

# Getting a PERM; An Employment-based Green Card

## WHAT is PERM?

PERM, which stands for Program Electronic Review Management, and is also known as “Labor Certification,” is the first step of the most common green card category used by employers to sponsor an employee for permanent residence in the United States. Through this process, certain foreign nationals (noncitizens / immigrants) can get an employment-based immigrant visa (green card), also called Lawful Permanent Residence. There are several categories of jobs eligible for employment-based immigration according to [EB3](#) or [EB2](#) criteria. [The Department of Labor oversees this process](#), which includes “testing the labor market” to show that there are no U.S. workers who are able, willing, qualified or available to fill the role.

## WHO can apply?

Generally, any employer can sponsor any employee for permanent residence. This process is done for jobs ranging from dishwasher to doctor. Most jobs require a PERM application, but there are some occupations that don't, including [nurses, physical therapists, people of “exceptional ability,”](#) and those working in the “national interest” (especially those in [STEM fields with Ph.D.s](#)).

## WHAT are the eligibility requirements?

The position must be full time and “permanent” (which means lasting more than a year with no fixed end date). The employer must be actively involved in the petition process, sharing financial information to prove ability to pay the [government-approved wage](#), and paying all of the costs involved in the PERM application (without charging that money back to the employee).

## HOW long does it take & HOW much does it cost?

Getting a green card through PERM is a multi-step process. It generally takes about 2-3 years, but can be much longer for people born in China or India. The total cost will vary depending on whether you hire a private attorney or are able to get free legal assistance, but the range is anywhere from \$2,500 (which is form fees, advertising and background / screening checks) to \$20,000 (including premium processing and paying a private attorney for the entire process). The employer is required to pay for all fees related to the Department of Labor part of the process. The rest for processing with USCIS is negotiable; some employers will offer to reimburse the USCIS costs if the employee stays a certain number of years.



## WHAT are the steps involved?

1	First, you need to have an employer willing to commit to hiring you for a full-time, “permanent” position and pay for required attorney fees and legal fees.
2	Next, after confirming your eligibility, the attorney will help you file a <a href="#">PERM</a> application and test the labor market. Then, the U.S. Department of Labor (DOL) must certify there are no qualified U.S. workers available for the job.
3	After the PERM application is certified, the employer can send it to USCIS with <a href="#">Form I-140</a> Immigrant Visa Petition, along with evidence that you, the employee, are qualified for the job, and evidence of the employer’s ability to pay the salary.
4	Once approved, you may be ready for either <a href="#">Consular Processing</a> (departing the U.S. for your visa interview abroad) or an <a href="#">Adjustment of Status</a> (from inside the U.S.). An attorney can tell you which path you are eligible for in order to complete your green card (Permanent Residency) path. At that step, you (and family members) will undergo a significant background check including medical exam, security check, criminal background check, and visa history.

## WHERE can I get help applying for one?

- American Immigration Lawyers Association: [ailalawyer.com](http://ailalawyer.com)
- Curran, Berger & Kludt Immigration Law: [cbkimmigration.com](http://cbkimmigration.com)
- Pathway for Immigrant Workers: [myimmigrantpathway.org](http://myimmigrantpathway.org)

## WHERE can I learn more about this immigration visa?

- Pathway for Immigrant Workers at [myimmigrantpathway.org](http://myimmigrantpathway.org)
- Curran, Berger & Kludt Immigration Law’s [Green Card Through PERM Roadmap](#)
- Immigrants Rising’s [Getting a PERM webinar](#)

## For more information, visit:

- USCIS’s [Employment-Based Immigration: Third Preference EB-3](#)
- U.S. Department of Labor’s [Foreign Labor Certification: How Do I questions](#)
- University of Michigan’s [Green Card Application Process](#)

---

We wish to thank Dan Berger, partner at Curran, Berger & Kludt Immigration Law and Leslie Tuttle Ditrani, Founder and Executive Director of Pathway for Immigrant Workers, for their support in editing and revising this resource and for offering consultations to our community.

---

**Immigrants Rising** helps you make decisions based on your potential, not your perceived limits. Visit our website so you can see what’s possible: [immigrantsrising.org](http://immigrantsrising.org). For inquiries regarding this resource, please contact our Legal Services Program at [legalintake@immigrantsrising.org](mailto:legalintake@immigrantsrising.org). Released 3/2023.