

## **9 FAM 40.51 PROCEDURAL NOTES**

*(CT:VISA-1113; 11-17-2008)*  
*(Office of Origin: CA/VO/L/R)*

### **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**

*(CT:VISA-1113; 11-17-2008)*

When there is a refusal or a quasi-refusal and Form ETA-750, Application for Alien Employment Certification, *or Form ETA-9089, Application for Permanent 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-A* "Offer of Employment", or *Form ETA-9089* only if it appears that the employer made incorrect statements therein or that the offer of employment was not made in good faith. *You must* 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**

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If the certification will not be used because the job offer has been withdrawn or because the alien decides not to accept the employment offered, *you*

*must* return the petition and the supporting documents to the approving office of *the Department of Homeland Security/United States Citizenship and Immigration Services (DHS/USCIS)* under cover of a memorandum.