

**PROCEDURES IN PROCESSING PERM LABOR CERTIFICATION-
SPECIAL HANDLING**

I. Free Evaluation

1. Initial Evaluation
 - a. Complete the PERM Labor Certification Evaluation Questionnaire ([click here](#) for Questionnaire);
 - b. E-mail the above Questionnaire, resume, and copy of the print advertisement by the employer 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 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. Document Gathering
 - 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 provides a sample experience letter if applicable;
 - d. Beneficiary obtains and mails experience letter(s) to Attorney if applicable; and
 - e. Beneficiary e-mails copy of diploma and transcript to Attorney.
2. Draft Job Description
 - a. Attorney drafts the job description according to the information provided; and
 - b. This step will take approximately 1 week.
3. Obtain Prevailing Wage
 - a. Attorney will submit the necessary information to obtain a prevailing wage determination from the State Workforce Agency; and
 - b. This step will take approximately 2-3 weeks.
4. Notice of Filing
 - a. Attorney e-mails sample notice of filing, certification of posting, and instructions for posting to employer;
 - b. Employer modifies (if necessary) and posts the notice of filing in proper locations and in-house media;
 - c. Employer modifies (if necessary) and signs certification of posting, and e-mails it to Attorney;
 - d. Employer e-mails recruitment report by which the beneficiary was selected to Attorney; and
 - e. This step will take approximately 2-3 weeks.
5. Filing PERM Labor Certification
 - a. Attorney e-mails instructions to employer on how to register on PERM filing system;
 - b. Employer registers on the PERM online filing system and assign a sub-account to the Attorney;
 - 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 45-60 days;
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; and
 - b. Premium Processing. This is an expedited service of 15-calendar day processing for the I-140 for \$1,000 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

