Highlights of the 2026-2027 Edition

The 2026-2027 Edition of the *Labor Certification Handbook* contains:

- Latest information on enforcement issues impacting PERM program, including DOJ's anti-discrimination initiative focusing on job postings and PERM recruitment practices that demonstrate preference for foreign workers and White House anti-fraud task force investigations targeting employers in the tech industry that have conducted or are planning layoffs or other workforce reductions (including suggested steps to ensure compliance and avoid scrutiny)
- Analysis of significant changes that are planned for the PERM program, including proposal to significantly increase OEWS prevailing wage minimums for PERM applications (while continuing to permit employers to use alternative wage sources) and plans to modernize PERM-mandated recruitment campaign and impose further restrictions on participation during period of layoffs
- Report on processing trends, including denials for failing to list travel requirements on PERM applications after listing such requirements on Form ETA-9141, failing to provide sufficient details on credentials evaluation when worker's qualifications are acquired abroad, RFI and summary denials for failing to show on PERM application that qualifying experience gained with employer was in a substantially different position, and RFIs on bona fide job opportunity issues (such as employer's business existence and ability to pay the offered wage); recommended employer responses for these RFIs and summary denials are also discussed
- Update on pay transparency laws and impact on PERM recruitment policies—more states are enacting pay transparency laws requiring information on wage and benefits on "job postings"—when mandated by state law, DOL requires such information to be included in PERM applications, ads, and postings
- Report on DOL guidance addressing compliance with print ad requirements when Sunday newspaper of general circulation covering the area of intended employment does not exist, including retention of evidence on the issue and suggested alternatives
- Discussion of options for submitting a time-sensitive PERM application, RFI, and audit responses during government shutdown
- Survey of new BALCA cases addressing employer's ability to pay wage, timing considerations for SWA job orders, listing of relocation requirements on PERM applications, consistency of information included in PERM application and PWD, use of *Kellogg* language on PERM application when not required, substantial equivalency of alternative job requirements to primary requirements, foreign worker qualifications, and missing information in employer-submitted evidence caused by DOL scanning problems
- UPDATE SERVICE FOR WESTLAW USERS—interim electronic updates to *Labor Certification Handbook* via Fragomen Business Alerts ("Fragalerts") database (see Preface for details)