

Permanent Residency & PERM (Labor Certification) Fact Sheet

Permanent residency (PR) may be obtained in various ways – family sponsorship, political asylum, diversity lottery or employment based.

Employment based (EB) permanent residency is divided into the following categories:

- EB 1 for “Extraordinary or Outstanding Workers
- EB 2 for “Advanced Degreed Workers”
- EB 3 for “Professional and Skilled Workers”

P PERM is a labor certification process and is required for EB 2 & EB 3. In essence these are university sponsored green cards.

PERM is a permanent labor certification issued by the Department of Labor (DOL) which allows an employer to hire a foreign worker to work permanently in the United States. For EB2 and EB3 cases, before the U.S. employer can submit an immigration petition to the Department of Homeland Security’s U.S. Citizenship and Immigration Services (USCIS), the employer must obtain an approved labor certification request (PERM) from the DOL’s Employment and Training Administration (ETA).

The DOL must certify to the USCIS that there are not qualified workers able, willing, qualified and available to accept the job at the prevailing wage for that occupation in the area of intended employment and that employment of the alien will not adversely affect the wages and working conditions of similarly employed U.S. workers. The job description cannot be tailored to the individual.

As of March 2005, PERMs are filed electronically for quicker turn around. Electronic filing requires one contact person for Rice to approve the forms. For Rice University, the single contact person is the Director of Recruitment in the Human Resources Office.

PERM requires

- Employer sponsorship for a specific position
- Prevailing wage determination
- Attestation to Department of Labor (through proof of good faith recruitment)
- Maintenance of a compliance file (five year retention period per case)
- And is subject to audit from the DOL

Changes to PERM regulations effective July 16, 2007

- Legal fees and recruitment costs associated with PERM must be paid by employer (Rice); foreign workers prohibited from paying fees/costs associated with PERM.
- Enhances penalties from DOL for violations of Labor Certification regulations

Costs/Fees (for Universities)

- Employer must pay for all PERM legal fees and expenses, approximately \$4,000
- Estimated total costs are \$9,000 to \$10,000 including the PERM fees/expenses
- Processing time is variable based on the employment category

Agency Involvement

- Department of Labor (DOL)
- Texas Workforce Commission (TWC)
- US Customs & Immigration Services (USCIS)
- US Customs and Border Protection (CBP) - determines status legitimacy at the US port of entry.