PUBLICATION

Immigration Update: Giving Hiring Preference to Laid-Off Employees; More New Customer Service Tools at USCIS

Authors: Melanie Colvert Walker
March 13, 2014

Notification and Consideration of Laid-Off U.S. Workers

In November's newsletter, we discussed the challenges to the Department of Labor's (DOL) layoff regulation for PERM applicants. DOL has responded by clarifying what is required of an employer to properly notify and consider laid-off U.S. workers prior to filing a PERM application. The PERM regulations at 20 C.F.R. 656.17(k)(1) require that prior to filing a PERM application, the petitioning employer must provide notice to and consider for hiring U.S. workers laid off by the employer during the six months preceding the filing of the application. On February 21, 2014, the DOL published a new FAQ on its site articulating how employers can comply with the regulation, what type of notification is required, and how employers who file multiple PERMs should handle this requirement.

The FAQ is #2 under sub-topic "Recruitment Report" and available at:
http://www.foreignlaborcert.doleta.gov/faqsanswers.cfm

More Customer Service Oriented Enhancements at USCIS

United States Citizenship and Immigration Services (USCIS) continues to make improvements to its website to afford additional options for addressing case issues. In the past, options for following up on a case were generally limited to making a call to the National Customer Service Center (1.800.375.5283) or entering your case number online to check the status. Now, USCIS has added "e-Request" to its growing website. This online customer service inquiry tool allows customers to submit a request if:

- A case has been pending longer than the posted processing times.
- A customer did not receive a notice from USCIS, such as a biometrics appointment notice or an interview notice.
- Disability accommodations are necessary for a scheduled interview appointment.
- There is a typographical error on a USCIS-issued card, notice or document.

Additional options in development will soon allow customers to follow up on missing cards (e.g., employment authorization, permanent resident) or documents (e.g., approval notices).

To access e-Request, go to: https://egov.uscis.gov/e-request/Intro.do