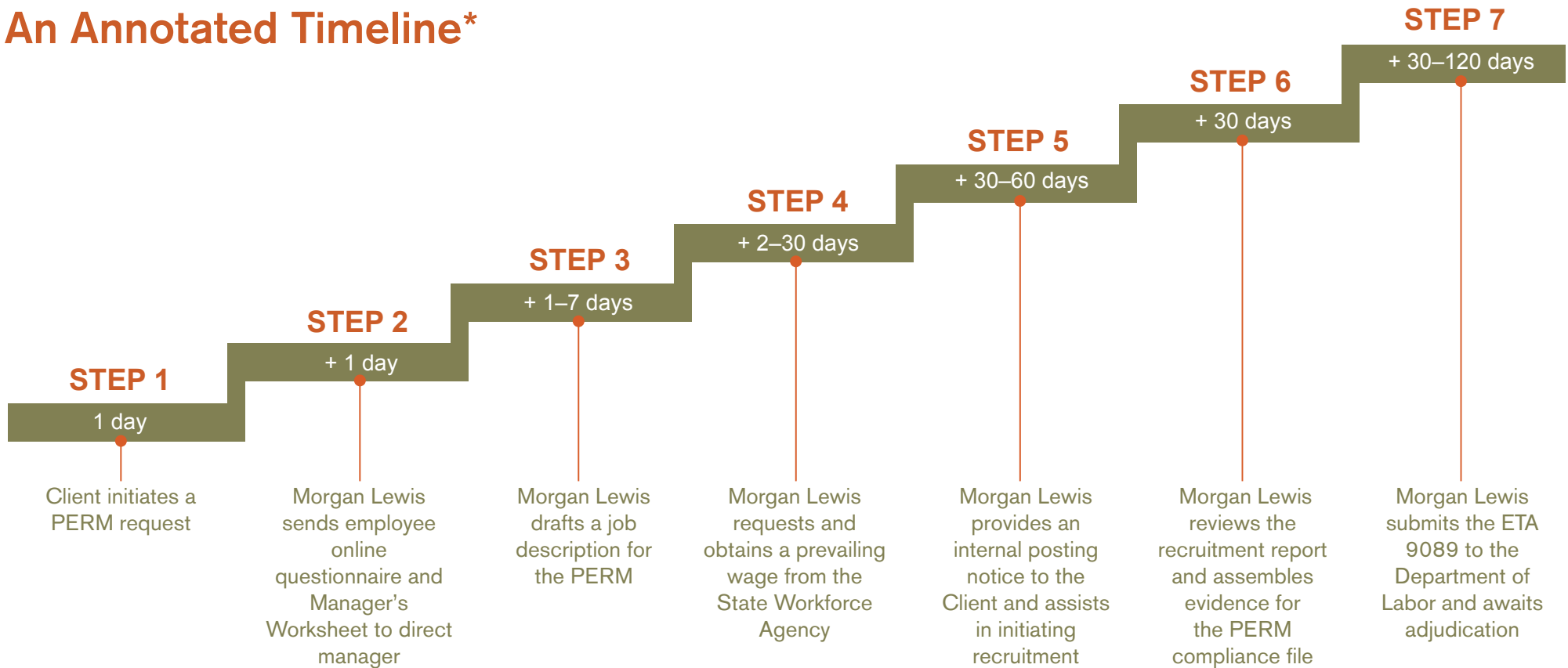


The PERM Process through Morgan Lewis: An Annotated Timeline

1	The Client ("Client") initiates a PERM alien employment certification on behalf of a particular foreign national employee ("employee") with the Morgan, Lewis & Bockius Immigration and Nationality practice ("ML").
2	Within 24 hours, ML sends the employee an online questionnaire to complete, and sends the employee's direct manager a "Manager's Worksheet" to elicit information about the job duties and the minimum education and experience requirements of the position.
3	When the online questionnaire and the Manager's Worksheet are complete, ML drafts a job description for the PERM and sends it to the employee and his/her manager for review to ensure that it accurately reflects the job duties and minimum requirements and that the foreign national qualifies for the job as described. The preparation of the job description typically takes one to seven days.
4	As soon as the job description is approved and finalized, ML sends a prevailing wage request to the State Workforce Agency ("SWA") that has jurisdiction over the area of intended employment. At the same time, ML directs the employee to obtain reference letters from prior employers to demonstrate that the employee meets the minimum requirements for the position. Note that ML will not place any ads for the position before the prevailing wage determination and reference letters (at least in draft) are received. It can take between 2 days and one month to obtain a prevailing wage determination, depending upon the state in which the position is located. The timing of the reference letters is dependent upon the employee's action in this regard.
5	<p>When the prevailing wage determination and reference letters are received, ML can then provide an internal posting notice to the Client, and assist the Client in initiating the recruitment that is part of a compulsory labor market test. The internal posting notice must be posted for 10 consecutive business days. The Client must also post the internal notice electronically if the company typically does internal electronic postings for similar positions. The recruitment requirements for most professional positions are as follows:</p> <ul style="list-style-type: none">• Two Sunday ads in a newspaper of general circulation in the area of intended employment. These ads may run on consecutive Sundays.• A 30 day job order placed with the SWA• Three additional recruitment steps from a menu of ten options, including use of job fairs, client's external website, other job search websites such as Careerbuilder or Monster, local or ethnic newspapers, and an incentive-based employee referral program, among others. <p>As the job order must be running with the SWA for a minimum of 30 days, recruitment as a whole will take not less than thirty days. Typically, recruitment takes 30 to 60 days.</p>
6	Following the recruitment, there is a 30 day "Quiet Period," which allows the Client to review resumes and conduct interviews of any applicants. After this is completed by the Client, ML reviews the Client-prepared recruitment report and assembles the required evidence of recruitment for the PERM compliance file. ML also drafts the PERM application, Form ETA 9089, for review by the Client, the employee and the employee's manager. Preparing the PERM compliance file and finalizing the ETA 9089 for filing may take a few days to a few weeks, depending upon the particular case.
7	When the 30 day Quiet Period is complete, and the PERM compliance file is ready, ML submits the ETA 9089 on-line, on behalf of the Client, to the Department of Labor (DOL). Almost immediately, the Client will receive an email from DOL requesting verification of sponsorship, and the client must respond within 7 days. The PERM will then be adjudicated. If the PERM is audited, a response must be submitted within 30 days. Upon certification, the PERM must be signed by the Client, ML and the employee. According to current processing times, PERM adjudication can take anywhere from one to four months, depending upon the DOL processing office that has jurisdiction over the case.

The PERM Process Through Morgan Lewis: An Annotated Timeline*



*Note: Time frames are approximate. Each case is unique and timing may vary depending on the particular circumstances of the case.