



EXPLANATION OF APPLYING FOR A GREEN CARD-PERMANENT RESIDENCY BASED ON A JOB OFFER

Labor Certification is a process where a U.S. business (employer) offers you a job that is related to or matches the work experience that you have. Through this process, the employer would be able to sponsor you for permanent residence/green card. The employer must show that you will not displace a qualified worker in the local area where the job is offered and that your employer has the ability to pay you the salary offered.

Some examples of jobs that may qualify you to apply for permanent residence/green card are cabinetmaker, auto and truck mechanic, cook/chef, bookkeeper, secretary, engineer, etc. Almost any position may be considered for labor certification.

The process is divided in three steps. First, the application for labor certification is filed with the Department of Labor. Once the Labor Certification is approved there is a 180-day window to file the second step which is a petition with the USCIS, formerly INS. The last step is to file for permanent residence/green card and work permit with the USCIS or with the U.S. embassy in your home country. Our office will represent your interests during the labor certification process. The employer may hire a different attorney to represent the company's interests for the labor certification or the employer could also hire our office for a nominal legal fee.

The salary offered for this employment must be at least that of the prevailing wage for the position. The prevailing wage is determined by the Department of Labor according to the actual description of the job being offered, as well as the location of the employment. Your employer's representative will obtain the prevailing wage for you from the Department of Labor. The employer must be able to show the ability to pay the salary been offered through the duration of the whole case.

To show you will not displace a qualified worker the employer needs to test the local job market. The employer will place a job order for applicants to apply through the State's Workforce Agency office who will forward applicants to be interviewed by the sponsor (the employer). In addition, the employer's representative will place two consecutive Sunday ads in the local newspaper where the job is located. This ad will describe the job that is being offered. The employer's representative will place the advertisement in the newspaper for your sponsor. The sponsor must describe in writing the results of the recruitment efforts including names and resumes of all applicants.

When the Labor Certification is approved in approximately 6-12 months and if you have not been “out of status” or illegal for more than 180 days, you will be eligible to apply for permanent residence/green card with the USCIS when your Priority Date becomes CURRENT. The USCIS will issue a work permit and travel permit in approximately 3-4 months while they process the permanent residence/green card. *Please note that having filed a Labor Certification application with the Department of Labor does not change or extend your status in the U.S.*

Your spouse and minor children under the age of 21 on the day of your permanent resident application will be eligible for permanent status at the same time that you are.

People who are in the United States legally may have their applications for permanent residence processed with the Immigration Service instead of going back to their home country for the interview.