



EMAIL BULLETIN

U.S DEPARTMENT OF LABOR (DOL) ANNOUNCES PENDING PUBLICATION OF FINAL "PERM" LABOR CERTIFICATION REGULATIONS; PERM Expected to Take Effect 120 Days after Publication

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On February 23, 2004, the U.S. Department of Labor (DOL) submitted final labor certification regulations (PERM) to the U.S. Office of Management and Budget (OMB) for approval prior to publication in the Federal Register. After the initial 90-day period of OMB review, the DOL requested a 30-day extension of the publication deadline in order to address additional comments on the proposed regulations. Because the additional 30-day period is near expiration, and senior DOL officials have publicly stated that additional, significant changes are not expected, the DOL anticipates that final PERM labor certification regulations are soon to be published.

The regulations, as proposed, would go into effect 120 days after publication. Consequently, employers seeking to file "Regular Track" Labor Certification should do so in the coming weeks before PERM eliminates this option. The "Regular Track" Labor Certification process, although lengthier than PERM promises to be, affords greater flexibility for employers in terms of permissible job requirements and prevailing wage variation. This flexibility will likely cease to exist under the proposed regulations.

For more information on how to take advantage of the limited time remaining to file "Regular Track" Labor Certification applications, and the benefits associated with this process, please contact your Tindall & Foster, P.C. immigration attorney as soon as possible. For general information on the changes anticipated in the labor certification process with the introduction of PERM, please visit our web site at <http://www.tindallfoster.com>.