PERM PROCESS FLOWCHART

START

EMPLOYER (HR/MANAGER) DRAFTS MINIMUM REQUIREMENTS AND PERM JOB DESCRIPTION

ATTORNEY REVIEWS MINIMUM REQUIREMENTS AND PERM JOB DESCRIPTION

COMPLETE?

IF NO, RESTART PROCESS

YES

ATTORNEY DRAFTS EMPLOYMENT VERIFICATION LETTERS FOR EMPLOYEE TO PROVIDE TO FORMER EMPLOYERS FOR SIGNATURE¹

ATTORNEY FILES PREVAILING WAGE REQUEST WITH DEPARTMENT OF LABOR (DOL) APPROX. 7-8 MONTHS²

PREVAILING WAGE DETERMINATION ISSUED BY DOL IS SATISFACTORY?

IF NO, RESTART PROCESS

YES

EMPLOYER CONDUCTS RECRUITMENT 2-3 MONTHS REQUIRED AT MINIMUM³

EMPLOYER REVIEWS RESUMES TO ASSESS QUALIFICATIONS OF APPLICANTS

QUALIFIED U.S. WORKERS?

NO

YES

ATTORNEY FILES LABOR CERTIFICATION APPLICATION WITH DOL APPROX. 5 MONTHS

IF SELECTED BY DOL FOR AUDIT

ATTORNEY RESPONDS TO AUDIT CURRENTLY ADDITIONAL 6-7 MONTHS

MUST STOP PERM PROCESS⁴

IF APPROVED

IF APPROVED UPON INITIAL REVIEW

APPROVED LABOR CERTIFICATION APPLICATION

I-140 PETITION & I-145 APPLICATION

¹ For best practices, it is recommended to obtain employment verification letters, which will be required at the I-140 stage, prior to filing a prevailing wage request with DOL to ensure that the beneficiary’s qualifications can be verified.

² All estimated processing times included in this flowchart are approximate and based on current published estimates available at: https://flag.dol.gov/processingtimes.

³ The sponsoring employer may begin PERM recruitment before a prevailing wage determination is issued from DOL. At least one recruitment effort must be initiated during the validity period of the prevailing wage determination or the labor certification application must be filed during the validity period of the prevailing wage determination. Under the PERM special handling process, the labor certification application must be filed within 18 months from the date that the beneficiary is selected for the PERM position upon completion of a competitive recruitment and selection process.

⁴ If qualified U.S. workers who are willing, able, and available to fill the PERM position apply for the job opportunity, then the PERM process must stop. The sponsoring employer may initiate a new PERM process at a later date, e.g., after waiting six months or longer.