

AN OVERVIEW OF THE LABOR CERTIFICATION PROCESS (Professional Positions) by Fong & Chun, LLP

Department of Labor

STAGE ONE: (1) ADVERTISING

2 Sunday ads

3 of 5 additional ads

30 days on caljobs.ca.gov

local or ethnic paper

professional job search engine

career fair

career placement center

internal employee referral program

radio ad

(2) 30 QUIET PERIOD

Finalize recruitment report

File online ETA 9089 within 180 days since the first advertisement and no sooner than 30 days of the last advertisement

USCIS

STAGE TWO: I-140

company financials

W-2s and paycheck stubs

letter of support from company

USCIS

STAGE THREE: I-485

Is the case an EB-2 or EB-3?

EB-2

File I-485 with I-140 if visa bulletin is current

Employment authorization card to be issued to primary applicant, spouse and dependents within approximately 3-4 months after I-485 is filed

Advance parole to be issued to primary applicant, spouse and dependents within approximately 3-4 months after I-485 is filed

Eb-3

File I-485 when priority is current (could be 5-7 years from date of your labor certification submission!)

Applicant must maintain H-1B or other work-based status until I-485 can be filed and is approved

No employment authorization issued until priority date is current and I-485 can be filed

No advance parole issued until priority date is current and I-485 can be filed