

# H-1B and Permanent Foreign Labor Certification (PERM)

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

## 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. 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.

## Analysis

- The number of H-1B applications processed within seven business days decreased one percentage point from the same period one year ago. This decrease is primarily the result of increased program integrity measures, including application denials for not possessing a valid FEIN.
- The number of PERM applications resolved in six months declined by 33 percent from the same quarter in FY 2009. This decrease was due to focus on backlog reduction and processing of older cases first. It is expected that performance on this measure will significantly improve as the backlog is reduced.
- The PERM nine-month timeframe is a new performance measure for the Office of Foreign Labor Certification (formerly a six-month measure), implemented in the first Quarter of FY 2010. Also implemented in the first quarter was a new PERM integrity measure: "Percent of resolved permanent applications selected for integrity review and found in compliance."

## Program Highlights

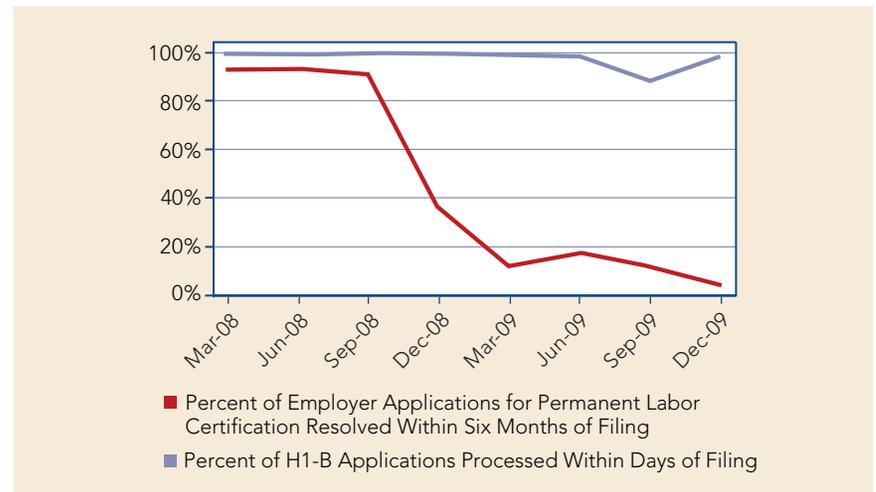
In FY 2010, the Office of Foreign Labor Certification (OFLC) is making an effort to reduce by 50 percent the backlog of applications on permanent labor certification. OFLC is redirecting staff and other resources to ensure the success of this initiative.

## Program Performance

Performance Measures	Four Quarters Ending 12/31/08	Four Quarters Ending 12/31/09
Percent of H1-B Applications Processed within Seven Days of Filing	100%	99%
Percent of Employer Applications for Permanent Labor Certification Resolved within Six Months of Filing*	37%	4%

\*This measure changed in FY 2010 to within nine months of filing. These results are not against the same measure as existed in FY 2009.

## Performance in the Past Eight Quarters



Note: Percent of Employer Applications for Permanent Labor Certification Resolved within Six Months of Filing measure changed in FY 2010 to within nine months of filing. These results are not against the same measure as existed in FY 2009.