



PERMANENT RESIDENCE PROCESS VIA PERM LABOR CERTIFICATION

PREPARATION STAGE: EMPLOYER AND ATTORNEY PREPARE CASE

Develop a job description

Verify that the employee possesses all required qualifications

Employee obtains proof of all required qualifications, including all experience verification letters.

STEP 1. LABOR CERTIFICATION

1.1 Employer requests prevailing wage determination from the US Department of Labor.

1.2 Employer recruitment

1.2.1 Employer's required recruitment plus legal notice

- a. State workforce job order
- b. 2 print-edition newspaper advertisements
- c. Notice of Filing posted at worksite

1.2.2 Additional recruitment required for professional positions. At least 3 from the list of the following 10 options:

Job fairs
Employer's website
Job search website other than the employer's
On-campus recruiting
Trade or professional organizations
Private employment firms
Employee referral programs with incentives
Campus placement offices
Local/ethnic newspapers
Radio/television ads

1.3 Employer consideration of all US worker applicants. Attorney prepares Final Recruitment Report and Audit File.

1.4 PERM application filed with USDOL. *Date filed is "priority date."*

1.5 USDOL decides application (certifies, denies, or audits).

1.6 TIMING: The DOL is currently taking about 16 months to certify a PERM Labor Certification.



STEP 2. I-140 PETITION

- 2.1 I-140 Immigrant Petition FILED with USCIS.
- 2.2 USCIS decides the I-140 petition.
- 2.3 TIMING: USCIS is currently taking about 6 months to adjudicate an I-140 petition, although this petition can be “premium processed” for an additional fee. If premium-processed, USCIS will adjudicate the petition in 15 business days.

STOP IS PRIORITY DATE CURRENT? STOP

WARNING: Illegal entry, employment, or status for >180 days since last entry bars next stage!

STEP 3. I-485 APPLICATION FOR ADJUSTMENT OF STATUS IN THE US

**May be filed concurrently with an I-140 petition if the “priority date” is current. Otherwise, filed when priority date becomes current.*

- 3.1 I-485 Adjustment of Status Application filed by Employee with USCIS.
- 3.2 USCIS schedules a biometrics capture appointment and completes government security checks.

[Work permission and travel permission granted.]

- 3.3 USCIS may schedule an in-person interview at a USCIS field office near the employee.
- 3.4 USCIS decides the I-485 application.
- 3.5 TIMING: It is currently taking USCIS about a year to adjudicate an I-485 application. There is no way to “premium process” this application.