

# SERVICES

## Green Cards

Butzel has a comprehensive and diverse Immigration Practice Group with experience representing clients pursuing employment based and family based permanent residency. Our attorneys have assisted clients in PERM applications (Labor Certification) since its implementation in 2005. Prior to PERM, Butzel's immigration attorneys represented clients pursuing Labor Certification under the traditional labor certification method.

The services Butzel attorneys provide are tailored to each clients needs and a thorough understanding of immigration laws and processes. Our professionals have the capacity to provide full service assistance with the PERM process or work with the client in providing guidance so that they have the ability to be hands-on, if that is their preference.

Butzel has a comprehensive and diverse Immigration Practice Group with experience representing clients pursuing employment based and family based permanent residency in the US (known as the green card). Our attorneys have extensive experience in obtaining Lawful Permanent Resident (LPR) status for employees of companies who sponsor them in the following classifications: Extraordinary Ability, Outstanding Researchers and Professors, Multinational Executives/Managers, and classifications for Foreign Nationals with advanced degrees or skilled professionals who require alien labor certification as a first step in the green card process. Where Labor Certification is required, our team provides guidance and counseling concerning all aspects of the PERM process so that the employer can conduct its recruitment and review in accordance with the applicable regulations.

We have substantial experience in obtaining family-based Permanent Resident Status for those foreign nationals who pursue LPR status through marriage to a US citizen or through other immediate family members, and we assist with removing conditions on residency in applicable matters.

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Our attorneys work with the U.S. Citizenship and Immigration Services ("USCIS"), US Customs and Border Protection ("CBP"), US Immigration and Customs Enforcement ("ICE"), US Department of Labor ("DOL"), National Visa Center ("NVC") and US Department of State ("DOS"), where consular processing is required, such as in immigrant visa processes where the foreign national will apply to become and LPR overseas at a US Consulate or Embassy, throughout the LPR process.

### **Permanent Residence Process Where Labor Certification (PERM) Is Required**

Most employment-based green card processes must follow a three-step process:

1. Employer conducts recruitment for the position being offered to the foreign national, as specified in the applicable regulations, and then files a labor certification application (PERM) electronically with the DOL
2. Once the DOL certifies the PERM, the Employer files Form I-140, Immigrant Petition for Alien Worker with USCIS and
3. Foreign national files Form I-485, Application to Register Permanent Residence or Adjust Status, (I-485 Application) with USCIS (available if the foreign national is already in the US in a valid immigration status), or proceeds with consular processing of an immigrant visa at a US embassy or consulate overseas.

A certified PERM is a finding by the DOL that there are not sufficient US workers who are able, willing, qualified, and available to do a specific job that is being offered to a non-US worker. The PERM details the terms and conditions of the offered position including the minimum education and experience requirements for the position.

### **Permanent Residence Process Without Labor Certification (PERM) Requirement**

If a foreign national qualifies for a particular immigrant petition category that does not require undergoing the labor certification process first, then the green card process commences at the second step with the employer filing the Form I-140 Immigrant Petition for Alien Worker. Employment-based categories that do not require labor certification include the following:

- **Foreign Nationals with Extraordinary Ability**
- **Outstanding Researchers and Professors**
- **Multinational Managers and Executives**
- **Foreign Nationals who obtain National Interest Waivers**
- **Schedule A Occupation**

### **Adjustment of Status (AOS)**

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The final stage of the green card process consists of the foreign national (the beneficiary of the Form I-140 Immigrant Petition) filing the I-485 Application with the USCIS. The foreign national's spouse and minor children (under 21) may also file their I-485 Applications as dependents of the foreign national (principal applicant). Foreign nationals must be physically present in the US to be able to file the I-485 Application and an immigrant visa must be available (current for processing under the DOS monthly Visa Bulletin). Foreign nationals who are outside of the US must proceed with consular processing. If an immigrant visa is available under the DOS Visa Bulletin, the I-140 Immigrant Petition and the I-485 Application may be filed concurrently with the USCIS. If an immigrant visa is not available, then the I-140 Immigrant Petition may be filed, but the I-485 Application must wait until a later date when an immigrant visa in the foreign national's immigrant visa category becomes available under the DOS Visa Bulletin.