

## **9 FAM 40.51 Procedural Notes**

*(TL:VISA-342; 01-08-2002)*

### **9 FAM 40.51 PN1 Procedures for Obtaining Labor Certification**

*(TL:VISA-56; 04-10-1992)*

Refer to section 9 FAM 40.51 Exhibit I for detailed Department of Labor information about Schedule A.

### **9 FAM 40.51 PN2 Disposition of Unused Labor Certifications**

#### **9 FAM 40.51 PN2.1 Alien Ineligible**

*(TL:VISA-342; 01-08-2002)*

When there is a refusal or a quasi-refusal and Form ETA-750, *Application for Alien Employment Certification*, and supporting documents are pertinent to the alien's ineligibility, the consular officer shall retain them in the post's refusal file. However, posts shall retain the original of Form ETA-750, Part A "Offer of Employment", only if it appears that the employer made incorrect statements therein or that the offer of employment was not made in good faith. The consular officer shall inform the employer that the alien is ineligible and that the pertinent form and documents have been retained as part of the post's file.

#### **9 FAM 40.51 PN2.2 Certification Unused for Other Reasons**

*(TL:VISA-342; 01-08-2002)*

If the certification will not be used because the job offer has been withdrawn or because the alien decides not to accept the employment offered, the consular officer shall return the petition and the supporting documents to the approving office of INS under cover of a memorandum