

71 No. 45 Interpreter Releases 1553

**Interpreter Releases**  
November 18, 1994

**DOL SPEAKS ON LABOR CERTIFICATION AND PERMANENT RESIDENTS**

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The Department of Labor (DOL) will not knowingly process an application for labor certification filed on behalf of an alien already admitted for lawful permanent residence. That is the conclusion of a DOL official in response to a recent inquiry.

Flora T. Richardson, the DOL's Chief of the Division of Foreign Labor Certifications, responded on November 7, 1994 to Austin, Texas attorney Barbara Hines. Ms. Richardson's letter is reproduced in Appendix III of this Release.

Ms. Richardson said that a filing of a labor certification application on behalf of a permanent resident would be inconsistent with DOL regulations and the INA. The labor certification provisions exist for employers seeking to hire aliens for permanent jobs. "It would seem that an alien admitted for lawful permanent residence would not be within the scope of 'alien' at section 101(a)(3) of the INA," Ms. Richardson said.

Ms. Richardson added that the DOL cannot issue a labor certification under INA §212(a)(5)(A) if qualified U.S. workers are available for the job opportunity. Permanent residents fall within the scope of the definition of U.S. worker at [20 CFR §656.3](#). Accordingly, the DOL may not issue a labor certification if the proposed beneficiary is a U.S. worker.

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