



EMAIL BULLETIN

U.S. DEPARTMENT OF LABOR CONTINUES TO ADDRESS GLITCHES IN THE PERM LABOR CERTIFICATION PROCESS

2 August 2005

The new PERM procedure for Alien Employment Certification went into effect on March 28, 2005. Because filing an Application under the new PERM procedures requires advance recruitment, initial filings pursuant to the PERM procedures reached a volume only in May and June of 2005. Since that time, the DOL has experienced glitches in the software for electronic filing and review similar to those forecast in previous Tindall & Foster Email Bulletins. It appears that predicted errors in the program's decision logic have led to many erroneous denials.

The U.S. Department of Labor continues to address program glitches which have led to these denials and is now taking steps to review and reverse these decisions. For more information concerning the PERM labor certification process, to address past Labor Certifications concerns or to initiate new Applications for Alien Employment Certification, please contact your Tindall & Foster immigration attorney. Employers seeking a first-time consultation should ask to speak with Matthew G. Thompson in the Houston office at (713) 229-0636 ext. 1165 or mthompson@tindallfoster.com, or Robert F. Loughran in the Austin office at (512) 478-9475 ext. 2142 or rloughran@tindallfoster.com.

Note Concerning Backlog Reduction Centers for Pending Applications for Alien Employment Labor Certification

As reported in previous Tindall & Foster Email Bulletins, the U.S. DOL has opened two Backlog Reduction Centers (BRC) for the purpose of receiving, logging-in, data-entering, and adjudicating the many thousands of Applications for Alien Employment Certification which remained pending nationwide prior to the implementation of PERM procedures. Although the various State Workforce Agencies (SWA) and regional offices of the U.S. DOL were instructed to transfer all pending applications to the BRC by April 2005, some SWAs with large volumes of pending applications are still in the process of transferring applications or have just completed the scheduled transfers.

As a result of the delays in transfers of the backlogged applications, and simply because of the sheer volume (more than 250,000) of such pending cases nationwide, the Centers are still logging in transferred cases. Once the process of log-in and data-entry is complete, the DOL be able to more accurately assess the nationwide backlog and will be

able to more accurately provide estimated processing times for pending cases. Only after the data-entry stage is complete and the DOL BRC has begun to adjudicate applications in a more appreciable volume will it be possible to provide even a rough estimate of time remaining before final adjudication.

Tindall & Foster will continue to monitor developments in the PERM labor certification process and in the progress of the DOL Backlog Reduction Centers in adjudication of backlogged cases. As new information becomes available, we will continue to provide updates via future Email Bulletins and on the Tindall & Foster web site at <http://www.tindallfoster.com>.