

ELLIS PORTER

EMPLOYER-BASED IMMIGRATION

The PERM Stage Tracker

Every stage of a PERM labor certification, the rule behind each deadline, and space to record your own dates and case numbers.



Prepared by the Ellis Porter content team. This tracker has not been reviewed by an attorney for your specific situation. It is general information, not legal advice; your employer's immigration counsel runs the PERM process. Details checked against Department of Labor sources in October 2026.

YOUR CASE AT A GLANCE

Record your numbers

PERM is the Department of Labor (DOL) labor certification behind most EB-2 and EB-3 employer-sponsored green cards. A case usually has two DOL numbers: one for the wage request and one for the PERM application itself.

PREVAILING WAGE CASE NO.

Format: P-XXX-XXXXX-XXXXXX

PERM CASE NO.

DOL's example: G-100-12345-123456

PRIORITY DATE

The date DOL accepted the PERM

Check status free, without an account, at flag.dol.gov/case-status-search. Your priority date is set by 8 CFR 204.5(d).

Stage 1: Prevailing wage determination

The employer files Form ETA-9141. The determination is required before PERM is filed, and under 20 CFR 656.40(c) it is valid for between 90 days and one year; the employer must file or begin recruitment within that window.

REQUESTED

DETERMINATION ISSUED

VALIDITY ENDS

Stage 2: Recruitment (professional jobs)

Under 20 CFR 656.17(e): a 30-day state job order, ads on two different Sundays, and three additional recruitment steps. The mandatory steps must occur at least 30 and no more than 180 days before filing. Under 20 CFR 656.10(d), the notice of filing is posted for at least 10 consecutive business days, between 30 and 180 days before filing.

- ☐ State job order (30 days) Start: _____ End: _____
- ☐ Sunday ad 1: _____ Sunday ad 2: _____
- ☐ Additional steps 1 / 2 / 3: _____ / _____ / _____
- ☐ Notice of filing posted: _____ to _____

FILING AND REVIEW

Stage 3: Filing Form ETA-9089

Filing opens 30 days after the last mandatory recruitment step and must happen within 180 days of the first. Once DOL accepts the application, that date becomes your priority date.

EARLIEST FILING DATE

LATEST FILING DATE

FILED

Stage 4: DOL review, and a possible audit

DOL analyst review is the longest single stretch, and no fee shortens it. Under 20 CFR 656.20, DOL can select a case for audit based on its content or at random; the employer gets 30 days to respond, with one possible extension of up to 30 days. DOL publishes which month's filings it is working on at flag.dol.gov/processingtimes. Check it monthly rather than relying on an old estimate.

AUDIT RECEIVED (IF ANY)

RESPONSE DUE

DECISION

Stage 5: The I-140, within 180 days

Under 20 CFR 656.30(b), the certification expires if the employer does not file Form I-140 within 180 days. Premium processing is a USCIS option for the I-140, not for PERM itself. The I-140 is filed in EB-2 or EB-3; the PERM process is the same for both.

CERTIFIED

I-140 DEADLINE (180 DAYS)

I-140 FILED

AFTER CERTIFICATION

Waiting for your priority date

The wait for a green card number depends on the category and your country of birth, shown each month in the Visa Bulletin. USCIS posts which Visa Bulletin chart employment-based applicants must use to file for adjustment of status on its adjustment filing charts page. For some countries, this wait is far longer than PERM itself.

What can change your timeline

- ☐ **The October 2026 suspension.** On October 8, 2026, the administration announced that DOL would not accept new PERM applications from, or process pending ones for, Microsoft, Adobe, Cognizant, Infosys, Tata Consultancy Services, Wipro, HCL, and Capgemini. PERM continues for all other employers.
- ☐ **A proposed wage rule.** DOL's March 27, 2026 proposed rule would raise the prevailing wage levels for PERM and H-1B. As of October 2026 it was not final.
- ☐ **Changing jobs.** Moving employers before the right point can mean starting PERM over. Talk to counsel before you resign.

Notes

Weighing PERM against a self-petition?

EB-1A and the EB-2 National Interest Waiver do not require PERM. An Ellis Porter attorney can tell you whether your profile fits: lp.ellisporter.com

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