PERM Recruitment Requirements: Current Rule vs. Proposed Rule

Comparison based on proposed rule 2026-23370.pdf

Requirement	Current PERM Rule	Proposed Rule
Professional vs. Non-Professional distinction	Different rules. Professional positions require additional steps beyond the SWA job order and newspaper ads.	Distinction eliminated. Generally the same standardized recruitment requirements apply to both categories.
SWA job order	Required for 30 days with the State Workforce Agency serving the area of intended employment.	Required for at least 90 calendar days. Multiple SWA job orders may be needed if work locations are served by different SWAs.
Sunday newspaper advertisements	Two Sunday print ads in a newspaper of general circulation are required.	Eliminated.
Professional journal alternative	For certain professional jobs, one professional-journal ad may replace one Sunday newspaper ad.	Removed from standard recruitment. May remain relevant to special competitive recruitment for college or university teachers.
Employer website	Optional for professional positions as one of the additional recruitment methods.	Mandatory if the employer maintains business websites. Posting must follow the employer's normal method for comparable non-PERM jobs.
Independent job-search website	Optional additional step for professional positions.	Mandatory. At least one job-search website separate from the employer and SWA sites must be used; customary additional sites also may be required.
Social media	Not separately required.	Required when the employer customarily uses social media to recruit for the occupation, using the same platforms and methods.
Job fair, campus event, or placement office	Optional items within the professional-position recruitment menu.	At least one is mandatory: job fair, on-campus recruiting event, or college, university, or trade-school placement office.
Three additional professional steps	Professional positions require three of ten listed additional methods.	The ten-item menu is eliminated and replaced with standardized mandatory recruitment.
Employer's ordinary recruitment practices	Employer must meet PERM minimums but generally need not reproduce every normal recruiting channel.	PERM recruitment must generally use the same channels and methods used for comparable non-PERM jobs. Normal practices may create requirements above the regulatory minimum.
Duration of advertisements	SWA job order runs 30 days. No uniform 90-day period applies to all other methods.	Most required recruitment must remain active at least 90 days, or longer if comparable non-PERM jobs are normally advertised longer.
Timing before PERM filing	Recruitment generally occurs within 180 days before filing; at least one step may occur within 30 days before filing.	Required advertising generally must be completed 30 to 60 days before the expected filing, and PERM generally must be filed within 30 days after recruitment is completed.
Prevailing wage determination	PWD must be obtained before filing, but recruitment may begin before issuance in some circumstances.	PWD must be obtained before recruitment begins, and recruitment must begin during the PWD validity period.
Wage in advertisements	Wage generally is not required in PERM advertisements.	Wage or wage range must appear in all advertisements and satisfy applicable prevailing- and minimum-wage rules.
Remote and telework information	No comprehensive requirement to state remote or telework status in every advertisement.	Advertisements must disclose remote, full-time telework, hybrid, travel, and relevant geographic or worksite information.
Job duties and minimum qualifications	Ads must sufficiently inform U.S. workers of the opportunity, but abbreviated descriptions may be used.	Ads must identify the services or duties and the actual minimum qualifications or requirements with greater detail.
Employer identity and contact information	Employer generally must be identified and provide application instructions.	Employer name and contact information are expressly required.
Number of openings	Not generally required in every advertisement.	Ads must state that the job is full time and identify the total number of openings when more than one exists.
Overtime information	No general requirement to advertise overtime availability or rate.	Where applicable, ads must disclose overtime availability and the overtime wage.
Application process	Employer controls the process subject to good-faith recruitment obligations.	Application procedures must mirror normal non-PERM hiring. Separate or burdensome PERM-only application channels are restricted.

Interviews	No universal requirement to offer telephone or virtual interviews.	If interviews are required, employers generally must offer phone or remote options designed to minimize U.S.-worker costs.
Who evaluates applicants	Beneficiary participation is generally restricted; attorney and agent participation is also limited.	Interviewer generally must be a U.S. worker who normally evaluates candidates for comparable non-PERM positions.
Recruitment report	Prepared and retained, usually submitted only in an audit or supervised recruitment.	Submitted with every PERM application, unless a different supervised-recruitment procedure applies.
U.S.-worker resumes and applications	Retained in the audit file and normally produced only upon audit.	All U.S.-worker resumes and applications must be submitted with the PERM filing.
Recruitment-report detail	Reports generally state the number of applicants and hires and provide lawful job-related rejection reasons.	Expanded report identifies sources, dates, URLs, each applicant, contact and application information, qualifications, disposition, reviewer or interviewer, offer status, and rejection reason.
Post-filing obligations	Recruitment is mainly a pre-filing process, subject to audits, supervised recruitment, and existing layoff rules.	Compliance becomes more continuing. Recruitment information may need updating after qualifying layoffs during the PERM and I-140 period.

Practical takeaway: The proposal replaces the current 30-day, newspaper-centered structure with a 90-day, primarily electronic system that must mirror the employer's ordinary recruitment and requires recruitment evidence, reports, and applicant materials to be filed with the ETA-9089.