



Secretary of Labor Thomas E. Perez



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Fact Sheet: Department of Labor to Pursue Modernized Recruitment and Application Requirements for the PERM Program

This year marks the 10th anniversary of the PERM regulations, which govern the labor certification process for the permanent employment of immigrant foreign workers and establish responsibilities of employers who wish to employ these workers permanently in the United States. Before the Department of Homeland Security may approve certain petitions and the Department of State may issue visas and admit certain individuals to work permanently in the United States (U.S.), the Secretary of Labor must certify to the Secretaries of Homeland Security and State that (a) there are not sufficient U.S. workers who are able, willing, qualified, and available at the time of application in the place where the individual is to perform the work, and that (b) the employment of the individual will not adversely affect the wages and working conditions of similarly employed U.S. workers.

The Department has not comprehensively examined and modified the permanent labor certification requirements and process since their inception ten years ago. Over the last ten years, much has changed in our country's economy affecting employers' demand for workers as well as the availability of a qualified domestic labor force. This past fiscal year, employers submitted over 70,000 PERM applications requesting foreign workers. The majority of those job openings were for professional occupations in the Information Technology and Science fields.

Over time, demands for labor have increased, and surpluses for various types of workers have changed. Advances in technology and information dissemination have dramatically altered common industry recruitment practices, and the Department has received ongoing feedback that the existing regulatory requirements governing the PERM recruitment process frequently do not align with worker or industry needs and practices.

To respond to change, the Department will be initiating a review of the PERM program and relevant regulations. As part of this review, the Department will seek input on the current regulation, including how it could be modernized to be more responsive to changes in the national workforce. Specifically, the Department will seek input on the following:

- Options for identifying labor force occupational shortages and surpluses and methods for aligning domestic worker recruitment requirements with demonstrated shortages and surpluses;
- Methods and practices designed to modernize U.S. worker recruitment requirements;
- Processes to clarify employer obligations to insure PERM positions are fully open to U.S. workers;
- Ranges of case processing timeframes and possibilities for premium processing; and
- Application submission and review process and feasibility for efficiently addressing nonmaterial errors.

ETA may also examine other aspects of the existing PERM regulations to further align the program design with the objectives of the U.S. immigration system and needs of workers and employers, and to enhance the integrity of the labor certification process.