



## 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.