PERM Reforms

The Permanent Foreign Labor Certification Program (PERM) allows employers to apply to hire foreign workers in the United States when there are no able, willing and qualified U.S. workers available. In order to improve the program's speed and integrity, the following reforms were put into place on March 28, 2005:

- *The application process was re-engineered and streamlined,* taking advantage of advances in information technology and eliminating duplicative state and federal roles. This consolidated process allows applications for which there are no issues (i.e., "clean cases") to be processed in 45 to 60 days as opposed to the previous cumbersome process that frequently lasted months and sometimes years.

- *Case processing responsibilities, which were previously fragmented across six regional offices, have been consolidated into two National Processing Centers,* ensuring continuity of operations across programs, uniform standard operating procedures, and improved quality and accuracy in program decisions. The Chicago and Atlanta National Processing Centers began production in March 2005.

- *The role of State Workforce Agencies (SWAs) has been refocused toward providing employers prevailing wage information.* The SWAs no longer receive applications for Permanent Foreign Labor Certification. This reduces government costs and eliminates duplicative review by two levels of government.

- *An attestation-based application process has increased processing speed* by allowing employers to attest to their recruitment efforts and compliance with requirements as opposed to undergoing supervised recruitment with an SWA.

Backlog Reduction

Approximately 362,000 unprocessed Permanent Labor Certification cases were stacked up awaiting determinations under the previous regulation. ETA established two Backlog Processing Centers, one each in Dallas and Philadelphia, with the sole purpose of eliminating the backlog. As of January 25, 2007, the backlog has been reduced 67 percent and is on track to be eliminated by September 30, 2007.

Proposed PERM Fee

The Permanent Foreign Labor Certification Program currently is funded with resources appropriated by Congress. The Administration will be submitting a legislative proposal to Congress seeking a fee structure that would recoup the program's operating expenses. The fee would be part of the application process and would only offset PERM program costs.