

PREFACE

Welcome to the 2026 edition of *AILA's Guide to PERM Labor Certification*. PERM labor certification continues to evolve as practitioners, employers, and government agencies adapt to changing workplace realities and regulatory developments. Since publication of the revised 2023 edition, practitioners have navigated the transition of PERM filing and processing to Foreign Labor Application Gateway (FLAG), new Board of Alien Labor Certification Appeals (BALCA) decisions, evolving enforcement priorities, and complex issues arising from remote and hybrid work arrangements, artificial intelligence, and evolving digital recruitment practices. These developments highlight the need for practical, up-to-date guidance grounded in legal authority and real-world experience.

This edition of the *Guide* builds on the strengths of prior editions while incorporating substantial updates throughout. Notably, the *Guide* has been reorganized to more closely follow the lifecycle of a PERM case. The articles now progress through the stages practitioners encounter—from case intake and issue spotting, defining job requirements, prevailing wage analysis, and recruitment to Form ETA-9089 preparation and filing and possible audits and appeals. This new organization, together with in-depth analysis, practice pointers, templates, checklists, sample documents, and strategic guidance, is designed to help new and experienced PERM practitioners navigate both foundational and complex issues.

The 2026 edition also includes two additional articles: *Combination of Occupations: New Challenges in PERM* by Alexander Dgebuadze and *Schedule A, Group I: Immigrant Options Available to Health Care Workers—Physical Therapists and Professional Nurses* by Shanna Stanton. These additions, together with updates throughout the remaining articles, expand the *Guide's* coverage of issues increasingly encountered in modern employment-based immigration practice.

This edition arrives at a particularly important moment. In July 2026, the U.S. Department of Labor (DOL) announced its intent to undertake rulemaking to modernize the PERM program, titled *Modernizing the Labor Market Test and Improving Protections for U.S. Workers in the PERM Immigrant Visa Program*. The anticipated rulemaking indicates that DOL intends to address minimum standards for recruiting qualified U.S. workers, safeguards for U.S. workers affected by layoffs, employer compliance with nondiscriminatory recruitment and hiring requirements, and record-retention requirements. Although the PERM framework described in the *Guide* remains the governing system today, the anticipated rulemaking signals that substantial changes may lie ahead. Practitioners should remain attentive to regulatory, policy, and procedural developments as the PERM landscape continues to evolve.

Please note that after the articles in this *Guide* were finalized, DOL's Office of Foreign Labor Certification (OFLC) permanently discontinued access to its legacy searchable Frequently Asked Questions (FAQ) database at www.foreignlaborcert.doleta.gov/faqsanswers.cfm. Accordingly, references in some articles to that URL should now be accessed through OFLC's current FAQ page at www.dol.gov/agencies/eta/foreign-labor/faqs/print. The legacy searchable FAQ database has been archived and is no longer updated.

We extend our sincere appreciation to our contributing authors, who generously shared their expertise and insights. We also thank the American Immigration Lawyers Association (AILA) Publications Committee for its invaluable feedback, including recommendations on the *Guide's* structure, organization, and new content.

We hope this edition serves as both a practical roadmap for attorneys handling their first PERM matter and a trusted reference for experienced practitioners. We encourage readers to supplement the *Guide* with AILA's continually updated online resources and remain attentive to new DOL guidance, BALCA decisions, agency announcements, and PERM policy developments.

Jenni Dart, Managing Editor
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