



U.S. Department of Labor

News Release

ETA News Release: [02/10/2006]

Contact Name: David James or Mike Volpe

Phone Number: 202-693-4676 or x3984

Release Number: 06-0169-NAT

U.S. Department of Labor Announces Proposed Rule Changes To Combat Fraud in Permanent Labor Certification Program

WASHINGTON —The U.S. Department of Labor today announced proposed rule changes to combat fraud in the certification of non-U.S. citizens for permanent employment-based residence in the United States.

"These proposed reforms build on previous efforts to enhance the integrity of foreign labor certification programs through the smart, fair and efficient use of technology to protect American workers' interests," said Assistant Secretary of Labor for Employment and Training Emily Stover DeRocco. "We continue to work closely with other federal agencies with immigration responsibilities to end fraudulent practices in the foreign labor certification process."

Under the Immigration and Nationality Act, before the Department of Homeland Security may approve petitions to the Department of State to issue permanent work visas for qualifying foreign-born persons to work in the United States, the Secretary of Labor must certify:

- There are not sufficient workers able, willing, qualified and available to perform the work, and
- The employment of the alien will not adversely affect the wages and working conditions of U.S. workers in similar occupations.

Proposed changes include the elimination of the current practice of allowing the substitution of alien beneficiaries on permanent labor certification applications as well as on approved labor certifications. The package of changes seeks to clarify and add procedures for the debarment of any employer found to be acting fraudulently. Provisions also expressly call for the prohibition of the sale, barter or purchase of permanent labor applications and certifications and other related payments.

The proposed changes will appear in the Feb. 13, 2006 edition of the *Federal Register*. There is a 60-day period for public comments.

More information on the proposed rule changes will be available at www.regulations.gov Monday, Feb. 13. Additional information on foreign labor certification programs administered by the U.S. Department of Labor can be found at www.foreignlaborcert.doleta.gov.

U.S. Department of Labor
Frances Perkins Building
200 Constitution Avenue, NW
Washington, DC 20210

1-866-4-USA-DOL
TTY: 1-877-889-5627
[Contact Us](#)