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A FLOWCHART FOR PROCESSING PERM Labor Certification Applications Prepared by Liu & Associates, PLLC

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.

Establishing Attorney-Client Relationship II.

- 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 <u>concurrently</u> file I-140 and I-485 if visa numbers are current.

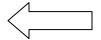
3. Flowchart for Green Card through PERM

PERM
Filed by U.S. Employer
DOL Processing Time: 6-9 months

I-140 Immigrant Petition Filed by U.S. Employer USCIS Processing Time: 6-9 Months (Premium Processing: 15 days)



When I-485 is Approved, Alien becomes Permanent Resident



I-485 Adjustment of Status Filed by Alien USCIS Processing Time: Approx. 12 Months, Depending on Name Check