PERM

by Annie Shih, Esq.

In general, a labor certification ("PERM") is the first step in the green card process. U.S. Dept. of Labor must certify that there are no minimally qualified and willing U.S. workers available to fill the position for which the PERM application is filed. The PERM Application can be filed electronically or by mail. The standard processing time for a PERM application is 45-60 days, absent an audit. If PERM application is selected for audit, the processing time can exceed 6 months.

The following is a summary of the recruitment that must take place six months before the *PERM* filing**:**

- Notice of the position containing the job requirements and the salary and filing must be posted for 10 business days on company premises
- A Job Order must be placed with State Workforce Agency for 30 days
- Advertisements for the position must be placed on two different Sundays in newspaper of general circulation in the area of intended employment. The advertisement must list:
    - Name of employer
    - Area of employment
    - Job Description

The advertisement is not required to list the salary.

For Professional Positions (requiring a Bachelor's degree or higher *and* listed in Appendix A of the regulations), three additional steps from following list must be performed no more than 180 days before filing (2 of the 3 steps must be performed more than 30 days prior to filing):

- Job fair
- Employer website
- Job search website other than employer's (e.g., newspaper website posting in conjunction with newspaper ad)
- On-campus recruiting
- Trade or professional organization
- Private employment firms
- Employee referral program, if it includes identifiable incentives
- Notice of the job opening at a campus placement office, if the job requires a degree and no experience
- Local and ethnic newspapers, to the extent they are appropriate for the job opportunity
- Radio and TV advertisements