

LABOR CERTIFICATION (LC) or PERM & Its 3 Phases

***PERM (Program Electronic Review Management)**

The LC (or PERM) process allows Employers to sponsor foreign nationals to permanently work in the U.S.

It is an Employer-Driven process and generally the first step of the Employment-Based Green Card Process.

1

Define LC Job Opportunity & Prevailing Wage Determination (PWD)



What is involved?

- Analysis of candidate's immigration history, educational & work background, and remaining time in status
- Assessing the likelihood of LC approval
- Developing a long-term case strategy
- Defining the very important future PERM job opportunity, minimum requirements, & salary
- Drafting and obtaining supporting evidence
- Drafting and filing of the PW Request with the DOL
- Monitoring and waiting for PWD
- Determining how to proceed ***Estimated Time: 6 months**

2

Recruitment (testing the U.S. labor market)

What is involved?

Specific recruitment to determine if there are able, willing, minimally qualified, and available U.S. workers for the job opportunity

- Selecting timeline & recruitment channels
- Drafting, preparing, posting, confirming & monitoring advertising
- Employer registrations for PERM and State Workforce Agency (SWA)
- Keeping detailed evidence of the process
- Evaluating applicant & lawful rejection
- Allowing a quiet time after the last ad
- The decision of whether to proceed

***Estimated Time: 6 months**



3

PERM Prep & Filing



What is involved?

- Assess case timeline, candidate's immigration status & work authorization
- Confirm candidates supporting docs for job opportunity
- Prepare audit file
- Draft, review, and confirm LC application information
- File and monitor PERM with the DOL

***Estimated Time: 6 months
if Audit: 12 months + or denial**

Next Steps After Certification

I-140 - Immigrant Petition for Alien Workers

- **EB-2:** Advanced Degree or Exceptional Ability
- **EB-3:** Skilled Workers - Professionals and Other Unskilled Workers

I-485 - Application to Register Permanent Residence or Adjust Status

or Consular Process (abroad)



The estimated times are approximation and subject to change.

***Disclaimer: This material is not intended to substitute as legal advice.**