



Practice Pointer

Why You Should Use the PERM Case Management System to Respond to PERM Audits

By AILA's Department of Labor Liaison Committee¹

AILA's Department of Labor ("DOL") Liaison Committee met with DOL's Office of Foreign Labor Certification ("OFLC") on September 26, 2018. Among the topics discussed during that meeting was the use of the PERM Case Management System ("CMS") for submitting PERM audit response.² By way of background, the CMS is located at <https://www.plc.doleta.gov/> and allows for direct uploading of documents relating to PERM applications, including the submission of audit responses, requests for reconsideration, and other documentation associated with a pending PERM application. It serves as an alternative to mailing in or e-mailing such documents, and it provides an instant confirmation that the documents have been received. OFLC has been encouraging practitioners to file electronically via CMS and avoid paper filings, as paper filings require that analysts input data gathered from the paper filings manually. This not only introduces the possibility of human error but also increases overall processing times. For this reason, AILA's DOL Liaison Committee also recommends that members use CMS to file PERM audit responses.

OFLC has invested significant resources to permit practitioners to respond to audits via their CMS. OFLC has also provided training to stakeholders on how to use CMS.³ Despite OFLC conducting many public engagement activities, the number of practitioners using CMS is still low. OFLC has also noted that, of those petitioners filing audit responses, many are filing the responses via multiple processes (i.e. CMS, email, and paper filing). Members should note that filing audit responses through more than one procedure ultimately wastes OFLC resources and results in slower processing times overall.

The proper use of CMS has several benefits:

1. **All documents submitted to OFLC must be loaded electronically, so using the CMS removes work from OFLC's already high workload.**

Analysts at OFLC work remotely. Therefore, all paper documents filed with OFLC must be electronically uploaded into the system. Having practitioners upload the audit response

¹ See AILA DOL Liaison Committee Homepage <https://www.aila.org/about/leadership/national-committees/agency-liaison/dol-liaison-committee>. Special thanks to AILA DOL Liaison Committee member Vincent Lau for his contributions to this practice pointer.

² See AILA Notes from DOL PERM/H-1B Stakeholder Meeting (9/26/18), AILA Doc. No 18102243, <https://www.aila.org/infonet/notes-dol-perm-h-1b-stakeholder-meeting-9-26-18>.

³ See DOL Presentation from Webinar on PERM Audit Response Submission Practice Tips, AILA Doc. No 17071731. See also AILA AILA Practice Pointer: Guide for Using the PERM "Upload Documents" Feature, AILA Doc. No 18011661, <https://www.aila.org/infonet/practice-pointer-guide-for-using-perm-upload-docs>.

documents into the CMS saves time and allows the analyst to work on a decision more quickly and helps keep processing times lower.

2. **Uploading PERM audit responses via CMS offers immediate confirmation that the documents have been received.**

One of the most common reasons given by members for filing PERM audit responses through more than one process is uncertainty if the documents were properly uploaded. Please note that once the documents are uploaded into CMS, practitioners will receive an email confirmation. If you do not receive this confirmation email from OFLC, please check your email spam filter. Additionally, through CMS, practitioners can access the PERM application account and review what documents are uploaded. This provides two easy and assured ways of knowing whether the documents have been properly uploaded and attached to the case.

OFLC has indicated that while a practitioner should try to upload documents according to the appropriate type of document, what matters most is that the documents are uploaded. Even if you categorize a document incorrectly, the analyst will still be able to access it. OFLC has assured AILA's DOL Liaison Committee that this will not negatively impact the outcome of the case.

3. **Submitting an audit response using one method reduces the capacity for human error for both OFLC and the practitioner.**

As previously noted, submitting an audit response through CMS reduces the potential for human error. Practitioners may further reduce human error by refraining from filing a response through more than one method. When a response is filed simultaneously through more than one method, it usually means that the analyst must take the time to review two or even three sets of response documents. In this scenario, the capacity for error is not only on OFLC's side, but also on the practitioner's side, as inconsistencies among the different responses may be inadvertently introduced. This will require the analyst to issue a Request for Information ("RFI") for clarification. RFIs will only delay cases and may result in a denial based on inconsistent information.

AILA's DOL Liaison Committee joins OFLC in encouraging practitioners to utilize the CMS upload feature when filing PERM audit responses. When used properly, filing through CMS ensures a more streamlined process and reduces the likelihood for human error. Please report any issues with the CMS system to AILA's DOL Liaison Committee via the committee's homepage on the AILA website.⁴

⁴ See AILA DOL Liaison Committee Homepage <https://www.aila.org/about/leadership/national-committees/agency-liaison/dol-liaison-committee>.