

The State of PERM

As of March 28, 2005, the Department of Labor required that all applications for labor certification must be filed under the new PERM rules and procedures. Since it has been over one year since PERM was implemented, we decided to look back at the state of PERM and what we have accomplished so far.

The Department of Labor (DOL) reports over 60% approval rate for PERM labor certification applications. Under PERM, applications are being denied routinely for mistakes as common as one typographical error. DOL also reports that PERM audits in the future will focus on cases where the employers' requirements are other than those that are "normal to the occupation." Despite these difficulties, we believe PERM program is finally delivering on its promise to process labor certification applications expeditiously. We are proud to announce that our law firm has filed over 400 PERM cases and more than 95% of our cases have been approved.

Here is a sample of successfully filed PERM applications:

Teacher	Finance Manager or Controller
Accountant	Market Research Analyst
Architect	Computer Engineer
Civil Engineer	Cost Estimator
Attorney	Medical Doctor
Architectural Designer	Management Analyst
Systems Analyst	Purchasing Agent
Reporter	Photographer
Financial Analyst	Graphic Designer
Occupational Therapist	Medical Technologist
Mechanical Engineer	Software Developer
Plumber	Cook
Administrative Assistant	Appraiser
Loan Consultant	Sales Manager
Budget Analyst	Architectural Drafter
Social Worker	Computer Specialist

When we prepare PERM applications, we always explore whether the client qualifies under the EB-2 category for foreign nationals with advanced degrees or equivalent. This is important because this category still remains current for the retrogressed countries. This means retrogressed countries with advanced degrees can file their green card (I-485 Adjustment of Status application) immediately after their PERM is approved.

Two critical elements must be established before an advanced degree EB-2 petition can be approved. First, the position itself must require a member of the professions holding an advanced degree. Second, the alien must possess an advanced degree as shown by a master's degree or its equivalent. A number of our PERM approvals for positions listed above qualify for the EB-2 category.

According to DOL, the normal processing time for PERM is 90 days and 120 days if there is an audit. But our office has consistently received approvals in less than the normal processing time. Furthermore, DOL now has provided a way for attorneys to make a direct inquiry with DOL in case an application is being processed past the normal processing time.

Finally, for those with pending RIR applications, DOL announced it will complete the issuance of all backlog letters and by the end of June 2006. It may take a few weeks after that date for all the receipts to be received by employers/attorneys. If you have not received your backlog letter for your case, please consult an attorney.

Darren Silver & Associates concentrates exclusively in the practice of immigration and naturalization law. Mr. Silver has an extensive knowledge of all aspects of immigration law and procedures. His career in immigration includes a prior position as an Adjudications Officer for INS in Los Angeles, California. Mr. Silver served the INS for a period of three years, from 1992 through 1995. While working for INS, Mr. Silver assisted in recommending policy decisions, interviewing aliens for status changes and reviewed naturalization appeals.

Please contact the office for a [free consultation](#)

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