

## Department of Labor slowdown adversely affects countless businesses.

The US Department of Labor (DOL) has been experiencing a significant slowdown in its ability to adjudicate case in a timely fashion. Since DOL approvals are needed prior to filing for most immigration benefits, this means many immigration cases are taking months if not years to approve. The negative impact on US businesses is significant.

While we are able to filing cases quickly and accurately, we share the frustration our clients feel when cases are delayed beyond expectations.

The following two pages, published by the DOL, show statistics clearly demonstrating the slowdown began in September of 2008 and continues to the present.

Please contact us if you have additional questions concerning the DOL's inability to process cases in a timely fashion.

# FOREIGN LABOR CERTIFICATION – H-1B AND PERM

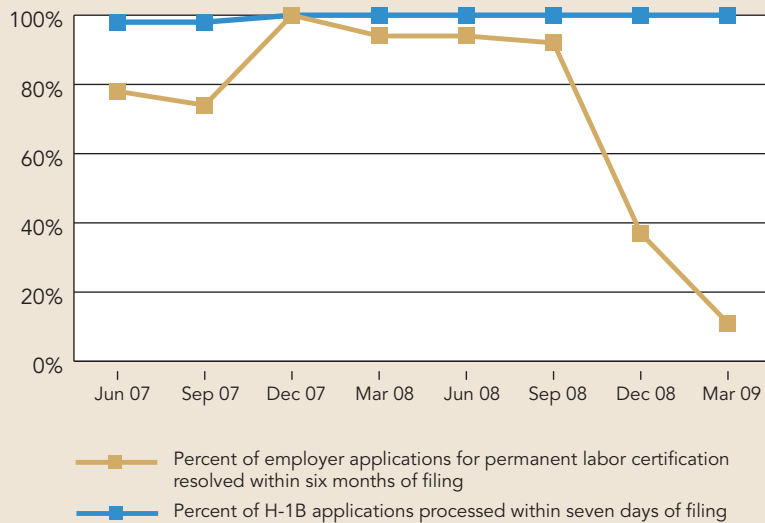
Program website: <http://www.foreignlaborcert.doleta.gov>

## PERFORMANCE GOALS

Performance Measure	GPRA Target for PY 2008	Quarter Ending 3/31/08	Quarter Ending 3/31/09
Processed employer labor condition applications for H-1B professional specialty temporary programs within seven days	100%	100%	100%
Percentage of employer applications for permanent labor certification resolved within six months of filing	92%	94%	11% <sup>1</sup>

<sup>1</sup> Data have significantly changed due to increased integrity activities which protect US workers and satisfy statutory responsibilities; however, these activities require additional processing time.

## PERFORMANCE PROGRESS – PAST EIGHT QUARTERS



## ANALYSIS

- H-1B performance continues to be consistent with the goal which is at 100%.
- PERM program performance continues to significantly decrease.
  - This decrease is due to the impact of increasing integrity activities in light of the declining economy and continued filings for positions where there are US workers.
  - The Office of Foreign Labor Certification is currently developing baseline targets for an enhanced PERM performance measure and a new PERM integrity measure. These measures are scheduled for approval and implementation at the beginning of FY 2010.

## PROGRAM DESCRIPTION

H-1B certification permits employers to hire, on a temporary basis, foreign workers who possess qualifying professional or specialty skills that are not available in sufficient supply in the U.S. workforce. Permanent Foreign Labor Certification (PERM) allows employers to permanently hire foreign workers when there are not sufficient numbers of U.S. workers who are able, willing, qualified and available to perform the job. In addition, the program ensures that the employment of the foreign worker does not adversely affect the wages and working conditions of American workers who are similarly employed.

## PROGRAM HIGHLIGHTS/INNOVATIONS

Office of Management and Budget has approved revised PERM and H-1B forms and electronic programs have been developed for enhanced web based submission using a new Foreign Labor portal system. The new H-1B component was launched on April 15, 2009. The PERM system is in final testing and should be launched before the end of the year.

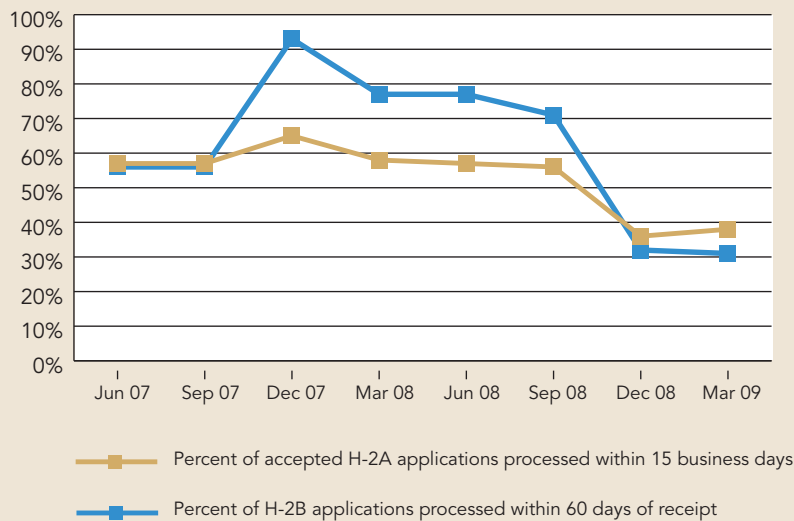
# FOREIGN LABOR CERTIFICATION – H-2A AND H-2B

Program website: <http://www.foreignlaborcert.doleta.gov>

## PERFORMANCE GOALS

Performance Measure	GPRA Target for PY 2008	Quarter Ending 3/31/08	Quarter Ending 3/31/09
Percent of accepted H-2A applications processed within 15 business days	56.0%	58%	38%
Percent of H-2B applications processed within 60 days of receipt	71.0%	77%	31%

## PERFORMANCE PROGRESS – PAST EIGHT QUARTERS



## ANALYSIS

- The percentage of accepted H-2A applications processed within 15 business days decreased significantly from 58 to 38 from the same quarter one year ago.
- The percentage of H-2B applications processed within 60 days of receipt also decreased from 77 to 31 from the same quarter one year ago.

### Notes:

*Revised H-2B regulations were effective as of January, 2009 and will affect the data.*

*Once performance data is obtained under the revised regulation, the current performance targets may be reassessed.*

## PROGRAM DESCRIPTION

H-2A certification permits employers to hire foreign workers on a temporary basis for the agricultural sector of the economy. H-2B certification permits employers to hire foreign workers to come to the U.S. and perform temporary non-agricultural work, which must be one-time, seasonal, peak load or intermittent in nature.

## PROGRAM HIGHLIGHTS/INNOVATIONS

Revised regulations were published for both the H-2A and H-2B programs and became effective in January 2009. However, a notice of suspension of the January 2009 H-2A regulation was issued in May.