

# Disclaimer



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# PERM Labor Certification Program

## *PERM Audit Response Submission and Practice Tips*

August 16, 2017

**Office of Foreign Labor Certification  
Atlanta National Processing Center  
Employment and Training Administration  
United States Department of Labor**

# Department of Labor: PERM Program



# Department of Labor: PERM Program *Presenters*



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## Section I

# Potential Audit Triggers



## Business Necessity Concerns

### Audit Reason

### Applicable Regulatory Citation

Job opportunity requirements

20 CFR § 656.17 (h)(1),  
20 CFR § 656.17 (h)(4)

Foreign language requirement

20 CFR § 656.17(h)(2)

Combination of occupations

20 CFR § 656.17(h)(3)

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| <b>Audit Reason</b>   | <b>Applicable<br/>Regulatory Citation</b> |
|---|---|
| Analysis of the actual minimum requirements for the job opportunity | 20 CFR § 656.17(i)                        |
| Live-in requirements  | 20 CFR § 656.17(j)(2),<br>20 CFR § 656.19 |
| Multiple Filings  | 20 CFR § 656.17(d)(4)                     |
| Layoffs   | 20 CFR § 656.17(k)                        |





## Section II

# Review of Audit Notification Letters



## Audit Notification Letters

- Two Main Letter Formats:
  - 20 CFR § 656.17
  - 20 CFR § 656.18
- If you receive the **wrong letter type** for your case, contact the Help Desk at [plc.atlanta@dol.gov](mailto:plc.atlanta@dol.gov) and include the Case Number in the subject line.
- Review and respond to each request for information or documentation.



## Requested Information for 20 CFR §656.17 Audit Letters

- Copies of the Notice of Filing documentation as outlined in 20 CFR § 656.10(d).
- All recruitment documentation as outlined in 20 CFR § 656.17(e).



## Requested Information for

## 20 CFR §656.17 Audit Letters, Continued

### Practice Tips:

- ✓ Appropriate responsive documents vary based on whether the job opportunity is for a professional or nonprofessional position.
- ✓ Make sure scanned documents are clear and legible and contain newspaper name and date.
- ✓ Submit readable newspaper ads.



## Requested Information for 20 CFR §656.17 Audit Letters, Continued

### Practice Tips, Continued:

- ✓ Highlight or circle the actual ad on the newspaper without obstructing the content.
- ✓ Submit dated copies of ads.
- ✓ Include URL on any website postings.



## Requested Information for 20 CFR §656.17 Audit Letters, Continued

- Provide a recruitment report as described in 20 CFR § 656.17(g)(1) that is signed by the employer or the employer's contact describing:
  - The recruitment steps undertaken and the results achieved,
  - The number of hires, and
  - If applicable, the number of U.S. workers rejected, summarized by the lawful job related reasons for such rejections.



## Requested Information for 20 CFR **§656.17** Audit Letters, Continued

- For all U.S. workers who applied for the employer's job opportunity listed on the ETA Form 9089, the Recruitment Report provides the following information:
  - Whether the applicant(s) was interviewed; and
  - Copies of the resumes and completed employment applications.



## Practice Tips for Recruitment Reports

- ✓ In order for the Certifying Officer to determine whether a U.S. applicant is able, willing, qualified and available for the job opportunity, the employer must provide the following information in its recruitment report:
  1. The total number of U.S. applicants who applied for the job opportunity;
  2. The total number of U.S. applicants hired for the job opportunity; and, if applicable,
  3. Provide the total number of U.S. applicants who were rejected based on the lawful job-related reason(s) under each category for rejection.





## Practice Tips for Recruitment Reports, Continued

- ✓ A chart or listing with all the U.S. applicant's names and all other applicable information assists the Certifying Officer in reviewing large numbers of applicants.
- ✓ Organize resumes as listed in the Recruitment Report.



## **Practice Tips for Recruitment Reports, Continued**

- ✓ Clearly indicate whether an applicant was interviewed or not.
- ✓ Indicate the total number of U.S. applicants who were interviewed for the job opportunity.
- ✓ List the names of each U.S. applicant rejected under each category.



## **Practice Tips for Recruitment Reports, Continued**

- ✓ Categories need to be unique to each reason or multiple reasons for rejection.
- ✓ For example, a U.S. applicant who does not possess the minimum educational requirement should be classified and counted under a rejection category entitled “applicants who lack required education.” If a second U.S. applicant likewise did not possess the minimum educational requirement but was also rejected for not possessing the special skill requirements under Section H-14, that U.S. applicant should be classified and counted under a separate category entitled “applicants who lack required education and special skills.”



## **Practice Tips for Recruitment Reports, Continued**

- ✓ Categorizing the employer's recruitment results in this manner will enable the Certifying Officer to clearly establish the reason for disqualification of each U.S. applicant and avoid the need for additional information requests. If the total number of U.S. applicants rejected does not equal the total number of U.S. applications received, the application may be denied.



## Requested Information for 20 CFR §656.17 Audit Letters, Continued

- Provide employment applications, pre-screening questionnaire(s), test(s), and any other assessment tools used for the job opportunity.
- If the employer rejected U.S. applicant(s), please provide documentation explaining why the U.S. applicant(s) could not have attained the skills necessary to perform the duties listed in Section H-11 of the ETA Form 9089 during a reasonable period of on-the-job training.



## Requested Information for 20 CFR §656.17 Audit Letters, Continued

### Standard Applied:

Pursuant to 20 CFR § 656.24(b), the Certifying Officer **must consider a U.S. worker able and qualified** for the job opportunity if the worker, by **education, training, experience or a combination thereof**, is able to **perform in the normally accepted manner the duties** involved in the **occupations as customarily performed by other U.S. workers similarly employed**. A **U.S. worker is able and qualified** for the job opportunity if the worker can acquire the skills necessary to **perform the duties involved in the occupation** during a **reasonable period of on-the-job training**.



## Requested Information for 20 CFR §656.17 Audit Letters, Continued

- If the employer rejected any applicant on the ground that they are not a U.S. worker during the course of recruitment, please provide a statement, along with supporting documentation, explaining what process or steps the employer conducted to assess each one of these applicant(s). The statement must include how the employer determined that the applicant was not a U.S. worker as defined under 20 CFR § 656.3; and therefore, was lawfully disqualified for consideration of the job opportunity.



## Requested Information for 20 CFR §656.17 Audit Letters, Continued

### Practice Tip:

- ✓ Employer should submit whatever documentation is used in the normal course of business to verify applicants' status for the job opportunity.





## Requested Information for 20 CFR §656.18 Audit Letters

- Recruitment Documentation pursuant to 20 CFR § 656.18 College and University Teachers Special Recruitment:
  - A statement signed by an official with actual hiring authority outlining in detail the complete recruitment procedures undertaken; and which set forth the total number of applicants for the job opportunity and the specific lawful job-related reasons why the foreign worker is more qualified than each U.S. worker who applied for the job.



## Requested Information for 20 CFR §656.18 Audit Letters, Continued

- A final report of the faculty, student, and/or administrative body making the recommendation or selection of the foreign worker.
- A copy of the advertisement for the job opportunity and, if appropriate, evidence of all other recruitment sources.
- A written statement attesting to the degree of the foreign worker's educational or professional qualifications and academic achievements.



## General Practice Tips

- ✓ Sending documents not requested such as stakeholder meeting notes, O-Net print-outs, etc. – would increase the size of document uploaded in CMS or e-mailed to the Help Desk.
- ✓ Avoid sending documents not requested.

*\* Reminder: Audit response and withdraw upload capability is available in CMS.*



## Job Order Tips

### Practice Tips for Job Orders:

- ✓ Copy of the Job Order is not required, but the Certifying Officer will review all the documentation submitted with Audit Response.
- ✓ The content of the Job Order should be consistent with the job opportunity as delineated in the ETA Form 9089.



## Job Order Tips, Continued

- ✓ If the employer must select different requirements from those listed on the application due to drop-down fields on the SWA's site, the employer should:
  - ✓ Use the free text field in the Job Order site to explain/clarify the actual requirements for the job opportunity.
  - ✓ Include any supporting documentation from the SWA to corroborate the explanation with the audit response.



## Job Order Tips, Continued

Example: The wage offer on the SWA Job Order is listed as an annual wage range from \$50,000 - \$75,000.

However, the single wage rate offer on the ETA Form 9089 is listed as \$65,000 per year.

- ✓ If an employer is limited to drop-down menu selections when filing a Job Order and if the content of the drop-down menu does not support the information pertinent to the job offer, the employer should list the actual wage offer in a free text field of the Job Order for clarification.



## Section III

## Failure to Comply



## Importance of Compliance

Failure to respond by the designated timeframe:

- The application will be denied;
- The failure to provide the requested documentation in a timely manner will constitute a refusal to exhaust available administrative remedies; and
- The administrative judicial review procedure provided in 20 CFR § 656.26 will not be available.





## **Importance of Compliance, Continued**

Insufficient or Inadequate responses:

- The application will be denied; and
- The employer may be required to conduct supervised recruitment pursuant to 20 CFR § 656.21 in future filings of labor certification applications for up to two years from the date of the Final Determination.



## Importance of Compliance, Continued

If the employer requests to withdraw the application while the case is in audit status:

- Submission of a complete Audit Response is required.

*\* Reminder: Audit response and withdraw upload capability is available in CMS.*

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Pursuant to 20 CFR § 656.20(b), a *substantial failure by the employer to provide the required audit documentation will result in the application being denied pursuant to 20 CFR § 656.24*, and may result in a determination by the Office of Foreign Labor Certification Certifying Officer to *require the employer to conduct supervised recruitment pursuant to 20 CFR § 656.21* in future filings of labor certification applications for up to 2 years. Moreover, a pattern or practice of failing to comply in the audit process, which includes but is not limited to, a failure to provide required documentation, pursuant to 20 CFR § 656.20, is a ground for debarment of an employer, attorney, agent, or any combination thereof from the permanent labor certification program for a period of up to three years pursuant to 20 CFR § 656.31(f)(iv). Knowingly furnishing false information in the preparation of this ETA Form 9089 and any subsequent thereto or to aid, abet, or counsel another to do so is a federal offense punishable by a fine, imprisonment up to five years or both (18 U.S.C. 2, 1001).



## Section IV

# How to Submit Documentation



## Submission Instructions

### 1. Preferred Method: Uploading to CMS

- ✓ Provides faster application processing time.
- ✓ Reduces employer costs (eliminates use of UPS, FedEx or USPS).
- ✓ Easy-to-use steps.



## Submission Instructions, Continued

- Employer must be logged into CMS.
- Select 'MY APPLICATIONS' tab.
  - Select "UPLOAD DOCUMENTS" sub-tab.



Enter or check the case number (if displayed) that you wish to upload documents. NOTE: Documents can be uploaded up to 30 days past final decision d

| Upload Documents |                                       |
|------------------|---------------------------------------|
| ETA Case Number: | <input type="text"/>                  |
|                  | <input type="button" value="Search"/> |



## Submission Instructions, Continued

- Enter the case number for the applicable application in the “ETA Case Number” field and click on “Search.”

Enter or check the case number (if displayed) that you wish to upload documents. NOTE: Documents can be uploaded up to 30 days past final decision date.

**Upload Documents**

ETA Case Number:

HOME | MY APPLICATIONS | MY PROFILE | EMPLOYER DATA | USER ACCOUNTS

CREATE CASE | SEARCH CASES | WITHDRAW CASES | SEARCH INCOMPLETE CASES | UPLOAD DOCUMENTS

Enter or check the case number (if displayed) that you wish to upload documents. NOTE: Documents can be uploaded up to 30 days past final decision date

**Upload Documents**

ETA Case Number:  x



## Submission Instructions, Continued

### Uploading Steps:

The screenshot shows a web form titled "Upload Documents". It has a blue header bar. Below the header, there are three rows of input fields: "\* Select File:" with a text box and a "Browse..." button; "\* Category:" with a dropdown menu showing "Choose a category"; and "\* Document Type:" with a dropdown menu. A red dashed box highlights the "Browse..." button. To the right of the form, there is a red text instruction: "After selecting Upload Correspondence, select the 'Browse' button and locate your audit documentation that needs to be uploaded." At the bottom right of the form is an "Upload" button.

Below is a list of documents that are uploaded by an analyst or an external user. External user uploads are marked with a "(E)". Please click on the File Name link to open the document.

|                         |   |           |  |
|-------------------------|---|-----------|--|
| Documents For Case Numb | 3 | Case Stat |  |
|-------------------------|---|-----------|--|







## Submission Instructions, Continued

### Uploading Steps, Continued:

The employer will be provided with the following Audit Review “Document Type” options:

\* Category:  ▼

\* Document Type: 

Select a Document Type to upload

- Audit AAIR Documentation
- Audit Affidavits
- Audit Business Necessity Documents
- Audit Extension Request Documentation
- Audit Miscellaneous Documentation
- Audit Recruitment Content
- Audit Recruitment Report
- Audit Response Cover Letter
- Audit Resumes
- Audit Withdrawal Request Document



## Submission Instructions, Continued

### Uploading Steps, Continued:

- The employer has the choice to upload and save several documents for the same case.
- Follow the process for selecting the “File,” “Category” and “Document Type” (and optional, “File Name” and “Note”) for each document to be uploaded.
- Left click on “Save” and then “OK” to complete the last steps in uploading the documents in CMS.

| <input type="checkbox"/> | Name  | File Type                               |
|--------------------------|---|---|
| <input type="checkbox"/> | New G-28 for Case A-17097-77124.docx                    | G-28 Documentation                      |
| <input type="checkbox"/> | Audit Response for Case A-17097-77124.docx              | Audit Miscellaneous Documentation       |
| <input type="checkbox"/> | Substitute for New Attorney for Case A-17097-77124.docx | Substitute Attorney/Agent Documentation |

Delete Selected Attachments      Save      Cancel

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## Submission Instructions, Continued

The employer will be able to view a list of the documents uploaded, document type, date uploaded, any uploaded notes and the user that uploaded each document.

| File Name   | Document Type                           | Date       | Upload Note  | User       |
|---|---|------------|--|------------|
| <a href="#">A-17097-77122 for Employer and FW.docx</a>  | Audit Miscellaneous Documentation       | 04/26/2017 | Attached is the employer's audit response for case A-17097-77122 for ABC Employer and Foreign Worker Name. | uat1tester |
| <a href="#">Case A-17097-77124.docx</a>   | SR RFI Response                         | 04/26/2017 | SR Response Case A-17097-77124 to DOL's SR letter dated 4/23/2017.   | uat1tester |
| <a href="#">Audit Response for Case A-17097-77124 for ABC Employer and First and Last Name of Foreign Worker.docx</a> | Audit AAIR Documentation                | 04/26/2017 |  | uat1tester |
| <a href="#">HD Inquiry Case A-17097-77124 for Employer and FW.docx</a>  | Help Desk Inquiry                       | 04/26/2017 | What is the status of my case?   | uat1tester |
| <a href="#">HD Inquiry Case A-17097-77124 for Employer and FW.docx</a>  | Change of Address Request               | 04/26/2017 | Please see my change of address.   | uat1tester |
| <a href="#">New G-28 for Case A-17097-77124.docx</a>  | G-28 Documentation                      | 04/26/2017 | See my updated G-28.   | uat1tester |
| <a href="#">Audit Response for Case A-17097-77124.docx</a>  | Audit Miscellaneous Documentation       | 04/26/2017 |  | uat1tester |
| <a href="#">Substitute for New Attorney for Case A-17097-77124.docx</a>   | Substitute Attorney/Agent Documentation | 04/26/2017 | See attachment.  | uat1tester |



## Submission Instructions, Continued

The external user will receive an automatically generated e-mail from “U.S. Dept of Labor Employment & Training Administration [mailto: plc.help@dol.gov](mailto:plc.help@dol.gov)” after uploading documents in CMS (*copy of the e-mail will simultaneously be sent to the ANPC help desk*) acknowledging documentation uploaded in CMS. Example:

:

*This internal e-mail is to notify you that correspondence has been added to A-#####-#####. Correspondence Type uploaded:*

- *Request for Reconsideration*      *User Name (UserID)*
- *G-28 Documentation*                      *User Name (UserID)*



## **Employer Benefits of Uploading:**

- ✓ **Immediate confirmation** of successful upload, ability to upload each section under the respective drop-down.
- ✓ **Reduces cost and burden** to stakeholders from having to submit documentation via U.S. mail, e-mail or facsimile;
- ✓ **Streamlines** process of submitting responsive documents;
- ✓ **Expedites review** of PERM applications by connecting the responsive documents directly to the application; and
- ✓ **Ensures integrity** and receipt of information submitted.



## Reminders:

- ✓ The maximum size limit for saving a single uploaded document is 30MB.
- ✓ Recommend separating document(s) that exceed (or seem to exceed if the exact size is not known) the 30MB limit as two or more documents.
- ✓ For example:

Case A-12345-67890 U.S. Workers Resumes – Part I

Case A-12345-67890 U.S. Workers Resumes – Part II





## 2. Send Documents to ANPC via E-mail

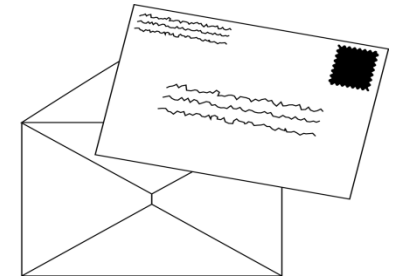


- ✓ No cost associated with e-mailing documentation;
- ✓ Delayed acknowledgement of documentation received; and
- ✓ Delay for ANPC to receive and process documentation.
- ✓ Max of 20MB per file.





## 3. Send Documents to ANPC via Postal Mail



- ✓ Resources and costs associated with sending documents via regular postal mail (or via FedEx, UPS, certified mail, etc.) to ANPC;
- ✓ Delayed receipt of documentation from ANPC;
- ✓ Delay in ANPC receiving and processing documentation;
- ✓ No confirmation of receipt; and
- ✓ Slowest processing method.

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## **Section V**

# **Extension Requests**



## Extension Requests

### Practice Tips:

- ✓ Specify the extra time needed; i.e., 10 days, 15 days, etc.
- ✓ Specify the reason why the extension is needed.
- ✓ Provide documentation supporting the reason for the extension request. (This is not required but can be helpful in the evaluation.)
- ✓ Avoid submitting a request for an extension immediately preceding the deadline.
- ✓ Upload extension request to CMS for faster response.



## **Section VI**

# **Audit Request for Information (RFIs)**



## Audit RFIs

### Practice Tips:

- ✓ Typically issued with a 15-day deadline to expedite processing of applications, but extensions are available.
- ✓ Make sure to respond to all requested information.
- ✓ If information or documentation is not available, state so in the response and explain why.
- ✓ If employer requests a withdrawal, it must still provide responsive documentation.
- ✓ Upload RFI response to CMS for faster response.



## **General Review if an Audit Response**

| <b>Areas</b>              | <b>Review</b>  |
|---------------------------|--|
| Audit Letter and Response | Review whether the employer responded to the Audit Letter, whether all documentation was included in the Audit Response, and whether there was a withdrawal request. |



## Reviewing an Audit Response, Continued

| Areas         | Review   |
|---------------|--|
| ETA Form 9089 | Review whether the ETA Form 9089 is acceptable as presented by the employer in the audit response and whether there are auditable issues (such as closely-held corporation, I-26) that need to be addressed. |





## Reviewing an Audit Response, Continued

| Areas               | Review  |
|---------------------|---|
| Verify Requirements | Review the primary and alternate requirements listed on the ETA Form 9089 to determine whether they're substantially comparable, and if the actual minimum requirement(s) is/are established. |



## Reviewing an Audit Response, Continued

| Areas                   | Review  |
|-------------------------|---|
| Business Necessity (BN) | Review whether the requirements are normal to the occupation, whether BN is required, and whether the BN addresses reasonableness and essentiality. |



## Reviewing an Audit Response, Continued

| Areas                              | Review   |
|------------------------------------|--|
| Foreign Worker (FW) Qualifications | Review whether the FW qualifies by the requirements, has the special skills/licenses/certifications, and whether the FW gained the experience in a substantially comparable job. |



## Reviewing an Audit Response, Continued

| <b>Areas</b>    | <b>Review</b>  |
|-----------------|--|
| Prevailing Wage | Review whether the ETA Form 9141 represents the job opportunity listed on the ETA Form 9089. |



## Reviewing an Audit Response, Continued

| Areas                 | Review   |
|-----------------------|--|
| Newspaper/<br>Journal | <ul style="list-style-type: none"><li>• Review whether the application was filed under special recruitment, whether a professional journal can be used in lieu of one of the newspaper ads, and whether the ads as presented are acceptable.</li><li>• Review content.</li></ul> |



## Reviewing an Audit Response, Continued

| Areas                  | Review  |
|------------------------|---|
| Notice of Filing       | Review content.   |
| Job Order              | Review content if provided.   |
| Additional Recruitment | Review whether the employer's additional recruitment is acceptable. |



## Reviewing an Audit Response, Continued

| Areas                                  | Review   |
|--|--|
| Recruitment Report and Resume Analysis | Review whether the recruitment report provided in the employer's audit response is acceptable. Also assess whether any U.S. applicants were unlawfully rejected for the job opportunity by the employer. |



## Reviewing an Audit Response, Continued

| Areas   | Review   |
|---|--|
| Affidavits and Other Supporting Documentation | Review whether the affidavits and other documentation provided by the employer are acceptable.   |
| Final Checks                                  | <ul style="list-style-type: none"><li>• Assess regulatory compliance of Audit Response.</li><li>• Determine whether RFI is needed.</li><li>• Determine Final Action.</li></ul> |





## What encompasses a Job Opportunity?

- Job Opportunity includes:
  - Job Title
  - Duties
  - Wage
  - Geographic Location
  - Benefits
  - Education
  - Experience
  - Special Skills/Training



## ETA FORM 9089, Section H

- Section H includes critical information for the job opportunity:
  - H-4 requests the minimum education requirement(s);
  - H-7 requests any acceptable alternate fields of study;
  - H-8 requests any acceptable alternate education and experience requirement(s) for the position.



## **ETA FORM 9089, Section H**

- H-5 requests whether training is required and the amount of training required.
- H-6 requests the primary experience requirement(s)
- H-10 requests the alternate acceptable occupation(s).
- H-11 requests the job duties for the position.
- H-14 requests any specific skill(s) and/or requirement(s) for the position.



## **Identifying Job Duties and Job Requirements on the ETA Form 9089**

### Job Duties:

- Job Duties should be listed in Section H-11.



## **Identifying Job Requirements on the ETA Form 9089, Continued**

### Job Requirements:

- Review the ETA Form 9089 as a whole to identify the job requirements.
- Sections H-4 – H-10 establishes the general education and experience requirements.
- Section H-11 typically lists the job duties.
- Section H-14 typically indicates the special skills and requirements necessary to perform in the job opportunity.



## **Job Duties vs. Job Requirements**

- **Job Duty:**  
What the applicant will have to do when performing in the job opportunity.
- **Job Requirement(s):**  
The skills and requirements the applicant will have to have prior to employment in order to perform in the job opportunity.



## Section VII

# Resources for PERM Labor Certification Applications

# Department of Labor: PERM Program

## *How to Contact ANPC for Assistance*



- PERM General Program and Processing Questions

ANPC Help Desk: [plc.atlanta@dol.gov](mailto:plc.atlanta@dol.gov)

Telephone: (404) 893-0101

Mail: U.S. Department of Labor  
Office of Foreign Labor Certification  
Atlanta National Processing Center  
Harris Tower  
233 Peachtree Street N.E., Suite 410  
Atlanta, GA 30303

- Check the OFLC website on regular basis for PERM updates, FAQs, webinar announcements, and updated forms at <http://www.foreignlaborcert.doleta.gov>.



# Department of Labor: PERM Program

## *Technical or System Issues*



The employer should send an e-mail to [plc.help@dol.gov](mailto:plc.help@dol.gov) (*not the ANPC help desk*) if experiencing any technical or system (CMS) issues. Include in the e-mail:

- ✓ A detailed explanation of the problem;
- ✓ Urgency of the request; and
- ✓ Contact name and phone number of the person to call in case additional information is needed.

An experienced technician will respond to the employer via e-mail or telephone.

# Department of Labor: PERM Program

## Processing Times for Labor Certification Applications



Go to <http://icert.doleta.gov> click on “Processing Times”

[ETA Home](#) > [iCERT Portal](#)

Welcome to the iCERT Visa Portal System

Username:

Password:

[New to the iCERT System?](#)  
[Create Your Portal Account Today](#)

[Forgot your username or password?](#)  
[Click Here](#)



**ICERT CASE STATUS CHECK**

Enter up to 30 case numbers, one per line (e.g., G-100-12345-123456)  
[Case Numbers](#)

**FIND CURRENT FAQs**

To find the latest Frequently Asked

[Alerts](#) [Processing Times](#) [Forms](#) [User Guides](#) [Legacy Accounts](#)

**NPWC Processing Times (as of 3/31/2017)**

| Processing Queue        | Request Date                                    |
|-------------------------|---|
| H-1B                    | January 2017                                    |
| H-2B                    | March 2017                                      |
| PERM                    | January 2017                                    |
|                         | <b>Submission Date</b>                          |
| Redeterminations        | H-1B - January 2017<br>PERM - January 2017      |
| Center Director Reviews | PERM / H-1B- February 2017<br>H-2B - March 2017 |

**PERM Processing Times (as of 3/31/2017)**

| Processing Queue                   | Priority Dates |      |
|------------------------------------|----------------|------|
|                                    | Month          | Year |
| Analyst Review                     | January        | 2017 |
| Audit Review                       | August         | 2016 |
| Reconsideration Requests to the CO | February       | 2017 |

The Analyst Review and Audit dates posted on iCERT above reflect the month and year in which cases were filed that are now being adjudicated at the Atlanta National Processing Center. \*The Reconsideration Request to the CO dates posted on iCERT above reflect the month and year in which cases that are now being reviewed at the Atlanta National Processing Center were appealed. For various reasons, we may be completing the processing of applications filed prior to the month posted on iCERT. If your application was filed more than 3 months prior to the month posted, you may contact our Helpdesk for a status on the application at [plc.atlanta@dol.gov](mailto:plc.atlanta@dol.gov).

| Determinations | Average Number of Days to Process PERM Applications |               |
|----------------|---|---------------|
|                | Month   | Calendar Days |
| Analyst Review | March 2017  | 78            |
| Audit Review   | March 2017  | 234           |

The Analyst Review and Audit Review determination processing times on iCERT above reflect the amount of time to process applications for the month. The actual processing time for each employer PERM application may vary from the average depending on the material facts and circumstances. OFLC is only reporting the average processing time for all PERM applications for the most recent month.

# Department of Labor: PERM Program

## Helpful Resources



Visit the OFLC website and “Subscribe” for e-mail updates at <http://www.foreignlaborcert.doleta.gov>.

 **UNITED STATES DEPARTMENT OF LABOR**  
Employment & Training Administration

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**Office of Foreign Labor Certification**  
Helping U.S. employers fill jobs while protecting U.S. and foreign workers

H-2A H-2B H-1B PERM Prevailing Wage Determinations

**I Want To...**  
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**Announcements**

**APR 18** **Apr 18, 2017. FY 2017 Q2 Cumulative Disclosure Data.** The OFLC PERM, H-2A, H-2B, Prevailing Wage, and H-1B program disclosure data files for Quarter 2 of FY 2017 are now available. Click [here](#) to access the disclosure files and corresponding record layouts.

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**Office of Foreign Labor Certification**

- About FLC
- OFLC Division Organization Chart
- How do I...
- Policies & Regulations
- Program Debarments
- Foreign Labor Recruiter List **NEW**
- OFLC Performance Data
- Contact Information
- OFLC Help Desks

**Ombudsman Programs**

- H-2A
- H-2B

**Electronic Filing**

- iCERT Online Filing System
  - H-2A and H-2B Electronic Filing Resources
- PERM Online Filing System

# Department of Labor: PERM Program

## Helpful Resources



View Permanent Labor Certification FAQs, Forms, Regulations, etc., at <https://www.foreignlaborcert.doleta.gov/perm.cfm>.

The screenshot shows the website interface for the United States Department of Labor, Employment & Training Administration. The top navigation bar includes links for A to Z, Site Map, FAQs, Forms, About DOL, Contact Us, and Español. A search bar is present with the text "Enter Search Term" and a "Search" button. Below the navigation bar, there are several menu items: ETA Home, Find Job & Career Info, Business & Industry, Workforce Professionals, Grants & Contracts, TAA Program, Foreign Labor Certification (highlighted), Performance & Results, and Regions & States. The breadcrumb trail reads: [ETA Home](#) > [Foreign Labor Certification](#) > Permanent Labor Certification.

The main content area is titled "Foreign Labor Certification" with the tagline "Helping U.S. employers fill jobs while protecting U.S. and foreign workers". Below this is a sub-section for "Permanent Labor Certification". A "Helpful Links" section contains a grid of buttons for: Frequently Asked Questions, Appendix A Professional Occupations, Forms and Case Management System, Schedule A Occupations, Regulations, Program Debarments, Wage and Survey Information, Contact Us, Disclosure Data, Additional Resources, and PERM Webinars. A yellow arrow points to the "PERM Webinars" button.

On the left side, there is a sidebar menu for the "Office of Foreign Labor Certification" with sub-sections: "About FLC" (including OFLC Division Organization Chart, How do I..., Policies & Regulations, Program Debarments, Foreign Labor Recruiter List, OFLC Performance Data, Contact Information, and OFLC Help Desks), "Ombudsman Programs" (H-2A, H-2B), and "Electronic Filing" (iCERT Online Filing System, H-2A and H-2B Electronic Filing Resources, and PERM Online Filing System).

On the right side, there are two red buttons: "On This Page" and "Quick Links".

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