



**A FLOWCHART FOR PROCESSING PERM Labor Certification Applications**

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**I. Free Evaluation**

1. Initial Evaluation
  - a. Complete the PERM Labor Certification Evaluation Questionnaire;
  - b. E-mail the above Questionnaire and resume to Attorney for a free evaluation; and
  - c. Attorney e-mails an evaluation of the case.
  
2. Follow-Up Communications
  - a. Send follow-up questions to Attorney via e-mail or phone; and
  - b. Attorney answers follow-up questions and makes necessary clarifications.

**II. Establishing Attorney-Client Relationship**

1. Obtain the Attorney-Client Agreement (“Agreement”)
  - a. If you are interested in retaining Attorney to handle your case, notify the Attorney to get an Agreement;
  - b. Attorney e-mails you an Agreement; and
  - c. Review the Agreement and ask any questions arising from the Agreement.
  
2. Important Things You Need to Know Before Signing the Agreement
  - a. Whether your employer will sponsor and pay for your PERM Labor Certification Application;
  - b. The specific services covered by the agreement;
  - c. Whether the legal services listed include answering audits;
  - d. Whether extra fees will be charged for a service you need but not listed in the Agreement;
  - e. Whether you fully understand what Attorney has explained to you regarding the chance and the risk your case bears; and
  - f. If necessary, revisit the previous communications you had with Attorney and make sure each of your concerns is clarified.
  
3. Sign the Agreement and Pay the Initial Legal Fee
  - a. Sign the Agreement by an authorized representative of the employer; and
  - b. Mail the signed agreement along with a check payment of the initial legal fee.
  
4. Attorney-Client Relationship
  - a. Attorney receives the Agreement and payment of the initial legal fee;
  - b. Attorney signs the Agreement and the attorney-client relationship is established;
  - c. Both the employer and the beneficiary are clients;
  - d. Attorney mails a photocopy of the signed Agreement to the beneficiary; and
  - e. Under Attorney-Client relationship, Attorney is bound by professional rules and other pertinent laws, and owes a fiduciary duty to client.

### **III. Processing the Case**

1. Draft Job Description
  - a. Attorney e-mails a set of Questionnaires to the employer and beneficiary;
  - b. Employer and beneficiary complete and e-mail the Questionnaire to the Attorney;
  - c. Attorney drafts the job description and design the qualifications according to the information provided; and
  - d. Attorney will work with the employer and the beneficiary to revise the job description and qualification requirements; and
  - e. This step will take approximately 2-3 weeks.
2. Obtain Prevailing Wage
  - a. Once the job description is finalized, Attorney will submit the necessary information to obtain a prevailing wage determination from the Department of Labor; and
  - b. This step will take approximately 2-3 months.
3. Place Advertisements
  - a. Attorney proposes an advertising schedule for the employer's review and approval;
  - b. Attorney e-mails sample documents and instructions on the recruitment and interview process;
  - c. Attorney arranges for newspaper advertisement upon the employer's consent and e-mail a quote to the employer for authorization and payment information;
  - d. Employer reviews and fax or e-mail the completed payment information for the newspaper advertisement;
  - e. Attorney assists employer to arrange for other applicable advertisement steps according to the advertising schedule, including State Job Order, internal posting, and other applicable advertisements;
  - f. Employer provides the supporting documents as evidence of recruitment activities to Attorney as requested upon completion of advertisement; and
  - g. This step will take approximately 2-3 months.
4. Conduct Interviews
  - a. After completion of advertisements, employer must wait at least 30 days for responses to the advertisements;
  - b. Employer designates a company representative to review and screen applications;
  - c. If necessary, the representative will conduct interviews for qualified applicants following guidelines sent by the Attorney, and keep record of the screening and interview process;
  - d. Employer or beneficiary may send questions to Attorney via e-mail or telephone regarding the interview process; and
  - e. This step will take approximately 1-2 months.
5. Filing PERM Labor Certification

- a. Employer registers on the PERM online filing system and assign a sub-account to the Attorney;
- b. Attorney drafts a recruitment report based on the information collected from the employer;
- c. Attorney completes an online PERM application and provides a copy to the employer and the beneficiary for review before filing;
- d. Attorney files the PERM application upon approval from the employer and the beneficiary; and
- e. This step will take approximately 2 weeks, depending on employer's cooperation.

#### **IV. After PERM Labor Certification is Filed**

1. Employer receives e-mail notification from Department of Labor ("DOL") to complete online questionnaire within 7 calendar days to verify sponsorship of beneficiary;
2. Employer completes the online questionnaire. Failure to complete the questionnaire on time may delay or lead to a denial of the PERM Labor Certification;
3. Attorney receives e-mail from the Department of Labor confirming the PERM Labor Certification has been received and submitted for processing;
4. If DOL agrees that the employer conducted the required recruitment and found no qualified and available U.S. workers for the position, the PERM will be certified within 6-9 months;
5. Attorney receives the certified PERM and notify the employer and beneficiary;
6. The employer mails the payment due for the legal fees upon certification (approval);
7. Attorney explains the I-140 process and mails the certified PERM to employer and beneficiary; and
8. Beneficiary notifies Attorney if he or she wishes to proceed with I-140, I-485, or both. If so, Attorney will e-mail a set of documents and relevant information.

#### **V. Audit**

1. If the DOL chooses to audit the petition, there is a 30-day period to respond; and
2. Attorney will request additional documents from employer, if necessary, and respond as appropriate.

#### **VI. After PERM Labor Certification**

1. I-140 Immigrant Petition

- a. After PERM is certified, the next step is filing the I-140 to show the employer’s ability to pay the prevailing wage and evidence that the beneficiary possesses the required qualifications for the position.
  - b. Premium Processing. This is an expedited service of 15-calendar day processing for the I-140 for \$1,225.00 filing fee. Please ask the Attorney whether this service is available at the time of filing.
2. I-485 Adjustment of Status Application
- a. Applicant (PERM beneficiary) and family members file I-485 when visa numbers are available; and
  - b. Applicant (PERM beneficiary) may be eligible to concurrently file I-140 and I-485 if visa numbers are current.

**3. Flowchart for Green Card through PERM**

