Notice of Filing and sends to Sally with instructions for posting at the work location for 10 business days.

9. Stern & Curray prepares draft labor certification application for review and incorporates any changes.

10. Special Handling Labor Certification Application is filed.

11. In approximately nine months an initial decision is issued by the Department of Labor. If the application is approved, the labor certification application process is concluded and Sally will handle the next steps in the permanent residence process. If an audit is issued, Stern & Curray will meet with the applicant and Sally to discuss the audit and will file the audit response, (there is an additional fee of $500 if the Department of Labor issues an audit).

12. If there has been an audit, a final decision is rendered in approximately 12 months after filing the audit response.

**Phase Two**

Once the labor certification application has been approved by the DOL, then we will be ready to prepare to file the I-140 petition to the USCIS. Once the USCIS approves the I-140 petition, then the applicant will be ready to file for the green card (Form I-485).

*Sally will be in contact with the department and applicant about the necessary forms.*

**Costs**

*Phase One* - $3,180—includes everything except for a possible audit. If there is an audit an additional $500 will be charged.

*Phase Two* - $750- includes the work done by OIP

USCIS processing fee- $580

**Total cost= $4510 plus possible $500 for an audit=$5010**
Billing and Payments

For phase one, the department will be invoiced for the $3,180 by Stern & Curray as soon as the process is started. This fee will be held as a retainer and once the work is finalized it will go to an operating account within their firm.

For phase two, the $750 will be billed directly to a specific index number provided by the department upon filing of the application to the USCIS. There will also be a check required in the amount of $580 made out to The Department of Homeland Security.

Note: It is a federal law that the employer must pay the costs for the labor certification. This would include any attorney fees. This would also extend to the costs of the filing of the I-140 petition. The only costs that will be incurred by the employee will be for the I-485, petition for permanent residency.

Fees paid by applicant—Any fees incurred for the Form I-485 Application for Permanent Residence will be the responsibility of the applicant—not the employer.

For questions contact:
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The address and contact information for Stern & Curray:

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