

PERM REGULATION EXPECTED TO BE DELAYED

May 13, 2003

The Department of Labor recently announced that the publication of the long-anticipated PERM regulation will likely be delayed. New publication date estimates place the anticipated publication date in September 2003, with a likely implementation date of October/November 2003.

The preliminary regulation regarding PERM was published more than one year ago, in early May 2002. Public comments relating to the preliminary regulation were due back at the DOL by early July 2002, at which time the DOL began reviewing those comments and considering any final modifications to the regulations. Initially, final regulations were expected by April 2003, with implementation of PERM by July 2003. This target date, however, was missed and revised estimates place publication in September 2003.

PERM, when implemented, is expected streamline the Labor Certification process for Employment-Based Immigrant Visa Petitions, and reduce waiting times from several years to several weeks or months. Although the employer requirements for recruitment under PERM will likely be greater than the current employer recruitment requirements for Labor Certification, the reduction in backlogs and the quick response from the DOL may outweigh the more stringent requirements of PERM.