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Foreign Labor Certification Questions and Answers

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Submitted by Chief Editor on Nov 6th 2013

1. What is the Foreign Labor Certification Process? 2. How long will the employment-based visa process take? 3. Are there any employment-based immigration fees? 4. How do I find out the status of my permanent case?

ANSWER:

1. The actual process for the Foreign Labor Certification varies depending upon the program being used. This <http://www.foreignlaborcert.doleta.gov> [2] website contains information regarding the process for filing for each of the programs under the Department of Labor's (DOL) jurisdiction. The filing of applications is the responsibility of the employer, not the employee. However, the employee can benefit from understanding the program being utilized in his/her behalf. In general the Department of Labor works to ensure that the admission of foreign workers to work in the U.S. will not adversely affect the job opportunities, wages and working conditions of U.S. workers. Once a Foreign Labor Certification application has been approved by the DOL, the employer will need to seek the immigration authorization from USCIS.

2. Depending upon the nature of the program the process for filing could vary between months and years. To be of assistance, we have provided on our Web site the current processing times [3] in the DOL regions and states. Currently, the process to obtain an employment based temporary labor certification (H-2A, H-2B) usually may take months through the state agency and the DOL regional office. However, H-1B processing usually only takes seven working days. The process to obtain an employment based permanent labor certification can sometimes take up to several months after completing the necessary recruitment steps and filing the application with the National Processing Center. The PERM Processing Times are updated monthly and available for view at <http://icert.doleta.gov> [4].

For the employment-based permanent visa, the USCIS may take up to an additional 9 months to process the request. USCIS will provide "premium processing" [5] for some visa categories with an additional fee.

3. Most programs administered by the DOL do not charge fees for a foreign labor certification. Every program does, however, require fees be paid to the USCIS upon filing an application for a visa or greencard. See the individual program (H-2A [6]) for details regarding DOL fees. See the USCIS [7] site for details regarding USCIS fees.

4. An employer should pro-actively and regularly, advisably once a month or less, monitor the status of an electronically filed labor certification application via the Permanent Case Management System, and compare its filing date, i.e., the date the application was submitted for processing, to the PERM processing times posted on the iCERT Visa Portal System (<http://icert.doleta.gov/> [4]). If there is more than a 30-day difference between the employer's filing date and the PERM processing time, the employer may contact the National Processing Center (NPC) for a status update.

An employer who filed a labor certification application via mail may contact the National Processing Center's Help Desk at 404-893-0101 for a status update.

Unless the context shows otherwise, all answers here were provided by [Rajiv](#) [8] and were compiled and reported by our editorial team from comments and blog on [immigration.com](#) [9]

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Links:

[1] <https://immigration.com/faq/employment-based-green-cards/foreign-labor-certification-questions-and-answers>

[2] <http://www.foreignlaborcert.doleta.gov/>

[3] <http://icert.doleta.gov/#fragment-2>

[4] <http://icert.doleta.gov/>

[5] <http://www.foreignlaborcert.doleta.gov/leave-doleta.cfm?http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=79ef7>

[6] <http://www.foreignlaborcert.doleta.gov/h-2a.cfm>

[7] <http://www.foreignlaborcert.doleta.gov/leave-doleta.cfm?target=tinyurl.com/y3ffyd>

[8] <http://www.immigration.com/law-offices-rajiv-s-khanna-pc>

[9] <http://www.immigration.com>

[10] <https://immigration.com/JavaScript%3Avoid%280%29%3B>