

The Honorable Lori M. Chavez-DeRemer  
Secretary  
U.S. Department of Labor  
200 Constitution Avenue, NW  
Washington, DC 20210

Brian Pasternak  
Administrator  
Office of Foreign Labor Certification Employment and Training Administration  
U.S. Department of Labor  
Room N-5311  
200 Constitution Avenue, NW  
DC 20210

Dear Secretary Chavez-DeRemer and Administrator Pasternak,

The undersigned organizations commend you for having established the Department of Labor's (DOL) Office of Immigration Policy (OIP). Through this office, you have the opportunity to strengthen and uphold protections for American workers while simultaneously enhancing the predictability and efficiency of legal immigration for American business owners and entrepreneurs. We are encouraged by DOL's intentions to improve the efficiency and administration of the H-2A program and hope to see additional progress in the months ahead. As you further develop your plans for this office, we respectfully request that reducing delays in the Permanent Labor Certification (PERM, i.e. "green card") process also be a priority.

In FY2019 Q3, DOL's Office of Foreign Labor Certification (OFLC) took around three months to certify the average PERM application. As of July 2025, the average processing time has ballooned to roughly 16 months—far exceeding the agency's own standard of 45 to 60 days.<sup>1</sup> We acknowledge and appreciate that the Trump administration has already slowed the growth of these processing times, but the ongoing delays continue to negatively impact economic productivity, dynamism, and labor market conditions for U.S. workers.

An efficient PERM process plays an important role in unlocking greater job portability for skilled foreign workers who are already employed in the U.S. When PERM delays keep employees stuck at one part of the process, American workers may bear the brunt of the consequences. Foreign workers queued for PERM review are effectively locked into visas that limit their ability to change jobs or pursue new career paths. As a result, they have less leverage to demand better pay and better working conditions, leading to a distorted labor market in which sponsoring employers hold artificial leverage over both visa holders and their American colleagues.<sup>2</sup>

Although the PERM review process allows DOL to verify the veracity of employer provided information and ensure compliance with statutory requirements, prolonged backlogs in this process provide bad actors with perverse incentives while simultaneously hurting those who are acting in good faith to comply with immigration law. As of March 2025, there were nearly 180,000 PERM applications awaiting review at DOL.<sup>3</sup> These delays may even have economic consequences. The PERM process not only holds the key

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<sup>1</sup> See 69 Fed. Reg. 77326, 77328, December 2004, <https://www.federalregister.gov/d/04-27653/p-34>

<sup>2</sup> Peter Norlander, *Do Guest Worker Programs Give Firms Too Much Power?*, IZA World of Labor No. 484, Institute of Labor Economics (IZA), June 2021.

<https://wol.iza.org/uploads/articles/572/pdfs/do-guest-worker-programs-give-firms-too-much-power.pdf>

<sup>3</sup> Office of Foreign Labor Certification, "Permanent Employment Program – Selected Statistics, Fiscal Year (FY) 2025 Q2", U.S. Department of Labor, March 2025.

[https://www.dol.gov/sites/dolgov/files/ETA/oflc/pdfs/PERM\\_Selected\\_Statistics\\_FY2025\\_Q2.pdf](https://www.dol.gov/sites/dolgov/files/ETA/oflc/pdfs/PERM_Selected_Statistics_FY2025_Q2.pdf)

to greater job portability for foreign workers but also, in many cases, is a step towards facilitating their entrepreneurship in the U.S.

As PERM processing delays in the U.S. have grown, other countries have reformed their skilled immigration systems to attract job creators. For example, when Canada enacted a startup visa for entrepreneurs, U.S. visa holders became 70 percent more likely to launch their enterprises in Canada.<sup>4</sup> Because startups are among the most important drivers of net job creation and high-value innovation in the U.S. economy, PERM delays prolonging the green card process and discouraging foreign entrepreneurship translates into lost job opportunities and diminished economic dynamism for Americans.<sup>5</sup>

Given these harmful impacts, we urge OIP to do the following:

- Develop a strategic plan for reducing PERM processing times to the agency standard while maintaining the integrity and security of the program. Proposals could include: identifying automation opportunities to help augment analyst capacity, dynamic staffing to surge resources to the OFLC, etc.
- Identify legislative opportunities or appropriations that could facilitate better workload management at OFLC.
- Provide greater transparency into how OIP plans to divide or redirect OFLC staff and resources to process PERM, Prevailing Wage, LCA, H-2A, and H-2B cases and the conditions that determine which categories will take priority.

We thank you for your attention to these matters.

Sincerely,

Center for American Entrepreneurship

Economic Innovation Group

Engine

IEEE-USA

Institute for Progress

Niskanen Center

Technology Councils of North America

The LIBRE Initiative

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<sup>4</sup> Saerom (Ronnie) Lee & Britta Glennon, *The Effect of Immigration Policy on Founding Location Choice: Evidence from Canada's Start-Up Visa Program*, NBER Working Paper No.w31634 (Sept. 5, 2023).

[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4560561](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4560561)

<sup>5</sup> See Christopher Goetz & Martha Stinson, *U.S. Startups Create Jobs at Higher Rates, Older Large Firms Employ Most Workers*, U.S. Census Bureau (Feb. 16, 2022).

<https://www.census.gov/library/stories/2022/02/united-states-startups-create-jobs-at-higher-rates-older-large-firms-employ-most-workers.html>  
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