**REQUEST PACKET FOR PERMANENT RESIDENCY SPONSORSHIP**

**BASED ON PERM APPLICATION FILING**

**Michael W. Lin, Esq. © 2023**

This packet provides general information about the steps necessary in sponsoring an alien worker for lawful permanent resident (LPR) status, which is also known as “green card.” US immigration law is designed to protect the US labor market from an influx of cheap foreign labor. Therefore any alien worker who is seeking to come to the United States to work is generally inadmissible. [INA 212(a)(5)](https://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-29/0-0-0-2006.html).[[1]](#footnote-1) The law, however, provides a way for you,[[2]](#footnote-2) as a US employer, to petition the US government to issue a green card for the alien worker whom you’re interested in sponsoring to work for you. You must go through the following three steps[[3]](#footnote-3) successfully for the alien worker to receive a green card to work for you.

1. PERM Labor Certification Application to be filed by you;
2. I-140 Immigrant Visa Petition to be filed by you; and
3. I-485 Adjustment of Status Application or Consular Processing to be filed by the alien worker (and his spouse and underaged child(ren)).

FIRST STEP: PERM APPLICATION FILING

US immigration law prohibits granting of LPR status to any alien worker who seeks to enter, or remain in, the United States to work for you unless the Department of Labor (DOL) certifies to the Attorney General (i.e., DHS) of the following:

1. there are not sufficient workers who are able, willing, qualified[[4]](#footnote-4) and available in the area of the intended employment for the job opportunity that you would like the alien worker to do, and
2. the employment of the alien worker will not adversely affect the wages and working conditions of workers in the United States similarly employed.

[INA 212(a)(5)](https://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-29/0-0-0-2006.html)

Therefore, the first step in green card sponsorship is for you to file with the DOL a PERM labor certification application (ETA9089) for the alien worker whom you are interested in hiring. To file a PERM application, however, you must conduct recruitment efforts to demonstrate that: (1) there are not sufficient workers who are able, willing, qualified and available for the job offered to the alien worker; and (2) the employment of the alien worker will not adversely affect the wages and working conditions of workers in the United States similarly employed. The purpose of the law is to ensure that the alien worker being sponsored will not take jobs away from US workers and that the alien worker’s employment will not adversely affect the working conditions of similarly employed workers in the United States. If the result of the recruitment efforts which you will be conducting shows that there is insufficient availability of qualified US workers for the position offered to the alien worker, you will be able to file the PERM application electronically with the DOL.

PROCESSING TIME: The steps for the PERM application process are as follows:

1. Review and complete our PERM In-Take Packet;
2. Sign up your company with the DOL PERM online system;
3. We will draft a PERM application for your review;
4. Upon finalizing the PERM application, we will draft ETA9141 Prevailing Wage Determination (PWD) Request for your review;
5. Once the PERM application is finalized, we will file a PWD request with the DOL, which will take about 4 months to receive.
6. We will prepare PWD result to your company for review and approval.
7. Upon your approval of the prevailing wage rate, we will assist your company to conduct recruitment efforts to recruit qualified US workers.[[5]](#footnote-5)
8. The recruitment process will take about 2 to 3 months to be completed.
9. If your company is unable to find any qualified US worker for the position, then your company will be able to file the PERM application.
10. It will take the DOL about 4 months to make a decision.

SECOND STEP: I-140 IMMIGRANT VISA PETITION

If the PERM application is approved, the second step is for you to file an I-140 immigrant visa petition, within 180 days from the date of the PERM approval, with the US Citizenship and Immigration Services (USCIS). If an I-140 visa petition is not filed within the180 day period, the PERM approval will be invalidated, and you will have to re-file PERM application again.

The purpose of the I-140 visa petition is to determine: (a) whether you have sufficient financial resources to hire the alien worker on a full-time basis from the time the PERM application was filed and continuing up until the alien worker receives his/her permanent residency; and (b) whether the alien worker has the necessary qualifications for the position offered. The alien worker may begin collecting experience verification letter(s), if applicable, before filing the PERM application.

* 1. Net Income and Net Current Assets

You must demonstrate your ability to pay the alien worker at the proffered wage rate from the date the PERM application is filed and continuing until the alien worker receives the green card. The USCIS will review your ability to pay based on the ***net income*** as reported on your tax return(s). If you do not have sufficient net income to cover for the entire annual wage rate, then the USCIS may alternatively consider the ***net current assets*** (items #1 through #6 minus items #16 through #18) as shown in the balance sheet of the tax return(s) as evidence of your ability to pay. Furthermore, whatever the alien worker is getting paid now is the proof of your ability to pay.

Example: ABC Company filed a PERM application for John Smith for a position as a carpenter on August 1, 2013. The proffered wage rate is $45,000 per year. The PERM application was approved on June 1, 2015. What evidence does ABC Company must provide to the USCIS to demonstrate its ability to pay?

Answer: ABC Company must provide its tax returns for 2013 (the year in which the PERM is filed) to 2015 (the year in which the I-140 is filed) to the USCIS as part of the I-140 filing. If 2015 tax return is not yet available at the time of the I-140 filing, the USCIS may request for additional evidence and give the employer 84 days to respond.

* 1. Wages Already Paid to the alien worker

In addition to the net income or net current assets, the USCIS may consider the wages already paid to the alien worker as evidence of your ability to pay. Using the above scenario as an example, let’s say now that John Smith has been working for ABC Company since 2013 and has always been paid at the rate of $30,000 per year, then John Smith’s W-2s from 2013 to 2015 will help to convince the USCIS that ABC Company has already paid him $30,000 per year out of the required wage rate of $45,000 per year. ABC Company just needs to show that it has net income or net current assets of no less than $15,000 per year to make up for the difference.

KEY: The tax returns for your company must show that, since the year in which the PERM application is filed, ***and for every year thereafter***, your company each year has the total of net income or net current assets, plus the wages already paid to the alien worker, that is no less than the proffered wage rate. If your company is unable to demonstrate such ability to pay, then the I-140 will not be approved. Please provide us with a copy of your most recent tax return for review so that we can evaluate your financial standing for sponsorship.

In any event, it is imperative for your company to furnish a copy of your most recent tax return to us for review before you undertake the PERM sponsorship. If your company has at least 100 employees, in lieu of the tax return, a letter from the Chief Financial Officer verifying your company’s ability to pay will suffice.

If and when the I-140 visa petition is approved, the alien worker will need to wait until s/he is eligible to apply for an immigrant visa by either filing for an adjustment of status application or filing for an immigrant visa application with the American Consulate abroad. It may be entirely possible for the alien worker to file for I-140 visa petition and I-485 application concurrently, should the alien worker’s priority date become available at the time of filing the I-140 visa petition. Prior to the alien worker’s adjustment of status application or immigrant visa application is approved, the USCIS/US Embassy may request to see your company’s tax returns that cover the entire period of the sponsorship from the year in which the PERM application is filed until the time of the green card interview. Therefore, if your company is unable to maintain sufficient financial viability each year (i.e. net income or net current assets, etc.) to cover for the alien worker’s annual salary, the alien worker’s green card application will be denied (*Note: the alien worker must consult with an immigration attorney to determine which method of filing will be most appropriate*).

PROCESSING TIME: processing time for I-140 visa petition will largely depend on the USCIS’s workload. You may visit USCIS website at <http://www.uscis.gov> to find out the latest processing time for I-140 petitions.

FINAL STEP: I-485 ADJUSTMENT OF STATUS APPLICATION OR IMMIGRANT VISA APPLICATION

After the I-140 visa petition is approved and *if* the alien worker’s visa number becomes available, the alien worker may be eligible to file I-485 adjustment of status application or immigrant visa application, depending on the alien worker’s immigration status, if applicable. At this point, your company is required to complete Form I-485 Supplement J to verify the existence of a bona fide job offer pursuant to the terms and conditions of the approved PERM application and to confirm your company’s intent to employ the alien worker on a permanent basis upon the approval of the alien worker’s green card.

Once the I-485 adjustment of status application is approved or the alien worker is admitted to the United States after receiving an immigrant visa from the American Consulate abroad, the alien worker will become a lawful permanent resident (LPR) of the United States. This LPR status will allow the alien worker to begin working for your company. The alien worker must then promptly begin his/her employment to work permanently for your company pursuant to the terms and conditions of the certified PERM application. Since the entire green card sponsorship is based on the premises that your company needs the alien worker to work for you permanently, you must place the alien worker to work as soon as s/eh is granted the LPR status. Your failure to employ the alien worker may call your underlying sponsorship into question. You may subject to investigation to determine if you and/or the alien worker have committed immigration fraud.

PROCESSING TIME: processing time for I-485 applications will also largely depend on the USCIS’s workload and the time it will take for FBI to clear the background check. You may visit USCIS website at <http://www.uscis.gov> to find out the latest processing time for I-485 applications.

The person who has hiring authority for your company should complete Part A of the PERM Request Packet. The prospective alien worker will need to complete Part B-Employee Section of the PERM Request Packet. **BOTH PARTS A & B ARE NOT REQUIRED TO BE COMPLETED WITHIN THE SAME DOCUMENT.** Your company and prospective alien worker may separately complete each of the respective parts under two separate documents. The completed Parts A & B and the supporting documents should be returned to:

**BRAVLIN PC**

**4001 N. 9th Street, Suite 222**

**Arlington, VA 22203**

**TEL: 703 243 1474 (W)**

**FAX: 703 243 1494**

**E-mail: INFO@BRAVLIN.COM**

Lawyers at BRAVLIN, PC will coordinate with your company in drafting advertisements, internal posting notice requirements, and any other matters pertaining to PERM application filings. Please do not initiate any recruitment efforts on your own.

**KEY POINTS REGARDING PERM APPLICATION FILING**

**PERM**

A labor certification is a finding by the Department of Labor (DOL) that (1) there are not sufficient workers who are able, willing, qualified and available for the job offered to the alien worker; and (2) the employment of the alien worker will not adversely affect the wages and working conditions of workers in the United States similarly employed.

**FILING**

An employer may file the ETA 9089 electronically or by mail. No supporting documentation is required to be included in the filing. However, the DOL uses audit system to ensure compliance with the regulations. The audit is of random selection and factors identified by the DOL. The DOL audits about 30% of all labor certification filings. If your case is called for an audit, it will take an additional one year or more for the DOL to adjudicate the case.

**COLLEGE & UNIVERSITY TEACHERS**

College and university employers may use the results of their own competitive recruitment procedure in support of the PERM application. The standard for college & university teachers is whether the foreign worker is more qualified than any other US applicants. College & university employer must file PERM application within 18 months from the date that the foreign worker is selected by the selection committee. If a PERM application cannot be filed before the 18-month deadline, college & university employer will have to re-conduct recruitment efforts.

**PREVAILING WAGE REQUIREMENT**

Before filing ETA 9089 labor certification application, an employer must obtain a Prevailing Wage Determination (PWD) from the NPWC. **The employer is required to pay the alien worker at no less than the prevailing wage rate.**

PERM APPLICATION PROCESS REQUIREMENTS

You must meet the following conditions before proceeding with the PERM application process.

1. CONTINUED EXISTENCE OF A BONA FIDE FULL-TIME PERMANENT POSITION FOR THE ENTIRE PERIOD OF SPONSORSHIP

You must have an immediate business need for someone to work for you in a ***full-time permanent position*** (hereinafter “job opportunity”).[[6]](#footnote-6) The term “permanent” is not defined in either the INA or DOL regulations. However, the Board of Alien Labor Certification Appeals (BALCA) has concluded that “the regulatory requirement of an offer of permanent employment [in the PERM process] is focused on a snapshot of the good faith intention of the employer at the time the labor certification is filed to make an offer of permanent employment – that is, indefinite employment of a lasting and continuous nature – within the expectations of any typical job offer. An employer that has no intention to continue the employment of the immigrant beyond a set term of years cannot have the requisite intent.”

In other words, the alien worker must have been offered a job opportunity to work for you. The job opportunity must be permanent in a sense that:

* It does not have a definite termination point defined either by a date or the completion of a project or assignment.
* It is not seasonal, intermittent, or temporary, and
* It is not presently intended or contemplated by you that it will definitely end at some specified date in the future.

The green card sponsorship is contingent upon the fact that you have ***an immediate business necessity*** to require the services of an individual who could provide the much-needed employment support in the job opportunity for your business. The green card sponsorship is NOT for you to simply help someone to get a green card without the underlying business necessity. If you do not have an immediate business need for the services of the alien worker in the job opportunity, you would not have a bona fide job opportunity. In such instance, DO NOT proceed with the PERM application sponsorship.

The job opportunity offered to the alien worker must continue to be in existence for the entire period of the sponsorship (Steps 1 through 3). If the job opportunity is no longer in existence or available to the alien worker (e.g., termination of the job opportunity, change of business activities, close of your business, or you simply no longer wish to continue the sponsorship, etc.), the green card sponsorship shall end.[[7]](#footnote-7)

1. VALID EMPLOYMENT RELATIONSHIP WITH THE ALIEN WORKER

As a part of the evaluation regarding the bona fide of the job opportunity, the DOL requires you to fully disclose your relationship with the alien worker. If the alien worker is related to you through familial relationship, financial relationship, or friendship, you must notify us immediately. At the time when the alien worker appears for his/her immigration interview, the DHS or US Embassy may ask how s/he got to know you, whether s/he was interviewed before s/he was offered the position, and other background information to determine whether the sponsorship was done to merely obtain a green card for the alien worker.

1. THE JOB REQUIREMENTS FOR THE JOB OPPORTUNITY MUST NOT BE TAILORED TO QUALIFY THE ALIEN WORKER FOR THE POSITION

The DOL will review the specifics of your job opportunity offered to the alien worker to make sure that you are not creating the job opportunity for the sole purpose of qualifying the alien worker for a green card. The job opportunity must originate from your business needs (e.g., a hair salon business seeking to hair a hairdresser, an IT company seeking to employ a software developer, a university hiring a professor to each, etc.). The job duties/responsibilities, educational requirements, experience and skills requirements must bear a reasonable relationship to your business. You may be required to establish and document the reasonableness of the job opportunity any time during the entire green card sponsorship.

1. FINANCIAL ABILITY TO AFFORD THE SERVICES OF THE ALIEN WORKER

You must demonstrate that you have sufficient financial ability to pay the alien worker at the proffered wage rate for the entire green card sponsorship period (from the time you file a PERM application until the alien worker receives his/her LPR status). The DHS will review your tax returns to cover the entire green card sponsorship period to determine your ability to pay when you file an I-140 visa petition for the alien worker. Please see Step 2 in page 2 for detailed explanation. For now, please send us a copy of your most recent tax return so we can determine your ability to pay before starting the PERM application process.

1. YOU MUST PAY FOR THE LEGAL FEE AND EXPENSES ASSOCIATED WITH THE PERM APPLICATION PROCESS

You are required to pay the legal fees and expenses associated with the PERM application preparation and filing. Pursuant to §656.12(b) of the DOL regulations, an employer may not seek or receive payment of any kind from any party for any activity related to obtaining permanent labor certification. “Payment” includes, but is not limited to, monetary payments; deductions from wages or benefits; kickbacks, bribes, or tributes; goods, services, or other “in kind” payments; and free labor. This includes the prohibition against the alien paying the employer’s attorneys’ fees in connection with the labor certification application.

1. ADDITIONAL ATTESTATION REQUIRED

You must comply with the following terms and conditions during the PERM application process and during the employment of the alien worker in this green card sponsorship.

1. The offered wage equals or exceeds the prevailing wage, and you will pay at least the prevailing wage.
2. The offered wage is not based on commissions, bonuses, or other incentives, unless you guarantee a wage paid on a weekly, bi-weekly, or monthly basis that equals or exceeds the prevailing wage.
3. You have enough funds available to pay the wage or salary offered to the alien worker.
4. You will be able to place the alien worker on the payroll on or before the date of the alien worker’s proposed entrance into the United States.
5. The job opportunity does not involve unlawful discrimination by race, creed, national origin, age, sex, religion, handicap or citizenship.
6. The job opportunity is not:
	1. Vacant because the former occupant is on strike or is being locked out in the course of a labor dispute involving a work stoppage; or
	2. At issue in a labor dispute involving a work stoppage.
7. The job opportunity’s terms, conditions, and occupational environment are not contrary to federal, state, or local law.
8. The job opportunity has been and is clearly open to any US worker.
9. For all positions except college/university teaching positions, U.S. workers who are willing and available will only be rejected if they do not meet the *minimum* qualifications listed on Form ETA 9089 (regardless of whether the alien is more qualified).
10. For college and university teaching positions, U.S. workers who are willing and available will be rejected only if they are less qualified than the alien (i.e. U.S. workers may be rejected if the alien is more qualified).
11. The job opportunity is for full-time, permanent employment for you.
12. You will be solely responsible for the legal fees and costs associated with PERM application preparation and filing.
13. You will not seek reimbursement of any kind from the alien worker.

**PRE-FILING REQUIREMENTS**

Steps in the Labor Certification Process

* 1. Employer must register with the DOL PLC System to file ETA9089 online, if employer has not done so
	2. Complete ETA9089
	3. Obtain a Prevailing Wage Determination (PWD) from the NPWC
	4. Conduct recruitment and provide notice of the filing to company employees
	5. Develop and retain full documentation of compliance with the regulations
	6. If the recruitment result shows that there is insufficient availability of qualified US workers for the job opportunity, employer may file ETA9089 with DOL online
	7. Respond to DOL audit or other inquiry, if applicable

SECTION A – REGISTER TO USE DOL PLC ONLINE

If your company has never sponsored anyone for green card before, **your company must first register with the DOL at** [www.plc.doleta.gov](http://www.plc.doleta.gov), in order to process the PERM application online. We strongly recommend that your company register with the DOL online as soon as possible, as it may take time for the DOL to register you.

To register PERM Online, please visit the website and follow the steps below:

* Visit [www.plc.doleta.gov](http://www.plc.doleta.gov)
* Click “Register”
* Click “Setup Employer Profile”
* Read the terms and conditions and click your response “Accept” or “Decline”
* Complete the employer information and click “Submit”
* The DOL will verify the employer information and send an email containing the password and pin number to the employer’s email address as provided in the Employer Profile.
* Once you receive the password and user ID from the DOL, please re-visit the website
* Login User ID and password, which will prompt you to re-set your password
* ***After you have successfully re-set your password, click “User Accounts”***
* ***Click “Add User”***
* ***Enter our law firm information below as a sub-account “Attorney”***

 Michael W. Lin (Attorney)

 BRAVLIN PC

 4001 North 9th Street, Suite 222, Arlington, VA 22203

 Tel: 703-243-1474 Fax: 703-243-1494

 Email: ML@BRAVLIN.COM

After the employer has successfully set up a sub-account for us, the DOL will automatically forward the user ID and password to us. We will then be able to prepare the PERM application online for the employer.

If you need any assistance in registering PERM online, please contact me immediately and we can guide you through the registration process.

SECTION B – COMPLETING ETA9089

Please complete Part A of the PERM packet and read each question carefully as this packet is designed to help your company complete Form ETA9089

SECTION C – PREVAILING WAGE DETERMINATION (PWD) REQUEST

Based on the finalized ETA9089, we will draft an ETA9141 Prevailing Wage Determination (PWD) Request Form for your company’s review and filing. It will take the DOL about 4 months to issue PWD. Your company must be willing to pay the alien worker no less than the prevailing wage rate to pursue the green card process.

SECTION D – RECRUITMENT EFFORTS

The next step is to begin the recruitment efforts to recruit US workers. The PERM application process is very complicated and technical. We will provide legal assistance to your company in performing the following tasks, which must be completed before you can file the PERM application.

1. NEWSPAPER ADS

Your company must advertise the job offer in a newspaper of general circulation for two Sunday editions in a publication that is most appropriate for the position. The content of the ad must: (a) contain the name of the employer; (b) direct applicants to report to or send resumes to the employer; (c) provide a job description of the vacancy specific enough to apprise the US workers of the job opportunity; and (d) indicate the geographic location of the job opportunity with enough specificity to apprise applicants of any travel requirements; (e) not contain a wage rate that is lower than the prevailing wage rate; and (f) not contain any job requirements or duties which exceed the job requirements as listed on the application.

 2. JOB ORDER

Your company must place a 30-day job order with the State Workforce Agency (SWA) serving the area of the intended employment. The SWA will refer candidates to contact your company. Your company must monitor each candidate that applies for the job.

If the position offered requires a bachelor’s level education, it may be deemed a “professional occupation” and your company will need to conduct additional recruitment efforts as outlined below.

 3. ADDITIONAL RECRUITMENT EFFORTS

Your company is required to conduct three of the following recruitments efforts for a professional occupation.

* Job Fairs
* Employer’s Website
* Job Search Website other than the Employers
* On Campus Recruitment
* Trade or Professional Organizations
* Private Employment Firms
* Employee Referral Program with Incentives
* Campus Placement Offices
* Local or Ethnic Newspaper
* TV and Radio Ads
1. NOTICE OF FILING REQUIREMENT

In all labor certification cases (including Schedule A cases), employers must give notice of the filing to their current employees, or to the occupation's bargaining representative if unionized, regarding employers’ anticipated filing of PERM applications. Additionally, if the employer had laid off any employees in the same occupation within 6 months of filing the labor certification application, the employer must also notify the laid-off workers of the filing. The notice must be completed between 30 and 180 days prior to filing the application. If requested by DOL, employers must also be able to document that notice was provided.

If the position is not a union job, your company must post a notice about the job opportunity, for 10 consecutive business days, in conspicuous places where your company’s US workers can readily read the posting notice on their way to or from their place of employment. Your company must also post the notice in an in-house media (such as university magazine or company intranet publication for employees) and be placed for the duration of its normal publication if your company’s policy requires posting such notice in intracompany media. The purpose of the internal posting notice is to announce the availability and the filing of the labor certification for the position in question. The posting notice is for your company employees only and is not part of the recruitment efforts. The notice must: (a) state that it is being provided as a result of the filing of a labor certification application for the job opportunity; (b) state that any person may provide documentary evidence bearing on the application to the DOL; (c) provide the address of the appropriate certifying officer; (e) state the rate of pay and the minimum job requirements; and (f) any requirement, such as job location, as stated in the recruitment ads.

If the occupation is unionized, the employer must notify the bargaining representative(s) of the employees in that occupational classification. Documentation may consist of a copy of the letter sent to the representative and a copy of the Application for Permanent Employment Certification form that was sent to the bargaining representative.

1. RECRUITMENT RESULT

From the beginning of the recruitment efforts until the application is filed, your company must perform the following:

* Keep track of each applicant that applies for the job opportunity;
* Provide lawfully related reasons for rejecting the applicants; and
* Establish a recruitment report to detail your company’s recruitment efforts, the number of responses, and its reasons for disqualifying US workers.

Besides the candidates who applied for the position through the recruitment efforts, if your company has had any layoff in the area of intended employment within six months of filing an application involving the occupation for which labor certification is sought or in a related occupation, your company must document that it has notified and considered all potentially qualified laid off U.S. workers of the job opportunity.

The employer is obligated to evaluate the applications and resumes it receives. The standards for rejecting U.S. workers who are otherwise willing and available for the job are:

* For all positions except college/university-teaching positions, U.S. workers who are willing and available may only be rejected if they do not meet the *minimum* qualifications listed on Form ETA 9089 (regardless of whether the alien is more qualified);
* For college and university teaching positions, U.S. workers who are willing and available may be rejected only if they are less qualified than the alien (i.e. U.S. workers may be rejected if the alien is more qualified)
1. EVALUATION OF THE JOB APPLICATIONS

It is unlawful to ask certain citizenship-related questions during the hiring stage. All applicants must be treated as if he/she is a U.S. worker and evaluated accordingly unless there is a clear indication that the applicant is not a US worker (e.g. the applicant on his/her resume asks to be sponsored for H-1B).

The interviewer must be the person who normally interviews or considers, on behalf of the employer. Neither the alien nor agents or attorneys for either the employer or the alien can play any role in the interview or applicant evaluation process.

The employer must:

* Review the resumes of all applicants as soon as possible after receipt.
* As soon as possible, contact all candidates who submit their applications. Delays in contacting potentially qualified U.S. workers may be seen as evidence of a lack of good faith in recruiting, especially if it is later determined that the delay resulted in the applicant's unavailability for the position.
	+ The employer should attempt to contact the applicant via telephone or email and should document each attempt. If unable to reach the applicant by telephone or e-mail, the employer should send a letter (via emails and certified mail) requesting the applicant contact the employer to arrange an interview.
* Objectively assess the applicants' qualifications in light of the minimum job requirements reflected on the application for labor certification.
* Objectively assess the candidates' availability for the position
* Reject U.S. workers only for legitimate job-related reasons, such as (but not limited to):
	+ Not having the required minimum education, training, or experience;
	+ Factors that may adversely affect the U.S. worker's ability to do the job (e.g., bad work references, lack of English language proficiency);
	+ Race, religion, national origin, gender, personal hygiene, etc. cannot be used as legitimate factors to disqualify applicants.
* Document why each U.S. worker does not meet the minimal qualifications for the position (or in the case of teachers at colleges and universities, why the alien worker is better qualified than each U.S. worker).

ADDITIONAL TIPS IN EVALUATING RESUMES

DO

* + - Must evaluate the resumes as soon as you have received them.
		- Use the evaluation sheet (following these tips) for each applicant. Note that you are not limited by the spaces provided to explain why a candidate lacks each qualification. Do not just put "No" if an appli­cant does not meet a particular requirement; explain in detail why the applicant does not meet the require­ments.
		- Document when phone calls were made to applicants. Note the number called, date and time of the call, who called the candidate, whether the message was left on voicemail or with a person, etc.
		- If you send letters to applicants, send letters by certified mail with return receipt. The letter should ask the person to respond to you within two weeks if he or she is still interested in the position. Make sure you send the letter via certified mail, keep a copy of all letters, as well as receipts for mailing.
		- Take notes of all conversations-who said what to whom.
		- Ask the applicant whether he or has the unrestricted right to accept employment in the United States. Do *not* ask anything else. The candidate's answers may be "yes" or "no" (but write down anything else they say).
		- If you normally ask for references, ask for them from each applicant and check them out. Keep track of whom you called, the numbers dialed, and the conversations.
		- On the Evaluation Sheet, specify who did the interviewing and provide his or her title.
		- Speak with applicants directly-not their spouse, children, etc.
		- If you normally test for knowledge of a subject, make sure you test all applicants the same, and as you would test candidates for similar positions, if you were not going through the labor certification process.

DO NOT

* Wait until a couple of weeks later to get in touch with the candidates. You must promptly get in contact with the candidates soon after you have received their resumes. If you fail to communicate with them immediately, the DOL may use your lack of immediate response as a sign of bad faith and deny the PERM application.
* Tell the applicant that the position is already filled by the alien.
* Reject "overqualified" candidates if the worker is willing to accept the job at the wage and conditions of­fered. A rejection on this basis could also constitute employment discrimination.
* Reject U.S. workers who are *more* qualified than the alien.
* Reject U.S. workers who are *less* qualified than the alien if they possess the minimum requirements of the position as listed on the PERM application unless this is for college/university teacher job.
* Ask illegal questions regarding marital status, sex, sexual orientation, health or handicap, religion, age, ethnicity, race, or citizenship status. The usual employment discrimination rules apply.
* Demand proof of permission to work by asking to see specific documents.
* Ask for English ability or other language proficiency unless it is an approved requirement set forth by the advertisement and the application for alien employment certification.
* Reject applicants just because you think they would take the job only as a stepping stone to something else.
* Reject applicants who live out of the area. Even if your company does not pay for relocation, you should assess whether the applicant is qualified. Applicants who state that they will not relocate at their own ex­pense may be rejected as unavailable, but do not assume that they will not relocate.

***SAMPLE INTERVIEW/EVALUATION SHEET***

|  |  |
| --- | --- |
| Name of Person conducting Interview  | Applicant’s Name:  |
| Title: | Interview conducted: \_\_\_\_\_\_\_\_ By phone \_\_\_\_\_\_\_\_ In person |
| Date:  |
| Date and Time of Calling the Applicant: 1. \_\_\_\_\_\_\_\_\_\_\_ (Date) \_\_\_\_\_\_\_\_\_\_\_\_ (Time)
2. \_\_\_\_\_\_\_\_\_\_\_ (Date) \_\_\_\_\_\_\_\_\_\_\_\_ (Time)
3. \_\_\_\_\_\_\_\_\_\_\_ (Date) \_\_\_\_\_\_\_\_\_\_\_\_ (Time)
4. \_\_\_\_\_\_\_\_\_\_\_ (Date) \_\_\_\_\_\_\_\_\_\_\_\_ (Time)
 | Date and Time of Calls from the Applicant1. \_\_\_\_\_\_\_\_\_\_\_ (Date) \_\_\_\_\_\_\_\_\_\_\_\_ (Time)
2. \_\_\_\_\_\_\_\_\_\_\_ (Date) \_\_\_\_\_\_\_\_\_\_\_\_ (Time)
3. \_\_\_\_\_\_\_\_\_\_\_ (Date) \_\_\_\_\_\_\_\_\_\_\_\_ (Time)

4. \_\_\_\_\_\_\_\_\_\_\_ (Date) \_\_\_\_\_\_\_\_\_\_\_\_ Time) |
| 1. Are you authorized to work in the United States? Yes \_\_\_\_\_\_\_ No \_\_\_\_\_ (Note: do not deviate from the question, and do not ask the applicant’s national origin, citizenship, or immigration status).2. Will you now or in the future require sponsorship for employment visa status (e.g., H-1B visa status)? Yes \_\_\_\_\_\_\_ No \_\_\_\_\_ (Note: do not deviate from the question, and do not ask the applicant’s national origin, citizenship, or immigration status). |
| Job Description: Is the applicant interested in performing the duties as stated in the ad? Yes \_\_\_\_\_\_\_ No \_\_\_\_\_ |
| Salary: Is the salary offered in this position acceptable to the applicant? Yes \_\_\_\_\_\_ No \_\_\_\_\_\_\_ |
| Education:Does the applicant possess the required education as stated in the ad? Yes \_\_\_\_\_ No \_\_\_\_\_If “no”, why does the applicant fail to meet the requirement? *[e.g., degree is in X]* |
| Experience:Does the applicant possess the required experience as stated in the ad? Yes \_\_\_\_\_ No \_\_\_\_\_If “no”, why does the applicant fail to meet the requirement? *[e.g., not enough experience, wrong industry experience.]* |
| Special Requirements:Does the applicant meet all special requirements as stated in the ad? Yes \_\_\_\_\_\_\_\_ No \_\_\_\_\_\_\_\_If “No”, could the applicant learn the missing requirements during a reasonable period of on-the-job training? Yes \_\_\_\_\_ No \_\_\_\_ |
| If the applicant meets minimum education and experience requirements but is unable to perform the stated job duties, please explain in 2 to 3 sentences why applicant cannot perform the job duties and cannot acquire skills through a reasonable period of on-the-job training. |
| Additional comments and reasons applicant is not qualified for the position. Please be as detailed as possible.  |

**Your company must conduct the recruitment interview and screening in an impartial and lawful manner without discrimination of any kind. If the recruitment process is carried out in an unfair and/or unlawful manner to discourage US workers purposely from applying, or to favor the alien worker's PERM sponsorship, this may subject the employer to possible legal liability from candidates who may complain about your company’s unfair practice.**

**Your company also must conduct recruitment efforts and consider the qualifications of US workers on your own, without the assistance of your immigration counsel, unless it is within your normal hiring procedure to consult with your immigration counsel of the qualifications of the applicants. We may provide any assistance should you have questions concerning the logistics of the PERM recruitment process. We, however, cannot help you evaluate the qualifications of the applicants.**

SECTION E – DEVELOP AND RETAIN FULL DOCUMENTATION

The employer must prepare the following in support of the PERM application filing, and the documentation must be kept for five years from the date of PERM filing.

1. Completed and signed ETA9089 by the employer and the alien worker;
2. Recruitment Report;
3. Copies of all ads, website ad printouts, etc. to show that the employer has performed the recruitment as stated in the PERM application;
4. Resumes and Evaluation Sheets;
5. Notice of Filing;
6. Evidence of business necessity, if the employer’s job requirements exceed normal job requirements for the occupation.

RECRUITMENT REPORT

The employer must prepare a recruitment report that describes the recruitment steps undertaken and the results achieved, the number of hires and (if applicable) the number of U.S. workers rejected, categorized by the lawful job-related reasons for such rejections. The report must be signed by the employer and retained in case of an audit. In an audit, DOL may request the U.S. workers' resumes or applications, sorted by the reasons the workers were rejected. If the recruitment result shows no US workers who are able, ready and available for the position offered, the employer will be able to submit the PERM application.

SECTION F – COMPLETE FORM ETA9089 AND FILE IT WITH THE DOL

If your company has never sponsored anyone for green card before, **your company must first register with the DOL at** [www.plc.doleta.gov](http://www.plc.doleta.gov), in order to process the PERM application online. We strongly recommend that your company register with the DOL online as soon as possible, as it may take time for the DOL to register you. *See* Section A for detailed sign up instructions. If you need any assistance in registering PERM online, please contact me immediately and we can guide you through the registration process.

After your company has successfully set up a sub-account for us, the DOL will automatically forward the user ID and password to us. We will then be able to prepare the PERM application online for your company.

SECTION G – RESPONDING TO AUDIT

After the PERM application is filed, the DOL may audit the employer’s recruitment efforts to determine if the employer has complied with the regulations. If selected for audit, the employer will be required to submit, among other documentation as may be required by the DOL, the evidence as listed in Section E above. The audit process will take an additional one year or more for the DOL to adjudicate the application.

**PERM REQUEST FORM – PART A**

**To Be Completed by the Hiring Official**

**Legal Name of Your Company:** **(hereinafter as “Company” or “Employer”)**

**Trade Name of Your Company, if applicable:**

**Company Address:**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

*Street address, City/State, Zip Code (No PO Box)*

**Date Upon Which Your Business Was Established:**

**Federal Employer Identification Number (FEIN): #**

**NAICS Code for your company, if known:**

*You can search your company’s NAICS code here: https://www.naics.com/search/*

**Numer of Employees:**

**Contact Person and Title:**

*(Provide Name and title of the company official who has the hiring authority. This individual will serve as the point of contact for the purpose of PERM application process. Please provide his/her direct phone number, email, address, and any instruction in how he/she can be reached)*

**Phone:** **Fax:** **Email:**

**Alternate Contact Person:**

**Phone:       Fax:       Email:**

**Is your company, or do you have a reason to believe that your company will be, under the direction or control of a foreign government or political party or of a person any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign government or political party? Yes [ ]  No [ ]**

**If yes, please explain:**

**Does your company have, or do you have a reason to believe that your company will have, any partnership, association, affiliation or collaboration with a foreign government or political party? Yes [ ]  No [ ]**

**If yes, please explain:**

**INFORMATION ABOUT YOUR RELATIONSHIP WITH THE ALIEN WORKER**

***IMPORTANT:*** *You must fully disclose your relationship with the alien worker as your company is required to ensure that there is no influence from the alien worker or anyone over the job opportunity that your company intends to offer to the alien worker. If the alien worker is related to your company by “blood”, or it may “be financial, by marriage, or through friendship”, certain steps must be taken to avoid the apparent of improper influence by the alien worker. Please answer the following questions and let us know if you have any questions.*

**Name of the alien worker whom you wish to sponsor for a green card:**

**How did you get to know the alien worker? Please be very specific.**

**Are you sponsoring the alien worker just to help him/her to get a green card but without actually requiring the alien worker to work for your company? Yes [ ]  No [ ]**

**Have you received, or will you ever receive, any compensation of any kind from anyone, including the alien worker, or a third party, for doing this green card sponsorship?**

**Yes [ ]  No [ ] . If yes, you must not proceed with the PERM application filing. The law prohibits sale, barter, and/or purchase of green card sponsorship. In other words, it is illegal for your company to receive payment of any kind from any source to induce your company to sponsor the alien worker for green card.**

**Is your company a closely held corporation, partnership, or sole proprietorship in which the alien worker has an ownership interest, or is there a familial relationship between the owners, stockholders, partners, corporate officers, incorporators, and the alien worker?**

**Yes [ ]  No [ ] . If yes, please explain:**

**Did you company get to know the alien worker through a friendship?**

**Yes [ ]  No [ ] . If yes, please explain:**

**Is the alien worker a friend of the owners, stockholders, partners, corporate officers, incorporators?**

**Yes [ ]  No [ ] . If yes, please explain:**

**Does the alien worker have any financial dealing with your company or with the company’s owners, stockholders, partners, corporate officers, incorporators?**

**Yes [ ]  No [ ] . If yes, please explain:**

*If you answer “Yes” to any of the questions above, you must provide the following documents to us:*

* *A copy of the articles of incorporation, partnership agreement, business license or similar documents that establish the business entity.*
* *A list of all corporate officers and shareholders/partners of the business, their titles and their positions in the business, and a description of the relationship to each other and to the alien’s beneficiary.*
* *The financial history of the corporation, including the total investment in the business entity and the amount of investment of each officer, incorporator/partner and the alien beneficiary.*
* *The name of the business official with primary responsibility for interviewing and hiring applicants for the positions within the organization and the name(s) of the business official(s) having control or influence over hiring decisions involving the position for which labor certification is sought.*

**Is the alien worker is related to one of your employees within your company?**

**Yes [ ]  No [ ] . If yes, please explain:**

NOTE: your company is required to document that the alien worker does not have any undue influence over the labor certification application process. Therefore, under no circumstance can your company allow **the alien worker** or **your owner/manager/employee** who is related to the alien worker, to be involved in the recruitment process.

**Has your company ever filed a PERM (ETA9089) application for an immigrant visa petition for the alien worker?**

**Yes [ ]  No [ ] . If yes, please explain:**

**INFORMATION ABOUT THE JOB OPPORTUNITY OFFERED**

**TO THE ALIEN WORKER**

**Please provide a detailed explanation why you are interested in sponsoring the alien worker for a green card.**

**Have you met the alien worker in person? Yes [ ]  No [ ]  If no, why you offered a position to someone you have never met?**

**Did you interview the alien worker before offering him/her the position? Yes [ ]  No [ ]**

**If yes, how did you know the alien worker is qualified to work for you?**

**If no, why you offered a position to an alien worker whom you have not interviewed?**

**Did you conduct any recruitment prior to offering the position to the alien worker?**

**Yes [ ]  No [ ] . If no, why didn’t you try to hire US workers before offering the job to the alien worker?**

**Did you explain to the alien worker of your business activities and the position that you are looking to fill? Yes [ ]  No [ ]  If no, why not?**

The "job opportunity" is defined as "a job opening for employment at a place in the United States to which U.S. workers can be referred." 20 C.F.R. § [656.2](http://www.nafsa.org/_/file/_/amresource/20cfr656.htm#jobopportunity) Only full-time, permanent employment can serve as the basis for a labor certification. Other important factors related to the job opportunity include: the job duties, the job requirements, and the conditions of employment that the employer must certify to as part of the labor certification process.

NOTE: In developing the job's minimum requirements for purposes of the labor certification process, an employer should naturally examine the qualifications of the alien on whose behalf the application is being filed. Employers should keep these two points in mind when considering the specified minimum requirements:

1. Employers should approach defining the minimum job requirements based NOT on what qualifications the alien has, but rather based on the minimum knowledge, skills, and experience and education or training are needed to perform the duties of the job adequately.
2. Minimum requirements that exactly "mirror" the alien's qualifications might be suspect on their face as being tailoring to fit the alien’s qualifications.

**IMPORTANT: In completing the below section, DO NOT include any preference. The DOL sees that preferences will unduly discourage US workers from applying for the position. If you include preferences that are not actually the minimum job requirements, your application will be denied.**

**Is the alien worker currently being employed by your company? Yes** **[ ]  No** **[ ]**

**Job Title of the position offered to the alien worker:**

**Is this a newly created position? Yes [ ]  No [ ] . If yes, please explain why you created this position?**

**Is this a permanent full-time position? Yes [ ]  No [ ]**

**Is this a union job? Yes** **[ ]  No** **[ ]**

**Salary offered:**

Your company must certify that the wage it will pay the alien "equals or exceeds the prevailing wage." Your company must obtain a prevailing wage determination (PWD) from the National Prevailing Wage Center (NPWC), before filing the Form ETA 9089 labor certification application. Your company must certify that the wage offered is "not based on commissions, bonuses or other incentives, unless the employer guarantees a prevailing wage paid on a weekly, bi-weekly, or monthly basis that equals or exceeds the prevailing wage;" that the employer "has enough funds available to pay the wage or salary offered the alien;" and that the employer "will be able to place the alien on the payroll on or before the date of the alien's proposed entrance into the United States."

NOTE: If the alien worker is already being employed by your company, it is very important NOT to raise his/her salary during the recruitment period, as such increase may adversely affect the outcome of the PERM application. The DOL has ruled that if the alien worker receives increase during the recruitment process and before the filing of the PERM application, the application will be denied. Please contact us for more information about this issue should you or the alien worker has any question about this.

**If the jobsite is different from the address provided above, please provide the street address of the jobsite:**

*Street address City/State Zip Code*

**Will travel be required in order to perform the job duties? Yes [ ]  No [ ]**

**If yes, please explain travel requirements.**

**Are there any other working conditions that affect the rate of pay? Yes [ ]  No [ ]**

**If yes, please specify the working conditions.**

**Type of Employment:**

**[ ]** Full Time

 [ ] Part Time *(If the job offer is a part-time position, your company cannot sponsor the alien worker for permanent residency)*

**Detailed Job Duties and Responsibilities:(Be specific and accurate)**

**Minimum Education Required: Type of Degree:** **Major:**

**Is there an alternate field of study that is acceptable? If so, please state:**

**Is foreign educational equivalent acceptable: Yes** **[ ]  No** **[ ]**

**Minimum experience required: How many months?**

**Is there an alternate experience that is acceptable? If so, please state:**

**Is there any alternate combination of education, training and/or experience that is acceptable? If so, please state:**

**List any other skill, licenses, or specialized knowledge required for the job:**

**NOTE: Do not include any skills or specialized knowledge if said skill/knowledge may be learned within a reasonable on-the-job training period (e.g. within 90 days).**

**Is any foreign language skill required for this position? Yes [ ]  No [ ]**

**If yes, please state what foreign language is required and explain the reasons for such requirement:**

**Is any license required to perform this job? Yes [ ]  No [ ]**

**If yes, please list the license(s):**

**Has your company paid for any of the alien worker’s education or training?**

**Yes [ ]  No [ ] . If yes, please state:**

**Does the responsibility of the position include supervisory duties? Yes [ ]  No [ ]  If yes, how many people does the position supervise?**

**Title of the position’s immediate supervisor:**

**Has your company received, or will your company receive, payment of any kind from any party for the green card sponsorship, including the submission of the PERM application? Yes [ ]  No [ ]**

**If yes, please explain:**

***NOTICE:*** *The law requires an employer to be responsible for the legal fee and all costs associated with the filing of the PERM application. Pursuant to §656.12(b) of the DOL regulations), an employer may not seek or receive payment of any kind for any activity related to obtaining permanent labor certification, except a party with a legitimate, pre-existing business relationship with the employer, and when the work to be performed by the alien beneficiary will benefit that party. “Payment” includes, but is not limited to, monetary payments; deductions from wages or benefits; kickbacks, bribes, or tributes; goods, services, or other “in kind” payments; and free labor. This includes the prohibition against the alien paying the employer’s attorneys’ fees in connection with the labor certification application.*

**Has your company had any layoff within the last six months, or is expected to have any layoff the next six months? Yes [ ]  No [ ]**

**If yes, is the layoff involved occupation that is related to the position which you intend to offer to the alien worker? Yes [ ]  No [ ]**

**NOTE:** If there has been a layoff by the employer that meets the following regulatory conditions, the employer must document that "it has notified and considered all potentially qualified laid off (company applicant) U.S. workers of the job opportunity involved in the application and the results of the notification and consideration." For this obligation to arise, the following conditions must exist:

* 1. The separation from work must constitute a *layoff*
		+ *Layoff* for this purpose is defined as "any involuntary separation of one or more employees without cause or prejudice;"
	2. The layoff must have occurred within 6 months of filing an application for labor certification;
	3. The layoff must have been in the occupation for which labor certification is sought, or a *related occupation*; and
		+ Related occupation, for purposes of this provision only, is defined as "any occupation that requires workers to perform a majority of the essential duties involved in the occupation for which certification is sought."
	4. The layoff must have been in the geographic *area of intended employment*.

Layoffs that occur outside these parameters (e.g., a layoff in the occupation by the employer outside the area of intended employment; a layoff in the area of intended employment, but not in the occupation or a related occupation; a layoff that occurred more than 6 months before the labor certification application is filed) would not appear to trigger this notice and consideration requirement.

**Has your company conducted any recruitment efforts prior to hiring the alien worker for whom you intend to file a PERM application? Yes [ ]  No [ ]**

**If yes, please list, in details, the type of recruitment effort that your company had done. Please include the date(s) and name(s) of the publication.**

*We will contact your company to get more information about the prior recruitment efforts and advise you whether such evidence can still be used for the purpose of PERM application filing.*

**Is the position offered the alien worker a college/university teacher position?**

**Yes [ ]  No [ ]**

**If yes, was the alien worker hired based on recruitment through selection committee?**

**Yes [ ]  No [ ]**

**If yes, please list, in details, the type of recruitment effort that your company had done. Please include the date(s) and name(s) of the publication.**

**Please also list the date that the alien worker was selected for the position.**

**Date:**

**CERTIFICATION OF BONA FIDE JOB OFFER AND COMPANY’S OBLIGATIONS**

**FOR EMPLOYMENT BASED SPONSORSHIP**

This is to inform you that the green card sponsorship is contingent upon the continued viability (*bona fide*) of the job offer to ALIEN WORKER AND both parties (EMPLOYER and ALIEN WORKER)’s intent to work to carry out the employment relationship permanently. If there is any change of circumstances that makes the job offer to ALIEN WORKER no longer viable (e.g., material changes to the duties and responsibilities of the ALIEN WORKER’s job, reduction of the wage offer, loss of EMPLOYER’s business activities, loss of EMPLOYER’s interest/intent to employ ALIEN WORKER, loss of EMPLOYER’s revenues to financially support ALIEN WORKER’s employment, reduction of job offer’s work hours from full-time to part-time, closing of EMPLOYER’s business, etc.), EMPLOYER must not continue the green card sponsorship. You must contact us immediately if any condition occurs *during the entire sponsorship period* that would *potentially* affect the viability of job offer or the intent of the parties. If you continue the green card sponsorship without having a *bona fide* job offer and intent from both parties to carry out the employment relationship, you may be subject to criminal prosecution. It is a federal offense to obtain a green card for ALIEN WORKER through sponsorship without having a bona fide job offer and intent to work.

Finally, EMPLOYER must begin ALIEN WORKER’s employment when ALIEN WORKER obtains his/her lawful permanent resident status (green card). Specifically, EMPLOYER must put ALIEN WORKER to work in the position as sponsored and be paid at the required wage rate on ***a full-time permanent basis*** without a foreseeable end date on or before his/her attainment of green card. Failure to place ALIEN WORKER to work pursuant to the terms and conditions of the certified PERM on a full-time permanent basis may cause ALIEN WORKER to lose his/her green card. This will also subject you to possible criminal prosecution if the sponsorship was done without having a bona fide job offer and intent to work. If any of the conditions mentioned in the preceding paragraph occurs during the green card sponsorship or shortly after the granting of ALIEN WORKER’s green card, it could raise serious questions regarding the legitimacy of the green card sponsorship.

CERTIFICATION FROM EMPLOYER

1. EMPLOYER hereby certifies the following: a) That the job opportunity being offered to ALIEN WORKER is a bona fide position within EMPLOYER’s business; b) That EMPLOYER fully intends to hire ALIEN WORKER to work in the job opportunity on full-time permanent basis without a foreseeable end date; and c) EMPLOYER understands that the green card sponsorship is based upon the continued viability of the job opportunity. If the job opportunity ceases to exist or there is a material change to the job opportunity (e.g., such as change of job location, wage rate information, duties and responsibilities, etc.), EMPLOYER will immediately inform BRAVLIN PC to discuss the consequences before material change takes place.
2. The offered wage equals or exceeds the prevailing wage, and EMPLOYER will pay ALIEN WORKER at least the prevailing wage.
3. The offered wage is not based on commissions, bonuses, or other incentives, unless EMPLOYER guarantees a wage paid on a weekly, bi-weekly, or monthly basis that equals or exceeds the prevailing wage.
4. EMPLOYER has enough funds available to pay the wage or salary offered to ALIEN WORKER.
5. EMPLOYER will be able to place ALIEN WORKER on the payroll on or before the date of ALIEN WORKER’s proposed entrance into the United States.
6. The job opportunity does not involve unlawful discrimination by race, creed, national origin, age, sex, religion, handicap or citizenship.
7. The job opportunity is not:
	1. Vacant because the former occupant is on strike or is being locked out in the course of a labor dispute involving a work stoppage; or
	2. At issue in a labor dispute involving a work stoppage.
8. The job opportunity’s terms, conditions, and occupational environment are not contrary to federal, state, or local law.
9. The job opportunity has been and is clearly open to any US worker.
10. The job opportunity is for full-time, permanent employment for EMPLOYER other than ALIEN WORKER.
11. EMPLOYER will be solely responsible for the legal fees and costs associated with PERM application preparation and filing.
12. EMPLOYER will not seek reimbursement of any kind from ALIEN WORKER or any third party for the legal fee and costs associated with PERM application preparation and filing.
13. EMPLOYER certifies that it has not received, and will not receive, payments of any kind by ALIEN WORKER, or a third party for any activity related to obtaining the permanent labor certification, including payment of EMPLOYER’s attorney’s fees, whether as an incentive or inducement to filing, or as a reimbursement for costs incurred in preparing or filing the permanent labor certification application. EMPLOYER understands that the law prohibits the sale, barter, and purchase of applications and approved labor certifications, as well as payments to EMPLOYER to induce EMPLOYER to sponsor ALIEN WORKER for green card.
14. EMPLOYER fully and unequivocally intends to employ ALIEN WORKER on a permanent basis in the position as sponsored upon the approval of his/her green card.

To verify that you fully understand the obligations as stated herein, please execute the statement below and return it to me. You may keep a copy for your own record.

CERTIFICATION

EMPLOYER, by and through undersigned company official, hereby certifies that it has read and reviewed the Certificate of Bona Fide Job Offer and Company’s Obligations for Employment Based Green Card Sponsorship and that EMPLOYER, its directors, employees, agents, etc. fully and unequivocally certifies that the job offer to ALIEN WORKER is bona fide and that EMPLOYER intends to place ALIEN WORKER to work pursuant to the terms and conditions of the green card sponsorship on a full-time permanent basis at no less than the required wage rate on or before s/he obtains the green card. EMPLOYER further certifies that it will immediately notify the attorney(s) at BRAVLIN PC if any circumstance arises that could affect the viability of the job offer or the intent of either party (ALIEN WORKER or EMPLOYER) to carry out the employment relationship. Finally, EMPLOYER certifies that it will comply with all obligations as stated in this document.

I am an authorized company official of EMPLOYER. I declare under penalty of perjury that I have read and reviewed this Certificate and that my signature is binding to EMPLOYER. I understand that to knowingly furnish false information in the preparation of any immigration form or to aid, abet, or counsel another to do so is a federal offense punishable by a fine or imprisonment up to five years or both under 18 USC §§2 and 1001.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature

Name:

Title:

**ADDITIONAL ATTESTATIONS REGARDING LEGAL FEES**

**AND EXPENSES FOR GREEN CARD SPONSORSHIP**

EMPLOYER, by and through its authorized company official, hereby swears and deposes that the statement it is about to make below is true and accurate to the best of its knowledge. This statement is signed under the penalty of perjury under the laws of the United States. EMPLOYER certifies that it has not received, and will not receive, payments of any kind by ALIEN WORKER or a third party for any activity related to obtaining the permanent labor certification, including payment of EMPLOYER’s attorney’s fees, whether as an incentive or inducement to filing, or as a reimbursement for costs incurred in preparing or filing the permanent labor certification application. EMPLOYER should be responsible for the legal fees and filing fees for the filing of I-140 immigrant visa petition since it is EMPLOYER’s petition. ALIEN WORKER may pay only the legal fee, filing fees and expenses associated with their and their family’s own I-485 adjustment of status applications or immigrant visa applications before the US Embassy.

***EMPLOYER understands that the law prohibits the sale, barter, and purchase of applications and approved labor certifications, as well as payments to EMPLOYER in compensation or reimbursement for the sponsoring ALIEN WORKER for green card.*** EMPLOYER attests that it has not received and will not receive remuneration of any kind from anyone for sponsoring ALIEN WORKER.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature

Name:

Title:

 **PART B – TO BE COMPLETED BY ALIEN WORKER**

|  |
| --- |
| **NAME OF ALIEN WORKER: (Family Name, First, Middle)** **OTHER NAMES USED (i.e. Alias, Nick Name, Maiden Name, etc.):** |
| **DATE OF BIRTH: (Month, Day, Year)****GENDER:** **[ ]  Male****[ ]  Female** | **COUNTRY OF BIRTH:** **PROVINCE OF BIRTH:****U.S. SOCIAL SECURITY #:** |  |
| **COUNTRY OF CITIZENSHIP, LIST ALL, IF APPLICABLE:** |
| **CURRENT ADDRESS IN THE UNITED STATES:** **TELEPHONE:** **FAX:** **EMAIL:** **(list additional contact number, if applicable)****FOREIGN ADDRESS:** **(include street address, Apt #, city, state, country, postal code)**  |
| **PASSPORT NUMBER:** **DATE ISSUED:** **DATE EXPIRED:**  |
| **CURRENT IMMIGRATION STATUS AS LISTED ON THE I-94, IF APPLICABLE:** **DATE OF LAST ENTRY TO THE U.S., IF APPLICABLE:** **I-94 NUMBER, IF APPLICABLE:** **EXPIRATION DATE AS SHOWN ON THE I-94, IF APPLICABLE:**  |
| **IF YOU ARE UNDER H-1B NOW, WHEN WAS THE FIRST DATE YOU ACQUIRED H-1B STATUS?** *For you to extend your H-1B beyond 6-year limit, your PERM application process must be pending for at least 365 days. Alternatively, if your PERM application is approved, but your visa number is not current, you can extend your H-1B for a period of 3 more years, beyond the 6-year limit.*  |
| **INFORMATION ABOUT YOUR RELATIONSHIP WITH THE SPONSORING EMPLOYER****How did you get to know the sponsoring employer? Please be very specific.****Have you (or has anyone) paid, or will you (or anyone) pay, any money to the sponsoring employer or any third party for this green card sponsorship? Yes [ ]  No [ ] . If yes, you must not proceed with the PERM application filing. The law prohibits sale, barter, and/or purchase of green card sponsorship. In other words, it is illegal for you or anyone to pay money to the sponsoring employer or any party for the sponsoring employer to sponsor you for green card. YOU MUST NOT BUY A GREEN CARD SPONSORSHIP.** **Do you fully intend to work for the sponsoring employer in the position on a permanent full-time basis when you get your green card? Yes [ ]  No [ ] . If no, you must not proceed with the PERM application filing. The law requires you to work for the sponsoring employer in the position you have been sponsored on a permanent full time basis, which means that you fully intend to work for the sponsoring employer for a foreseeable future without an end date.** **Do you have an ownership interest in the sponsoring employer, or is there a familial relationship between you and the owners, stockholders, partners, corporate officers, or incorporators, of the sponsoring employer? Yes [ ]  No [ ]** **Are you a close friend of the owners, stockholders, partners, corporate officers, or incorporators of the sponsoring employer? Yes [ ]  No [ ]** **Do you have any financial dealing with the sponsoring employer or with the sponsoring employer’s owners, stockholders, partners, corporate officers, or incorporators? Yes [ ]  No [ ]** **INFORMATION ABOUT THE JOB OPPORTUNITY OFFERED****TO YOU BY THE SPONSORING EMPLOYER****Please provide a detailed explanation why you are interested in working for the sponsoring employer.****Have you met the sponsoring employer in person? Yes [ ]  No [ ]** **Did the sponsoring employer interview you before offering you the position? Yes [ ]  No [ ]** **Did the sponsoring employer explain to you of its business activities and the position that it has offered to you? Yes [ ]  No [ ]  If no, why not?****IMMIGRATION-RELATED QUESTIONS****Have you ever been employed in the U.S. since last admitted or granted an extension or change of status?** **[ ]  No** **[ ]  Yes (If yes, explain whom you worked for in Experience History below** **Have you ever worked without permission in the United States?** **[ ]  No [ ]  Yes (If yes, explain)****Have you ever been denied admission to the United States?** **[ ]  No [ ]  Yes (If yes, explain)****Have you ever been denied a visa to the United States?** **[ ]  No [ ]  Yes (If yes, explain)****Have you violated the terms or conditions of your immigration stay?** **[ ]  No [ ]  Yes (If yes, explain)****Are you presently or have you ever been in removal, exclusion, rescission, or deportation proceedings?** **[ ]  No [ ]  Yes (If yes, explain)****Have you ever been ordered deported, excluded or removed from the United States?** **[ ]  No** **[ ]  Yes (If yes, explain)** **Have you ever been arrested, charged, cited, or convicted for violation of any law, including immigration violation?** **[ ]  No** **[ ]  Yes (If yes, explain)** **Have you been the beneficiary of a pardon, amnesty, rehabilitation decree, other act of clemency, or similar action?** **[ ]  No [ ]  Yes (If yes, explain)****Have you ever exercised diplomatic immunity to avoid prosecution for a criminal offense in the United States?** **[ ]  No [ ]  Yes (If yes, explain)****Have you received public assistance in the United States from any source?** **[ ]  No [ ]  Yes (If yes, explain)****Have you ever within the past 10 years been a prostitute or procured anyone for prostitution?** **[ ]  No [ ]  Yes (If yes, explain)****Have you ever engaged in any unlawful commercialized vice, including, but not limited to illegal gambling?** **[ ]  No [ ]  Yes (If yes, explain)****Have you knowingly engaged, included, assisted, abetted, or aided any alien to try to enter the United States illegally?** **[ ]  No [ ]  Yes (If yes, explain)****Have you ever illicitly trafficked in any controlled substances, or knowingly assisted, abetted, or colluded in the illicit trafficking of any controlled substance?****[ ]  No [ ]  Yes (If yes, explain)****Have you ever engaged in, conspired to engage in, or do you intend to engage in, sabotage, kidnapping, political assassination, hijacking, or any other form of terrorist activity?****[ ]  No [ ]  Yes (If yes, explain)****Do you intend to engage in the United States in espionage, or any activity a purpose of which is to overthrow the US government by force, violence, or other unlawful means?****[ ]  No [ ]  Yes (If yes, explain)****Have you ever been a member of, or in any way affiliated with, the Communist Party or any other totalitarian party?** **[ ]  No [ ]  Yes (If yes, explain)****Have you ever, by fraud or willful misrepresentation of a material fact, ever sought to procure, or procured, a visa, other documentation, entry into the United States, or any immigration benefit?** **[ ]  No [ ]  Yes (If yes, explain)****Do you plan to practice polygamy in the United States?** **[ ]  No [ ]  Yes (If yes, explain)****Have you ever ordered, incited, called for, committed, assisted, helped with, or other participated in any of the following: acts involving torture or genocide; killing any person; intentionally and severely injuring any person; engaging in any kind of sexual contact or relations with any person who was being forced or threatened; or limiting or denying any person’s ability to exercise religious beliefs?****[ ]  No [ ]  Yes (If yes, explain)****Have you ever been a member, assisted in, or participated in any military unit, paramilitary unit, police unit, self-defense unit, vigilante unit, militia, or insurgent organization?** **[ ]  No [ ]  Yes (If yes, explain)****Have you ever served in any prison, jail, detention facility, labor camp, or any other situation that involved detaining persons?****[ ]  No [ ]  Yes (If yes, explain)****Have you ever been a member of, assisted in, or participated in any group in which you or other persons used any type of weapon against any person or threatened to do so?****[ ]  No [ ]  Yes (If yes, explain)****Have you ever assisted or participated in selling or providing weapons to any person?****[ ]  No [ ]  Yes (If yes, explain)****Have you ever received any type of military, paramilitary, or weapons training?****[ ]  No [ ]  Yes (If yes, explain)** |
| **PETITIONS FOR PERMANENT RESIDENCY****Has a PERM (ETA9089) application ever been filed on your behalf?** **[ ]  No [ ]  Yes, please explain:****Has an immigrant visa petition ever been filed on your behalf?****[ ]  No** **[ ]  Yes, please explain:**  |
| **J-1 STATUS****Have you ever held a J-1 status?****[ ]  No****[ ]  Yes. Did/do you have a two-year foreign residency requirement?****[ ]  No****[ ]  Yes****Have you fulfilled two-year foreign residency requirement or have obtained a waiver for this requirement?****[ ]  Yes (attach a copy of the waiver)****[ ]  No (Please explain):**  |
| **EDUCATION –** *list higher education only, unless the job requires only a high school diploma.*  **Name of the institution #1:**  **Complete Address, including State, Country and Zip Code:**  **Year education completed:**  **Specific degree conferred:** **Major Field(s) of Study:**  |
|  **Name of the institution #2:** **Complete Address, including State, Country and Zip Code:** **Year education completed:** **Specific degree conferred:       Major Field(s) of Study:** |
|  **Name of the institution #3:** **Complete Address, including State, Country and Zip Code:** **Year education completed:** **Specific degree conferred:       Major Field(s) of Study:** |
| **SPECIAL SKILLS AND QUALIFICATIONS** *Please list all of the special skills, technologies, computer training, knowledge and/or any other specialized training that you possess which you think will help you to perform the position as offered by the petitioning employer. We will go over this list with the petitioning employer to narrow down the specialized qualifications that will be required for the position offered.*       |
| **EXPERIENCE HISTORY***MUST READ. Please provide us with your employment history, starting with the most recent job, for* ***THE LAST 3 YEARS****,* ***AND*** *any other employment history that is relevant to the position for which you will be sponsored. If you have a soft copy of your resume, you should be able to cut and paste the job description directly onto the fillable blank.* *The experience that you will use to qualify for the job opportunity with the sponsoring employer must be* ***REAL AND ACTUAL EXPERIENCE*** *that you have gained from your present/past employment. You will need to provide experience verification letter(s) from your employer(s)to verify that you have the actual work experience for the job opportunity. The experience verification letters must be provided on your employer’s letterhead and include the following: 1. Your job title; 2. Specific duties and responsibilities; 3. A list of the skills that you have acquired; 4. Duration of your employment (mm/dd/yyyy) to (mm/dd/yyyy); 5. Whether it is a full-time or part-time position (for part-time position, please specify the number of the hours per week); and 6. Contact information of the company official who may be contacted by the USCIS for verification purpose.* *The USCIS will examine your work experience carefully. The USCIS may conduct background check to verify your experience. The USCIS may also cross reference your employment information with its own database (e.g. any immigration related application that you may have filed in the past that contains experience information), or database of other agencies, such as State Department’s Visa Application System, FBI, or any other agency, as applicable.* *If you are unable to obtain work experience verification from your past employer who is no longer in operation, please contact us immediately for further instructions.* **Name of your current employer:** **Type of business:****Complete Address, including State, Country and Zip Code:** **Name and title of your supervisor:** **Telephone number of your supervisor:** **Start Date:** *(mm/dd/yy)* **End Date:** *(mm/dd/yy)* **Job Title:** **Hours Per Week:** **Job Description:** *(Please be very specific about your duties and responsibilities, including the tools, technologies or special skills that you use in performing your job)* |
| **Name of your previous employer:****Type of business:****Complete Address, including State, Country and Zip Code:****Name and title of your supervisor:****Telephone number of your supervisor:****Start Date:** *(mm/dd/yy)* **End Date:** *(mm/dd/yy)* **Job Title:       Hours Per Week:****Job Description:***(Please be very specific about your duties and responsibilities, including the tools, technologies or special skills that you use in performing your job)* |
| **Name of your previous employer:****Type of business:****Complete Address, including State, Country and Zip Code:****Name and title of your supervisor:****Telephone number of your supervisor:****Start Date:** *(mm/dd/yy)* **End Date:** *(mm/dd/yy)* **Job Title:       Hours Per Week:****Job Description:***(Please be very specific about your duties and responsibilities, including the tools, technologies or special skills that you use in performing your job)* |
| **Name of your previous employer:****Type of business:****Complete Address, including State, Country and Zip Code:****Name and title of your supervisor:****Telephone number of your supervisor:****Start Date:** *(mm/dd/yy)* **End Date:** *(mm/dd/yy)* **Job Title:       Hours Per Week:****Job Description:***(Please be very specific about your duties and responsibilities, including the tools, technologies or special skills that you use in performing your job)* |
| **Name of your previous employer:****Type of business:****Complete Address, including State, Country and Zip Code:****Name and title of your supervisor:****Telephone number of your supervisor:****Start Date:** *(mm/dd/yy)* **End Date:** *(mm/dd/yy)* **Job Title:       Hours Per Week:****Job Description:***(Please be very specific about your duties and responsibilities, including the tools, technologies or special skills that you use in performing your job)**If you have additional employment history which you would like to include, you may provide the information to us in a separate attachment.* |
| **DEPENDENT FAMILY MEMBER PERSONAL INFORMATION SHEET**(use one sheet per family member) |
| **NAME OF FAMILY MEMBER: (Family Name, First, Middle)** **OTHER NAMES USED (i.e. Alias, Nick Name, Maiden Name, etc.):** |
| **DATE OF BIRTH: (Month, Day, Year)** **COUNTRY OF BIRTH:** **PROVINCE OF BIRTH:** **COUNRY OF CITIZENSHIP, LIST ALL, IF APPLICABLE:****U.S. SOCIAL SECURITY #:** **RELATIONSHIP TO THE PRINCIPAL ALIEN:**  |
| **CURRENT ADDRESS IN THE UNITED STATES:****TELEPHONE:** **FAX:** **EMAIL:** **(list additional contact number, if applicable)****FOREIGN ADDRESS:** **(include street address, Apt #, city, state, country, zip code)**  |
| **PASSPORT NUMBER:** **DATE ISSUED:** **DATE EXPIRED:**  |
| **CURRENT IMMIGRATION STATUS AS LISTED ON THE I-94:** **DATE OF LAST ENTRY TO THE U.S.:** **I-94 NUMBER:** **EXPIRATION DATE AS SHOWN ON THE I-94:**  |
| **IMMIGRATION-RELATED QUESTIONS** **Have you ever been employed in the U.S. since last admitted or granted an extension or change of status?** **[ ]  No [ ]  Yes (If yes, explain whom you worked for in Experience History below** **Have you ever worked without permission in the United States?** **[ ]  No [ ]  Yes (If yes, explain)****Have you ever been denied admission to the United States?** **[ ]  No [ ]  Yes (If yes, explain)****Have you ever been denied a visa to the United States?** **[ ]  No [ ]  Yes (If yes, explain)****Have you violated the terms or conditions of your immigration stay?** **[ ]  No [ ]  Yes (If yes, explain)****Are you presently or have you ever been in removal, exclusion, rescission, or deportation proceedings?** **[ ]  No [ ]  Yes (If yes, explain)****Have you ever been ordered deported, excluded or removed from the United States?**  **[ ]  No [ ]  Yes (If yes, explain)****Have you ever been arrested, charged, cited, or convicted for violation of any law, including immigration violation?** **[ ]  No [ ]  Yes (If yes, explain)** **Have you been the beneficiary of a pardon, amnesty, rehabilitation decree, other act of clemency, or similar action?** **[ ]  No [ ]  Yes (If yes, explain)****Have you ever exercised diplomatic immunity to avoid prosecution for a criminal offense in the United States?** **[ ]  No [ ]  Yes (If yes, explain)****Have you received public assistance in the United States from any source?** **[ ]  No [ ]  Yes (If yes, explain)****Have you ever within the past 10 years been a prostitute or procured anyone for prostitution?** **[ ]  No [ ]  Yes (If yes, explain)****Have you ever engaged in any unlawful commercialized vice, including, but not limited to illegal gambling?** **[ ]  No [ ]  Yes (If yes, explain)****Have you knowingly engaged, included, assisted, abetted, or aided any alien to try to enter the United States illegally?** **[ ]  No [ ]  Yes (If yes, explain)****Have you ever illicitly trafficked in any controlled substances, or knowingly assisted, abetted, or colluded in the illicit trafficking of any controlled substance?****[ ]  No [ ]  Yes (If yes, explain)****Have you ever engaged in, conspired to engage in, or do you intend to engage in, sabotage, kidnapping, political assassination, hijacking, or any other form of terrorist activity?****[ ]  No [ ]  Yes (If yes, explain)****Do you intend to engage in the United States in espionage, or any activity a purpose of which is to overthrow the US government by force, violence, or other unlawful means?****[ ]  No [ ]  Yes (If yes, explain)****Have you ever been a member of, or in any way affiliated with, the Communist Party or any other totalitarian party?** **[ ]  No [ ]  Yes (If yes, explain)****Have you ever, by fraud or willful misrepresentation of a material fact, ever sought to procure, or procured, a visa, other documentation, entry into the United States, or any immigration benefit?** **[ ]  No [ ]  Yes (If yes, explain)****Do you plan to practice polygamy in the United States?** **[ ]  No [ ]  Yes (If yes, explain)****Have you ever ordered, incited, called for, committed, assisted, helped with, or other participated in any of the following: acts involving torture or genocide; killing any person; intentionally and severely injuring any person; engaging in any kind of sexual contact or relations with any person who was being forced or threatened; or limiting or denying any person’s ability to exercise religious beliefs?****[ ]  No [ ]  Yes (If yes, explain)****Have you ever been a member, assisted in, or participated in any military unit, paramilitary unit, police unit, self-defense unit, vigilante unit, militia, or insurgent organization?** **[ ]  No [ ]  Yes (If yes, explain)****Have you ever served in any prison, jail, detention facility, labor camp, or any other situation that involved detaining persons?****[ ]  No [ ]  Yes (If yes, explain)****Have you ever been a member of, assisted in, or participated in any group in which you or other persons used any type of weapon against any person or threatened to do so?****[ ]  No [ ]  Yes (If yes, explain)****Have you ever assisted or participated in selling or providing weapons to any person?****[ ]  No [ ]  Yes (If yes, explain)****Have you ever received any type of military, paramilitary, or weapons training?****[ ]  No [ ]  Yes (If yes, explain)** |
| **PETITIONS FOR PERMANENT RESIDENCY****Has a petition for permanent residency ever been filed on your behalf?** **[ ]  No [ ]  Yes, please explain:** |
| **J-1 STATUS****Have you ever held a J-1 status?****[ ]  No****[ ]  Yes. Did/do you have a two-year foreign residency requirement?****[ ]  No****[ ]  Yes****Have you fulfilled two-year foreign residency requirement or have obtained a waiver for this requirement?****[ ]  Yes (attach a copy of the waiver)****[ ]  No (Please explain):** |

**Additional Documentation to Be Submitted by the Alien Worker**

***Please provide the following documentation:***

1. ***A copy of your undergraduate university diploma, transcripts as well as any post-graduate diploma transcripts, if applicable.***
2. ***A copy of your current passport data pages***
3. ***A copy of your I-94, if applicable***
4. ***A copy of all of your immigration related paperwork, such as H-1B approval notice and petition, previous labor certification application filing, etc.***

***I certify that, to the best of my knowledge, the information provided in Part B of this request form is true and accurate.***

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Signature of the Alien Worker Date**

**ADDITIONAL ATTESTATIONS REGARDING LEGAL FEES AND EXPENSES FOR PERM AND GREEN CARD SPONSORSHIP**

I, the named Alien Worker, hereby swear and depose that the statement I am about to make below is true and accurate to the best of my knowledge. This statement is signed under the penalty of perjury under the laws of the United States. I certify that I have not made, and will not make, payments of any kind to EMPLOYER named in this PERM packet or a third party for any activity related to obtaining the permanent labor certification, including payment of EMPLOYER’s attorney’s fees, whether as an incentive or inducement to filing, or as a reimbursement for costs incurred in preparing or filing the permanent labor certification application. I have not made any payments and will not make any payment to EMPLOYER or any third party for the filing of the PERM application and green card sponsorship. I hereby acknowledge my understanding that EMPLOYER is solely responsible for the legal fees and expenses associated with the PERM labor certification application filing, that EMPLOYER should be responsible for the legal fees and filing fees for the filing of I-140 immigrant visa petition since it is EMPLOYER’s petition. I may pay only the legal fee, filing fees and expenses associated with my and my family’s own I-485 adjustment of status applications or immigrant visa applications before the US Embassy.

***I understand that the law prohibits the sale, barter, and purchase of applications and approved labor certifications, as well as payments to EMPLOYER in compensation or reimbursement for the sponsoring me for green card.*** I attest that I have not made, and will not make, payment of any kind to EMPLOYER or any third party to induce EMPLOYER to sponsor me for green card. received and will not receive remuneration of any kind from anyone for sponsoring ALIEN WORKER.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Signature of the Alien Worker Date**

NOTICE ABOUT ADJUSTMENT OF STATUS APPLICATION ONLY

Generally, to qualify for adjustment of status, you must maintain valid nonimmigrant status throughout your entire stay while in the United States. If you have worked without permission or failed to comply with the terms and conditions of your nonimmigrant visa status, you may be ineligible for adjustment of status. Adjustment of status application is the last step in your green card sponsorship. In this step, the USCIS will conduct background check, review your immigration history, employment, and ask you to establish that you have not done anything to violate the terms and conditions of your nonimmigrant status. If you are under a work visa such as H-1B or L-1, you are only eligible to work for your petitioning employer. Working for anyone else will constitute unauthorized employment (working without permission). Once you have worked without permission, you may not be eligible for adjustment of status. There may be other options to remediate this situation. Please discuss with an experienced immigration lawyer about the eligibility for adjustment of status if you have done something in violation of the terms and conditions of your nonimmigrant status.

I certify that I have read and understand the above statement in its entirety.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Signature of the Alien Worker Date**

1. Immigration and Nationality Act [↑](#footnote-ref-1)
2. “you” is referring to your company if your company will be sponsoring an alien worker to work for your company. You, as an individual, may also sponsor an alien worker if you are seeking to hire an alien worker to work for you in your household. [↑](#footnote-ref-2)
3. This packet provides general description of green card sponsorship through PERM application filing only. The packet does not include information for other classifications of green card sponsorship, such as alien of extraordinary ability, outstanding professor/researcher, or national interest waiver, etc. Anyone who is interested in pursuing one of these classifications should consult with an experienced legal counsel. [↑](#footnote-ref-3)
4. *or equally qualified in the case of an alien is a member of the teaching profession in university/college, or who has exceptional abilities in the sciences or arts* [↑](#footnote-ref-4)
5. The processing time may vary from time to time. Factors such as recruitment responses, special job requirements and/or foreign language requirement, etc. may contribute to longer processing time. [↑](#footnote-ref-5)
6. A part-time position is ineligible for green card sponsorship. [↑](#footnote-ref-6)
7. If an I-140 visa petition that you have filed for the alien worker has already been approved and that the alien worker’s I-485 application has been pending with the USCIS for at least 180 days, the alien worker may continue the green card process without your support. [↑](#footnote-ref-7)