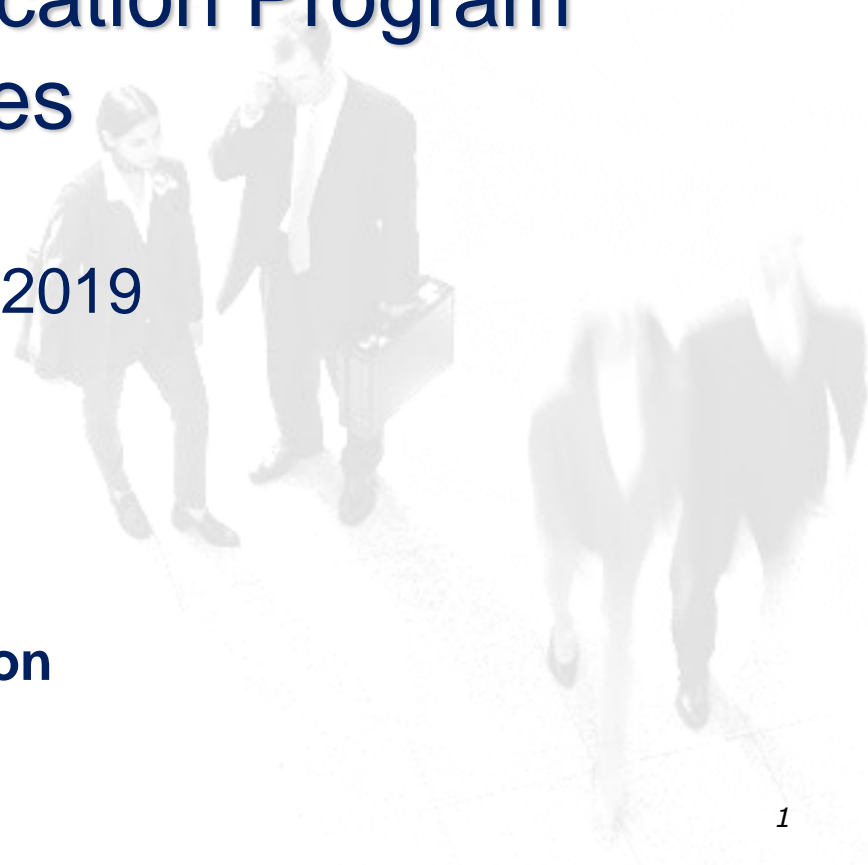




# PERM Labor Certification Program Updates

November 2019

**Atlanta National Processing Center  
Office of Foreign Labor Certification  
Employment and Training Administration  
U.S. Department of Labor**



# Disclaimer



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# PERM Program

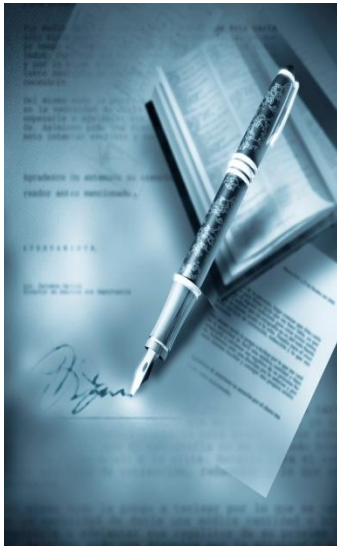
## Atlanta National Processing Center Updates



- I. PERM General Reminders and Updates
- II. Analyst Review Reminders
- III. Audit Review Reminders
- IV. Supervised Recruitment Update
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# PERM Program

## Atlanta National Processing Center Updates



## Section I

## PERM General Reminders and Updates

# PERM Program

## PERM General Reminders and Updates



### PERM Enhancements:

- ✓ The Atlanta National Processing Center (ANPC) is focused on transitioning the PERM program to OFLC's new Foreign Labor Application Gateway (FLAG) System.
- ✓ OFLC is currently engaged in the discovery process and is preparing the requirements needed to develop a PERM module in the FLAG System.
- ✓ ANPC will still continue to address IT bugs as they come up.

# PERM Program

## PERM General Reminders and Updates



### General Reminders:

- ✓ ANPC continues to receive a high number of technical help desk inquiries.
- ✓ PLC.Atlanta@dol.gov is the programmatic help desk and cannot address technical issues such as lost password or PIN, updating the user account information and reactivation of accounts.
- ✓ These issues must be sent to PLC.Help@dol.gov. In addition, there are several webinars that address updating and managing the user account information on the OFLC website under PERM.

# PERM Program

## PERM General Reminders and Updates



### Known Issues:

- ✓ Delays in Sponsorship emails due to a technical issue with an email server.
  - ✓ Issue was resolved in October.

### Uploading and Saving Documents:

- ✓ The ANPC has run into some instances where the employer has uploaded documents, but did not select the save button.
- ✓ You must select the save button in order for your document to be uploaded in the system.
- ✓ If you do not select the save button, your document will not be saved. The document will not be viewable and you may be denied for failure to respond or untimely response.

# PERM Program

## PERM General Reminders and Updates



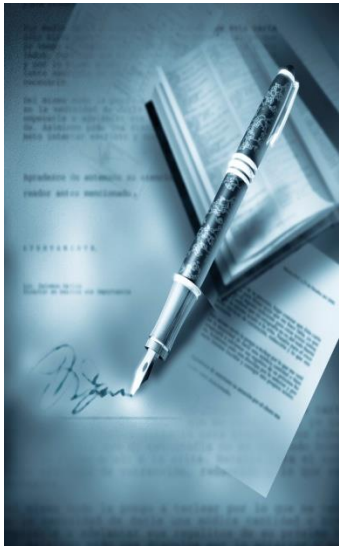
### PERM Integrity:

- ✓ ANPC continues to pursue debarments and revocations.
- ✓ The ANPC is still receiving information from both employers and foreign workers who have been subject to what appears to be fraudulent PERM filings.
- ✓ As the ANPC comes across issues, we will address them as appropriate.
- ✓ This includes forwarding the issues to other enforcement agencies based on existing Memorandums of Understanding.
- ✓ The ANPC strongly encourages you to engage with OFLC as soon as you are aware of potential fraudulent activities at [PLC.Atlanta@dol.gov](mailto:PLC.Atlanta@dol.gov).



# PERM Program

Atlanta National Processing Center Updates



## Section II

## Analyst Review Reminders

# PERM Program

## Analyst Review Reminders



- ✓ Analyst Review Processing Month: August 2019.
- ✓ OFLC does not apply the USCIS “3-for-1” substitution rule when evaluating educational requirements; employers must specifically list their primary and alternate (if any) educational and/or experience requirements.
- ✓ Remain consistent in stating the minimum requirements of the job opportunity on both Form ETA-9141 and Form ETA 9089.
- ✓ Remember: No documents are to be submitted/uploaded with the initial filing of Form ETA 9089.

# PERM Program

## Analyst Review Reminders



- ✓ If a specific license or certification is required for the job opportunity and the foreign worker has gained or utilized that license or certification in past work experience, such information should be listed in Section K.
  - ✓ Per Form ETA 9089 instructions, “Job descriptions should also include specific details of the work performed, with emphasis on skills, qualifications, certifications, and licenses required, managerial or supervisory functions performed, materials or products handled, and machines, tools, and equipment used or operated.”

# PERM Program

## Analyst Review Reminders



- ✓ It is not necessary or helpful to make the minimum requirements of the job opportunity mimic the foreign worker's resume.
  - ✓ For example, just because the foreign worker has 12 years of experience as a tailor does not mean that a tailoring job opportunity requires 12 years of experience.
  - ✓ Please consider using the O\*Net Resource Center ([www.onetcenter.org](http://www.onetcenter.org)) as a helpful resource when determining the minimum requirements for any given job opportunity.

# PERM Program

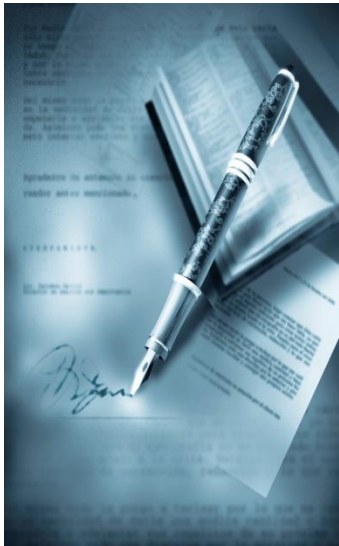
## Analyst Review Reminders



- ✓ If you are appealing a denial decision or requesting a reconsideration or review of your application, please do not file a new application until you have received a decision on your appeal.
- ✓ If you decide not to proceed with the appeal or would rather pursue a new application, please remember to withdraw the application that is pending with appeals.

# PERM Program

## Atlanta National Processing Center Updates



## **Section III**

## **Audit Review Reminders**

# PERM Program

## Audit Review Reminders



- ✓ When responding to an Audit Notification or Request for Information (RFI), make sure to upload your response in the PERM Online System.
  - ✓ Respond to all the questions.
- ✓ Do not “reply” to emails from [PLC.Help@dol.gov](mailto:PLC.Help@dol.gov).
  - ✓ [PLC.Help@dol.gov](mailto:PLC.Help@dol.gov) is the technical help desk.
- ✓ Sending your audit response or response to the RFI to [PLC.Help@dol.gov](mailto:PLC.Help@dol.gov) will delay the processing of your case or it may result in a denial for failure to respond.
- ✓ Make sure newspaper ads are legible in order to avoid delays in processing.

# PERM Program

## Audit Review Reminders



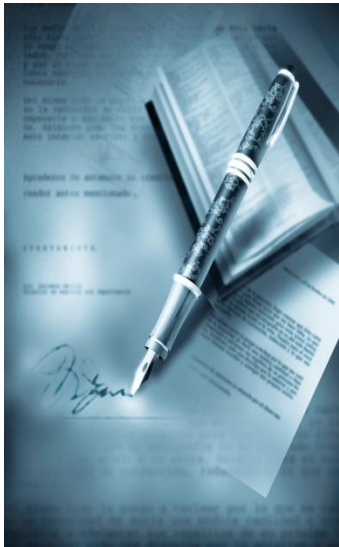
- ✓ Ask for extensions in a timely manner; prior to the response deadline.
- ✓ When asking for an extension, indicate the reason for the extension and a proposed due date.
- ✓ If the audit/RFI letter asks for information that is not applicable, respond to the audit/RFI and state why it is not applicable in your cover letter.

Audit Review is seeing a rising trend in applications that are not compliant with regard to the Notice of Filing and the requirements under 20 CFR § 656.10 and 656.17(f).



# PERM Program

## Atlanta National Processing Center Updates



## Section IV

## Supervised Recruitment Reminders

# PERM Program

## Supervised Recruitment Reminders



- ✓ Submit and request extensions in a timely manner before the due date.
- ✓ Specify the reason(s) for the extension request(s).
- ✓ Please upload all applicable Supervised Recruitment (SR) source documentation to the PERM Online System with the assigned PERM labor certification application case number (e.g., A-#####-#####).
- ✓ For prompt delivery of SR correspondence to your inbox regarding all PERM labor certification correspondence, please **add** [sr.processing@dol.gov](mailto:sr.processing@dol.gov) to your Address Book or Safe List to minimize case processing delays.

# PERM Program

## Atlanta National Processing Center Updates



## Section V

## Appeal Reminders

# PERM Program

## Appeals Reminders



- ✓ Current processing month (June 2019). If your appeal was submitted before the current processing month, please let us know ASAP so we can address the issue in a timely manner.
- ✓ Reminder: 30MB limit for uploading documents to PERM Online System.
- ✓ If you can't upload, email ([PLC.Atlanta@dol.gov](mailto:PLC.Atlanta@dol.gov)) or mail your information to ensure it is received by the due date.

# PERM Program

## Appeals Reminders



- ✓ When responding to the Notice of Decision (NOD), please make sure you explicitly state whether you want to move forward to Board of Alien Labor Certification of Appeals (BALCA).
- ✓ The NOD is not another opportunity to present information on your appeal.
- ✓ The NOD is our notice that the decision(s) to deny was upheld by ANPC and provides you with the opportunity to continue to BALCA (if so inclined).

# PERM Program

## Appeals Reminders



- ✓ If denied for Non Response to Audit or RFI in error, please submit your audit/RFI response along with supporting documentation showing you replied in a timely manner.
- ✓ Not providing the audit/RFI response can result in a delay in processing your application as the ANPC might contact you to re-request your audit/RFI documentation.
- ✓ The Kellogg Language is only necessary if the employer lists alternative requirements AND the foreign worker qualifies by those alternative requirements.
- ✓ Using the Kellogg Language as a “catch-all” may result in an audit to determine the actual minimum requirements of the job opportunity.

# PERM Program

## Atlanta National Processing Center Updates



## Section VI

## LCA / H-1B Updates and Reminders

# Labor Condition Application / H-1B

LCA / H-1B Updates / Reminders



- ✓ The Labor Condition Application (LCA) processing transitioned to the ANPC on 10/1/2019.
- ✓ ANPC has processed LCA cases during the peak filing season for the past three years.
- ✓ Current LCA processing is completed in the FLAG System.
- ✓ LCA cases are processed within seven business days from date the application is received.
- ✓ Do not forward LCA inquiries to [PLC.Atlanta@dol.gov](mailto:PLC.Atlanta@dol.gov).
- ✓ Continue to use [LCA.Chicago@dol.gov](mailto:LCA.Chicago@dol.gov) to submit LCA inquiries.
- ✓ Responses to help desk inquiries will be responded to within 48 hours.



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