

NOVEMBER 1, 2011 BULLETIN TO ALL IMMIGRATION CLIENTS

DOL to Significantly Increase Labor Certification/PERM Audits and Supervised Recruitment

Earlier this month, the U.S. Department of Labor (DOL) confirmed in a meeting with the American Immigration Lawyers Association that it will significantly increase the number/percentage of labor certification/PERM applications that are audited and/or selected for supervised recruitment.

A labor certification/PERM application is typically the first filing submitted to the government in the green card process. Usually, before a U.S. employer can petition the U.S. Citizenship and Immigration Service (CIS) for a permanent visa/green card on behalf of an employee, it must obtain certification from the DOL that there are no U.S. workers able, willing, qualified and available for the foreign national's position in the area of intended employment.

DOL also confirmed that areas of focus for both audits and supervised recruitment are lower-skilled positions, financial sector positions, and areas where there are national, demonstrable layoffs. For example, if Bureau of Labor Statistics data shows double digit unemployment, the DOL will assume that there is U.S. worker availability and significantly increase audits and supervised recruitment to match unemployment conditions. Similarly, if unemployment decreases, the number of audits and supervised recruitment will likely decrease.

Please also note that cases in the audit process already serve as a feeder for supervised recruitment, which requires the employer to advertise under the direct supervision of the DOL rather than conducting its own test of the labor market.

Please contact any member of the Cohen & Grigsby Immigration Department if you have any questions regarding the above at 412.297.4900. To receive future bulletins by e-mail, please send an e-mail to info@cohenlaw.com.

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