

## Overview of the EB-2/EB-3 Employment-Based Green Card Process

There are three stages involved in the green card process, each stage involves a separate filing.

### Stage 1: Alien Labor Certification Application (PERM)

**Costs – Advertising/Recruitment: Between \$500 - \$1,500**

**\*Attorney's Fee \$3,000**

The first stage is the application for Alien Labor Certification (PERM). During this stage we will be dealing with the Department of Labor (“DOL”). The first step is to finalize the position (job duties and requirements) you wish to file for the alien. Second, we submit a prevailing wage determination to the DOL. Third is recruitment, where the employer is required to advertise the position in various sources. After recruitment is complete, we can move forward with submitting the Alien Labor Certification Application with the DOL for certification. Once Certified we then move to the second stage of the Green Card process, the I-140. The PERM process takes (on average) anywhere from 6 months to 1.5 years from start to finish.

*\*All fees for Stage 1, Alien Labor Certification Application (PERM) must be paid by the Employer as per DOL regulations.*

### Stage 2: I-140 – Immigrant Petition: Employer

**Costs – USCIS Filing Fee \$700**

**Attorney's Fee \$1,500**

The second stage involves dealing with the Department of Homeland Security (“DHS”). The Employer files an I-140, Immigrant Petition on behalf of the alien for a permanent position after receiving PERM certification. The employer is required to submit either a federal Tax Return, audited financial statements, or annual report at this stage to demonstrate the ability to pay. From the individual we will need experience letters from previous employers as well as education documents (degrees and transcripts; and education evaluation may also be required). The I-140 can be premium processed (additional \$2,500 USCIS Filing Fee) which guarantees an approval or RFE within 15 calendar days. Regular processing times vary but are usually between 4-8 months.

### Stage 3: I-485 (if in U.S.) - Application to Adjust Status: Beneficiary

OR Consular Processing (outside U.S.): Beneficiary

**Costs – USCIS Filing Fee, \$1,225 per family member (dependent upon age), applicable only if in U.S.**

**Attorney's Fee \$1,500 for main applicant and \$1,000 for each additional family member**

The final stage of the Green Card process also involves dealing with DHS. The individual will file an I-485 application to adjust his/her status in the U.S. from temporary to permanent. The individual must submit all his/her personal documents such as birth and marriage certificates. The individual will also need to obtain a medical report. Please note that each member of his immediate family will also be filing for adjustment of status. The I-485 can be filed concurrently with the I-140 if the priority date is current.

If the individual is outside the U.S.; they will need to go through Consular Processing; first the National Visa Center will process information and then the case will be transferred to the appropriate U.S. Consulate abroad for the interview. Once approved, the individual will enter the U.S. on an immigrant visa and the green card will follow in the mail. For both processes the Company will be required to submit an employment verification letter.

If the individual is in the U.S. while the Green Card application is pending, the individual is eligible for an EAD (Employment Authorization Document). The EAD will allow the individual to work and can be renewed on a yearly basis until the Green Card is issued. If the individual may also obtain an Advance Parole document to allow them to travel outside the U.S. while the green card is pending.

*The attorney's fee for the entire green card process is \$6,000, plus \$1,000 for each family member at the I-485/Consular Processing stage. The first \$3,000 is payable in advance and the balance is payable prior to the filing of the last two applications. Please note that the attorney's fee does not include any filing fees, advertisement fees, or any other out of pocket expenses such as postage. The above time frames are an estimate and not a guarantee.*