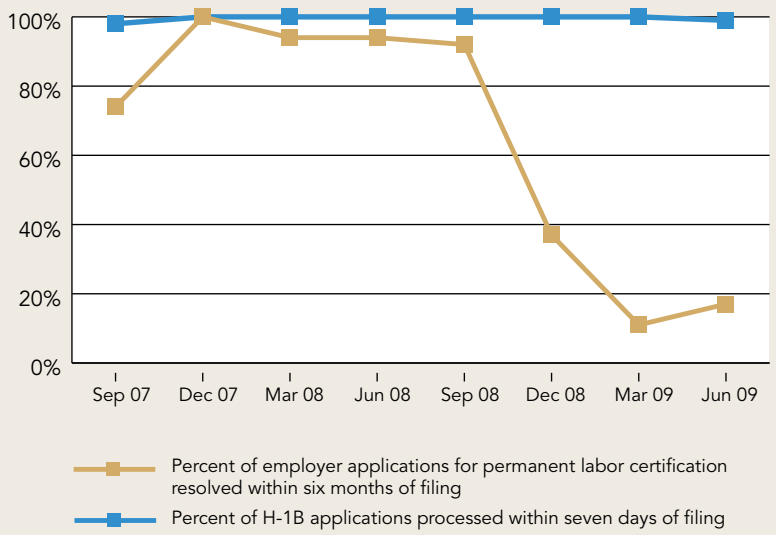
FOREIGN LABOR CERTIFICATION – H-1B AND PERM

Program website: http://www.foreignlaborcert.doleta.gov

PERFORMANCE GOALS

Performance Measure	Quarter Ending 6/30/08	Quarter Ending 6/30/09
Processed employer labor condition applications for H-1B professional specialty temporary programs within seven days	99.98%	99.11%
Percentage of employer applications for permanent labor certification resolved within six months of filing	94%	17%

PERFORMANCE PROGRESS – PAST EIGHT QUARTERS



ANALYSIS

- H-1B performance continues to be consistent with the goal which is at 100 percent.
- PERM program performance has risen slightly from 11 percent in the previous quarter to 17 percent.
  - The overall decrease in this measure from one year ago is due to the impact of increasing integrity activities in light of the declining economy and continued filings for positions where there are US workers. (Increased integrity activities are being implemented to protect U.S. workers and satisfy statutory responsibilities and require additional processing time.)
  - The Office of Foreign Labor Certification has developed an enhanced PERM performance measure and a new PERM integrity measure. These measures are scheduled for approval and implementation at the beginning of FY 2010.

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. Permanent Foreign Labor Certification (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.

PROGRAM HIGHLIGHTS/INNOVATIONS

Office of Management and Budget has approved revised PERM and H-1B forms and electronic programs have been developed for enhanced web-based submission using a new Foreign Labor portal system. The new H-1B component was launched on April 15, 2009. The PERM system is in development and should be launched July 1, 2010.

AILA InfoNet Doc. No. 09111063. (Posted 11/10/09)

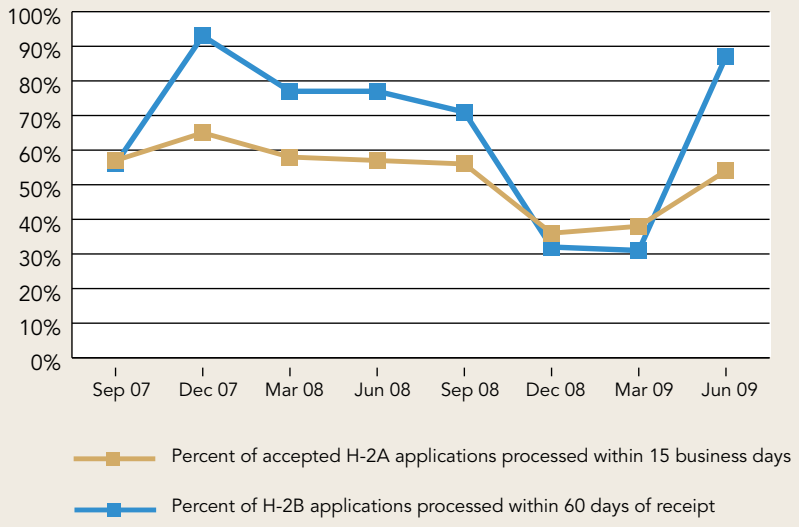
FOREIGN LABOR CERTIFICATION – H-2A AND H-2B

Program website: http://www.foreignlaborcert.doleta.gov

PERFORMANCE GOALS

Performance Measure	Quarter Ending 6/30/08	Quarter Ending 6/30/09
Percent of accepted H-2A applications processed within 15 business days	57%	54%
Percent of H-2B applications processed within 60 days of receipt	77%	87%

PERFORMANCE PROGRESS – PAST EIGHT QUARTERS



PROGRAM DESCRIPTION

H-2A certification permits employers to hire foreign workers on a temporary basis for the agricultural sector of the economy. H-2B certification permits employers to hire foreign workers to come to the U.S. and perform temporary non-agricultural work, which must be one-time, seasonal, peak load or intermittent in nature.

PROGRAM HIGHLIGHTS/INNOVATIONS

Revised regulations were published for both the H-2A and H-2B programs and became effective in January 2009. However, a notice of suspension of the January 2009 H-2A regulation was issued in May.

ANALYSIS

- The percentage of accepted H-2A applications processed within 15 business days decreased three percentage points from the same period one year ago.
  - Resource constraints impacted the personnel available for processing. State Workforce Agencies had delays in completing housing inspections.
  - The transition actions due to the December publication of a revised regulation contributed to reduce processing times.
  - These impacts will continue for the rest of the year.
- H-2B program performance for the quarter increased ten percentage points over the same period one year ago.
  - This increase is a normal seasonal occurrence. The overall rate for the year is still below target.

Notes:

Full implementation of the revised H-2B regulation will take several quarters.

Once performance data are obtained under the revised regulation, the current target may be reassessed.

AILA InfoNet Doc. No. 09111063. (Posted 11/10/09)