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Overview of the three-step process for permanent residence based on labor certification

I. First Step: Labor certification application (known as PERM)

A. To be filed by the employer with the U.S. Department of Labor (“USDOL”) after:

1. Prevailing Wage Determination has been issued by the USDOL (90 - 100 days).
2. Recruitment/posting has been completed (at least 30 days).
3. Mandatory wait period (30 days).

B. Current US DOL processing time is six months.

C. If USDOL audits the PERM application, the audit process may take another six to eight months.

II. Second Step: I-140 Immigrant visa petition

A. To be filed by the employer with the USCIS after the PERM has been approved.

B. Current USCIS processing time is four to six months.

- a. Can request premium processing of the I-140 in certain instances (decision issued in 15 calendar days).

- C. How quickly a foreign national employee can get from the second to the third stage of the green card process depends on his/her country of birth and the education/ experience requirements for the position offered by your company.

III. Third Step: I-485 Adjustment of status application

- A. To be filed by the employee and any accompanying dependents with the USCIS after the I-140 has been approved and an immigrant visa becomes available (please see explanation above).
- B. Current USCIS processing time is 12-18 months.
- C. When the I-485 is approved, the employee and family members will receive their green cards.