

## PREFACE

The publication of *AILA's PERM Labor Certification Survival Guide* coincides with the 10th anniversary of the PERM labor certification program. Despite the passage of a decade, in many respects PERM labor certification practice has become more challenging. Although the 2005 regulation remains for the most part intact, new questions of law are constantly emerging as industry recruitment standards have shifted and as demands for foreign labor have increased over time. The U.S. Department of Labor (DOL) has recognized these changes and recently announced its intent to initiate a review of the PERM program, and its aging regulation, with an end goal of PERM modernization. As DOL's modernization of PERM lies in anticipation, however, it is our responsibility as practitioners to maneuver our clients through the rapidly aging program and to ensure PERM survival.

It is our hope that this book will serve as a vital survival guide to PERM practice pending DOL's modernization of the program. Rather than serving as a comprehensive practice guide, *AILA's PERM Labor Certification Survival Guide* is intended to cover the core objectives of PERM survival, with topical articles touching upon the need-to-know aspects of PERM labor certification practice. Many of the topical articles included were published in the previous edition of this book, *AILA's Guide to PERM Labor Certification*, but have been updated for republication to ensure delivery of guidance concerning the most critical aspects of PERM practice. The core objectives covered in this book include an overview of the PERM pathway to permanent residency, key issues of ethics pertaining to PERM practice, establishment of minimum job requirements, handling unusual travel requirements, prevailing wage issues and recruitment requirements, as well as a detailed dissection of the ETA Form 9089. With respect to postfiling topics, this edition of the book also provides an in-depth exploration of PERM audits to include discussion of known audit triggers. Other articles on postfiling topics of interest essential to PERM practice include those on supervised recruitment practice and the basics of PERM appeals.

Over the past 10 years, the regulatory framework of PERM has become outdated, and as a result the program and its requirements are often unpredictable. Undoubtedly, this has in turn made practitioners ill-equipped to anticipate new interpretations of law or policy without a helping hand. As we continue to look forward in anticipation of PERM modernization, we hope that this book will help our fellow practitioners to maintain awareness of critical PERM survival tactics.

Shannon Napier Barnes  
San Diego, California

Alexander Dgebuadze  
Woodland Hills, CA

June 2015