Prior to the U.S. Citizenship and Immigration Services ("USCIS") granting employment based permanent residence to a professional foreign employee, the USCIS requires the petitioning employer to first conduct good faith recruitment efforts prior to filing an application for Labor Certification with the U.S. Department of Labor ("DOL").

**Step 1. PERM Labor Certification**

The PERM program is an attestation and audit process requiring UCR to conduct advertising and recruitment before filing the labor certification, demonstrating that there are no able, willing qualified and available U.S. workers to perform the job, and that the employment of the staff member will have no adverse effects on the wages and working conditions of similarly-employed U.S. workers.

The department must place two (2) Sunday advertisement (which may be consecutive) in the local newspaper of general circulation in the area of intended employment, and a job order with the appropriate State Workforce Agency (SWA) for 30 days. Departments must post a notice of the job opportunity at the location of employment for ten (10) consecutive business days or provide such notice to a certified collective bargaining unit representative, if any, in the location of intended employment. The notice must also be published in any and all in-house media in accordance with the normal procedures used for the recruitment of other similar positions.

In addition, for professional occupations, the department must take three (3) additional recruitment steps from the following alternatives (1) job fairs; (2) UCR’s website (3) job search websites other than UCR’s (4) on campus recruiting; (5) trade or professional organizations; (6) private employment firms; (7) employee referral program with incentives; (8) campus placement offices; (9) Local and ethnic newspapers; and (10) radio and television advertising.

If the job requires experience and an advanced degree, and a professional journal normally would be used to advertise the job opportunity, the department may, in lieu of one of the Sunday ads, place an advertisement in the professional journal.

The department must maintain copies of all resumes received. All applicants that appear to meet the minimum qualifications, as designated on the Labor Certification application, must be interviewed. Detailed notes about the attempts to contact applicants and results. All documents pertaining to the recruitment process, including resumes and interview notes, must be kept for five years after the filing of the labor certification.

**Step 2. Immigrant Visa Application (Form I-140)**

With the approved Labor Certification, UCR’s approved attorney files an I-140 Immigrant Visa petition USCIS Service Center. In support of the I-140, UCR must provide evidence of financial ability to compensate the staff member at the stated rate of pay. Staff member must provide evidence (academic
Step 3. **Adjustment of Status – Form I-485** (Finalizing the application for permanent residence)

The I-485 Adjustment of Status may be filed concurrently with the I-140 Immigrant Visa petition. This is an application to adjust status from non-immigrant status (e.g., H-1B) to permanent resident status while the faculty member (and family, if applicable) remains in the United States. The faculty member and qualifying immediate family members (spouse and unmarried minor children) may apply for work authorization and travel documents while their I-485 applications are pending with the USCIS.

At the time of filing the Form I-485 application(s), the faculty member and his/her qualifying family members may apply for employment authorization cards (EAD), which usually require 90 days for adjudication. Typically, faculty member in H-1B status would not need the EAD since the H-1B provides work authorization. At the time of filing the Form(s) I-485, the faculty member and family members may also apply for travel documents (Advance Parole) prior to leaving the United States for temporary travel outside the country. Individuals with nonimmigrant visas other than H-1B/H-4 must always obtain an advance parole before travel abroad during the period the I-485 is pending. Without their valid/unexpired advance paroles, they will not be admitted into the United States upon return after foreign travel. Furthermore, their adjustment of status applications will be deemed abandoned.

The EAD cards and advance paroles are typically valid for one year. If the adjustment of status applications is not approved within the one-year period, the faculty member and his family members may apply for extensions of their EAD cards and travel documents.

Please note that if immigrant visa numbers are **not** available (based on the faculty member’s employment-based classification and country of chargeability), the I-485 Application to Adjust Status cannot be filed simultaneously with I-140 Immigrant Visa petition (Form I-140). This is called visa retrogression. The faculty member must wait for visa numbers to become available before filing the I-485 application.

**H-1B Visa Extensions beyond the 7th Year**

An H-1B visa holder can obtain a yearly extension of an H-1B visa after the sixth year cap date if a labor certification or I-140 Immigrant Visa Petition, designating the H-1B faculty member as the beneficiary, has been pending for at least 365 days. In addition, an H-1B faculty member with an approved I-140 petition, who is unable to file the I-485 Application to Adjust Status because of visa retrogression, can extend the H-1B until a decision on the I-485 Application to Adjust Status is made.