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Why Are PERM Prevailing Wage Determination Requests and PERM Application Adjudications Taking So Long?

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AILA recently reached out to the DOL's Office of Foreign Labor Certification (OFLC) with questions about long PERM prevailing wage determination and PERM application filing processing times. (AILA Doc. No. 22101212)

These delays have been a problem for a while as both are taking eight-plus months in many cases. This has resulted in PERM cases taking 20-plus months from beginning to end and individuals running out of H-1B or L-1 time.

OFLC cited two main reasons for slow PERM prevailing wage determination and PERM application processing:

1. The high number of applications across all programs, including a record number of H-2A applications and a high

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volume for H-2Bs as well.

2. H-2A and H-2B filings are required to be prioritized over PERM program filings, leading to slower processing for PERM program cases.

Help could be, maybe, hopefully on the way as OFLC has submitted a budget request for FY2023 for 30 additional FTEs. Remember that these are not fee-based matters, so the DOL relies on its budget to have enough resources to meet demand.

I hope they are able to improve these processing times. Anything much longer becomes almost unworkable for PERM matters.

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