U.S. DEPARTMENT OF LABOR

News Release

US DEPARTMENT OF LABOR PROPOSES TO MODERNIZE PERMANENT LABOR CERTIFICATION RECRUITMENT, STRENGTHENING PROTECTIONS FOR AMERICAN WORKERS

Action builds on initiatives that protect American workers over foreign labor

WASHINGTON – The U.S. Department of Labor today issued a proposed rule that would enhance American worker protections when employers apply for certification to hire foreign workers permanently in the United States.

The proposed rule modernizes the Permanent Labor Certification program by strengthening recruitment standards and recordkeeping requirements, eliminating administrative exemptions to the statutory labor market test, and improving safeguards for all American workers, especially those affected by layoffs.

This proposed update to the PERM program – the first comprehensive set of regulatory reforms to the program in nearly 20 years – will ensure that highly qualified American workers receive fair consideration and first access to job opportunities.

"American Workers are the best in the world, and they deserve the first and best job opportunities. Existing regulations have instead allowed companies to sponsor foreign workers without fully considering American workers first," said Secretary of Labor Keith Sonderling. "This proposed rule change will ensure American workers are first in line for high-skilled, high-paying job opportunities over foreign labor."

The proposed rule would require employers to level the playing field when recruiting workers by using the same channels and methods when advertising jobs. Proposed changes include a requirement to replace print-based job advertisements with online recruiting through employer websites, online job boards, social media, job fairs, and campus recruitment. Employers would also be required to advertise positions for at least 90 calendar days and demonstrate that they made good-faith efforts to recruit qualified American workers. Under the proposal, employers would be prohibited from tailoring job opportunities to foreign workers.

The department also proposed to eliminate the administrative exemption employers used to bypass the statutory labor market test for certain occupations. Under the proposal, employers recruiting for physical therapists, nurses, and workers with exceptional abilities in the sciences or arts would be required to consider qualified U.S. workers.

The proposed rule also protects qualified American workers affected by layoffs by requiring ongoing consideration of laid off workers throughout the labor certification and immigrant petition processes, and prohibiting certain employers that have laid off American workers within the last 2 years from seeking permanent labor certification for the same or similar positions.

Comments on the proposed rule are due 60 days after publication in the Federal Register.

Additional information is available on ETA's Office of Foreign Labor Certification website.

Agency: Employment and Training Administration
Date: November 16, 2026
Release Number: 26-1607-NAT

Media Contact: Christine Feroli
Phone Number: 301-793-3023
Email: feroli.christine.e@dol.gov

Media Contact: Lorynn Holloway
Phone Number: (202) 693-4652
Email: holloway.lorynn.n@dol.gov

Share This

AILA Doc. No. 26111665. (Posted 11/16/26)

More News Releases

Previous
US Department of Labor issues guidance to employers, plan fiduciaries on inaccurate health network provider directories

Next Up
US Department of Labor cites powder coating company for willful toxic substance exposures, repeat violations, proposes more than $1.6M in penalties

Scroll to Top

U.S. DEPARTMENT OF LABOR

200 Constitution Ave NW
Washington, DC 20210
1-866-4-USA-DOL
1-866-487-2365
www.dol.gov

AILA Doc. No. 26111665. (Posted 11/16/26)