



DOL to Study Ways to Improve Perm Labor Certification Program

Pursuant to President Obama's executive action announced on November 20, 2014, the U.S. Department of Labor (DOL) has announced that the department will review the department's PERM labor certification program in order to find ways to modernize the program so that it will be more responsive to changes in the national workforce.

The DOL issued a Fact Sheet listing areas in which the department will seek input concerning how the PERM program might be improved:

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

Procedures that would allow for more rapid, "premium processing" of PERM applications and for the efficient correction of nonmaterial errors would help to streamline the PERM labor certification process and an individual's overall permanent residency process. Such measures could also reduce the cost of the process for employers. The timeline for implementation of these and other measures is unclear, but likely late 2015, or possibly even into 2016.

The DOL has also indicated that additional steps may be taken to further align the program design with the objectives of the U.S. immigration systems and the needs of both workers and employers. Recently the DOL also announced the creation of an interagency working group charged with identifying policies and procedures to promote more consistent enforcement of federal immigration and labor laws, and to improve the worker protections afforded to all workers in the U.S. While employers wait expectantly for a more streamlined and efficient labor certification process, it is possible that such improvements may be tied to, or accompanied by, additional enforcement mechanisms.

As always, Foster will continue to monitor changes in requirements and procedures that impact on immigration-related benefits and requirements and will provide future updates via our firm's website at www.fosterglobal.com.