PERM-Based Immigration Process

1

Start Here

You receive a permanent job offer from a prospective and supportive Employer.

2

Employer sets minimum requirements for the PERM position with foreign national and counsel

3

Employer Obtains PWD

Employer makes "prevailing wage request" to the U.S. Department of Labor (DOL). The prevailing wage request provides DOL with information, including: job requirements, duties, worksite location, etc. DOL uses this information to issue employer a prevailing wage determination (PWD).

4

Recruitment Process

Recruitment process must occur PRIOR to filing the ETA 9089 within a specific time frame. Recruitment and advertisement requirements vary, depending on whether your position is for a "professional" occupation or a "nonprofessional" occupation.

5

Meet The Recruitment Requirements

1. **Timing:**
   Employer must conduct recruitment within a 6-month period prior to filing ETA 9089.
2. **Job Order:**
   Job order must be placed for a period of 30 calendar days and no earlier than 180 days before filing ETA 9089, with State Workforce Agency.
3. **Posting Notice of Filing:**
   Employer must provide notice to the Union if there is a collective bargaining agreement.
4. **Sunday Ads:**
   Ads must comply with federal regulations. The two ads must be placed in two different Sundays in a newspaper of general circulation.
5. **Recruitment Report:**
   Employer must prepare a recruitment report - result achieved, # of hires, # of US workers rejected, with lawful reasons for rejection.
6. **Additional (9/10) Recruiting Steps:**
   Required for professional occupations but not non-professional occupations.

6

Meet The Advertising Requirements

7

Employer Now Ready To File ETA 9089 Electronically

8

DOL Adjudicates PERM Application

May deny, audit, or approve.

9

End

With approved PERM, you can now move to file EB2 / EB3 I-140.

Holland & Hart