

PERM UPDATE: NOVEMBER 2008



by

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Recent information from the Department of Labor (DOL) offers the following insights with respect to the PERM labor certification program:

1. Our country's current economic and employment crises have led to the increased scrutiny of pending and newly-filed PERM labor certification cases. The DOL has indicated that, in order to determine whether an application is justifiable, it will closely review PERM applications from companies who have recently downsized or laid off employees. In these cases, the DOL will not only assess the availability of U.S. workers for the proffered position, but may require supervised recruitment for the position.
2. The DOL is currently processing routine PERM cases filed in March 2008, and audited PERM cases filed in July 2007. The DOL is currently working on appellate cases filed in December 2006. The DOL is currently expanding staffing at the Atlanta National Processing Center in order to improve processing times.
3. As of September 2008, approximately one-third of all pending PERM cases were being audited.
4. DOL has confirmed its decision to deny all PERM cases in which the petitioning employer fails to include the employer's name on the required Notice of Posting. Employers will not be given a chance to amend this error or re-post the Notice of Filing.
5. It is anticipated that a new PERM system will be launched in early 2009. The new system will make it easier for both employers and attorneys representing employers to register to file PERM applications. Under the new system, both employers and attorneys will be able to register for user accounts in order to file PERM applications. Under the current system, the employer must register an account for its attorney in order for the attorney to assist in the filing of the PERM application. Employers will continue to receive email verification from the DOL when a PERM application is filed on behalf of their company.
6. Email filters, including spam or junk-mail filters, is the reason for the majority of delays in the PERM online system registration process. Employers should either

disable their email filters or routinely check their spam mail or junk mail folders for emails from the DOL regarding their registration.

7. The DOL will continue to call employers to verify the filing of a PERM labor certification case if the employer does not respond to email correspondence within the required timeframe.

Stay tuned to www.longchangoonline.com for additional updates regarding the PERM labor certification system.

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