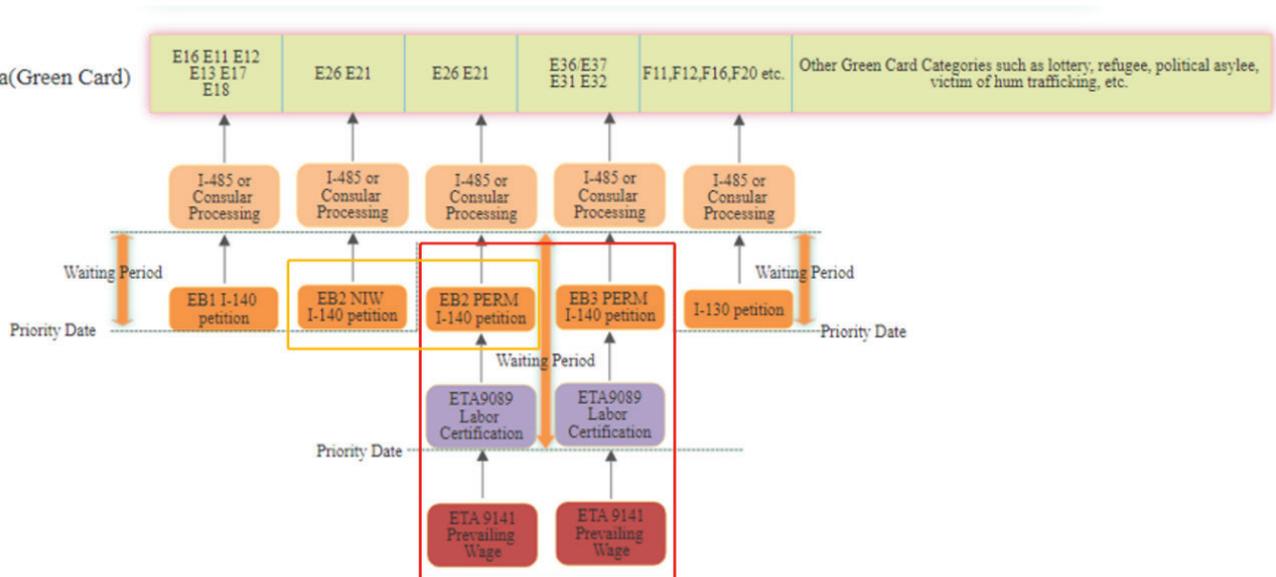# PERM

Get green card under PERM

Get green card under PERM

Visas are divided into *nonimmigrant visa* and *immigrant visa*. Under immigrant visa, there are two main types that are mostly related to foreign nationals which are family-based (I-130 PETITION) and employment-based (I-140 PETITION). While EB1 and NIW might be options to earn an early priority date due to the self-petition and other properties, not all the foreign nationals are qualified. Most of the alien workers come to this country, either start a school or get a job. The most traditional and orthodox way to apply for a Green Card through an official job must be PERM.
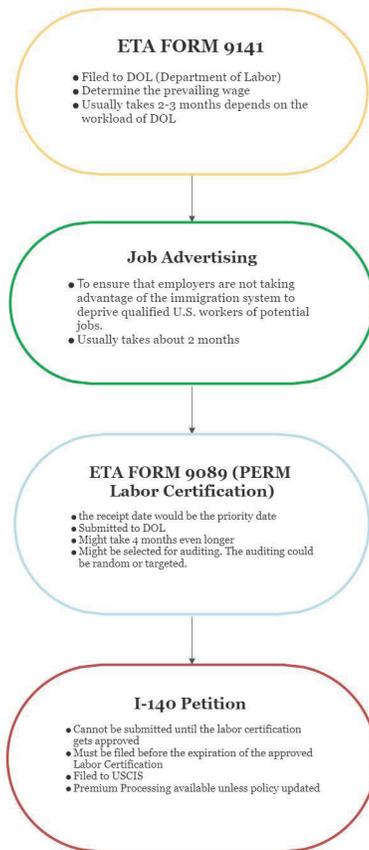
Program **E**lectronic **R**eview **M**anagement (**PERM** for short) is the system used for obtaining Labor Certification and is the first step for certain foreign nationals in obtaining an employment-based immigrant visa (Green Card). This is also known as PERM Labor Certification.

The employment-based preference categories that require PERM Labor Certification are EB-2 (other than a National Interest Waiver; PERM and NIW are both sub-category under EB2) and EB-3. Before a U.S. employer can file an immigration petition for a foreign worker with U.S. Citizenship and Immigration Services (U.S.C.I.S.) in most EB-2 and EB-3 positions, the employer must first obtain an approved Labor Certification from the Department of Labor (DOL).

An application for labor certification is submitted to the DOL by using ETA Form 9089. The DOL must certify to the USCIS both that there are not sufficient U.S. workers able, willing,

ETA FORM 9141

- Filed to DOL (Department of Labor)
- Determine the prevailing wage
- Usually takes 2-3 months depends on the workload of DOL

Job Advertising

- To ensure that employers are not taking advantage of the immigration system to deprive qualified U.S. workers of potential jobs.
- Usually takes about 2 months

ETA FORM 9089 (PERM Labor Certification)

- the receipt date would be the priority date
- Submitted to DOL
- Might take 4 months even longer
- Might be selected for auditing. The auditing could be random or targeted.

I-140 Petition

- Cannot be submitted until the labor certification gets approved
- Must be filed before the expiration of the approved Labor Certification
- Filed to USCIS
- Premium Processing available unless policy updated

qualified, or available to accept the job offered to the alien at the prevailing wage for that occupation in the area of intended employment, and that employment of the foreign worker will not adversely affect the wages and working conditions of similarly employed U.S. workers.

The Labor Certification requirement can be waived for a National Interest Waiver (NIW) petition under EB-2 and is not required for any EB-1, EB-4, or EB-5 petitions. Overall, PERM labor certification is an extremely complicated and time-sensitive procedure. August Network's immigration team is skilled and experienced in this complex process. Since 2015, we have successfully helped over 1,200 clients with their academic and career placement, and immigration needs. Make appointment with us at **contact@augustnetwork.com** and get your personalized immigration plan.