

## **PERM: Permanent Labor Certification**

Written by Tiya PLC

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1. An applicant with a pending green card case, who is in the U.S., should still consult with a competent immigration attorney to apply for a non-green card work visa even if the U.S. Citizenship and Immigration Services has issued and approved his/her I-765 Application for Employment Authorization (EAD).
  
2. Choosing the employment-based classification (such as an EB-1, EB-2 or EB-3) is crucial to the processing time for the green card case especially for foreign nationals with certain country of birth (not nationality). Some EB green card cases can take 6 to 9 years to process while other EB green card cases may take 2 or less years to process.
  
3. Most employment-based green card cases consist of three stages:
  - a) Stage 1: PERM
  
  - b) Stage 2: I-140 Immigrant Petition for Alien Work.
  
  - c) Stage 3: I-485 Applications for Adjustment of Status.
    - i. During this stage, the green card applicant can seek to apply (recommended) for I-131 advance parole and I-765 employment authorization document (EAD).

Stages 2 and 3 may be filed concurrently or at the same time, depending on criteria.

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4. Some employment-based green card cases do not require PERM, a permanent labor certification by the U.S. Department of Labor. However, most employment-based green card cases do require a PERM.
  
5. PERM stands for Program Electronic Review Management System.
  
6. PERM is a process whereby the U.S. Department of Labor (“DOL”) determines that:
  - a) The employer-sponsor has adequately tested the U.S. labor market to ascertain that there are no qualified, willing, able and available U.S. workers for the green card position;
  
  - b) The job requirements of the employer-sponsor are not unduly restrictive or adverse;
  
  - c) The offered green card salary meet the DOL prevailing wage criteria;
  
  - d) The employment of the foreign national will not adversely affect the wages and conditions of U.S. workers who are similarly employed; and
  
  - e) The foreign national meet the job requirements for the green card position in compliance with the criteria promulgated by immigration law.
  
7. The EB-3 green card applicant may include certain family members as derivative applicants in the green card cases after the PERM stage has been approved by the DOL.

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. Tiya PLC is a U.S. professional law practice specializing in U.S. immigration law. Ms. Kok and Tiya PLC provide legal representation to foreign nationals, individuals and their families, employers and companies in all stages and aspects of green card and work visa matters.