

U.S. Department of Labor Issues Fact Sheet Outlining Review of its PERM Labor Certification Program

Article By:

Robert Neale

The U.S. Department of Labor has issued a “Fact Sheet” on its plans to initiate a review of its PERM Labor Certification Program and accompanying regulations. The review is being conducted as part of President Barack Obama’s recent efforts through Executive Action to reform the country’s immigration system.

The DOL noted that it has not conducted any comprehensive review or major modifications to the labor certification requirements and processes since the inception of its on-line PERM program more than 10 years ago. It pointed out that advances in technology and information dissemination have dramatically changed common industry recruitment practice, and existing regulatory requirements governing the PERM recruitment process may not align with worker or industry needs and practices.

As part of its review, the DOL will seek input from the public on how its current regulations can be modernized to be more responsive to changes in the U.S. labor force. It stated that it will be seeking input in the following areas:

1. Options for identifying labor shortages and surpluses and methods for aligning domestic worker recruitment requirements to those shortages and surpluses.
2. Methods and practices to modernize U.S. worker requirements.
3. Processes to clarify employer obligations to ensure PERM positions are open to U.S. workers.
4. Ranges of case processing timeframes and possibilities of introducing a premium processing program.
5. Application submission and review process and feasibility for efficiently addressing nonmaterial errors.

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