

PERM Advertising:

Frequently Asked Questions for Employers

PERM advertising is for employers who want to hire a foreign worker who is applying for a green card. The purpose of PERM advertising is to test the labor market to be sure there are no US citizens who are more qualified for the position than the green card candidate.

1. To meet the PERM requirements, do I have to advertise both in print and online?

Yes. You must advertise in the local newspaper on two consecutive Sundays. Plus you must select three additional methods out of the following:

- Online job postings (e.g., through a local job board, including your local newspaper's job board, CareerBuilder, Craigslist)
- Local or ethnic newspaper
- Job fairs
- Your firm's external job site and internal postings
- Employee referral program
- Trade or professional org
- Private recruitment firm
- Campus recruiting
- TV and radio

2. Would posting on an industry niche site or network in addition to your newspaper site fulfill another requirement?

Yes, you can use this as the online option. Some employers have used postings on diversity job boards to meet the online job posting requirement. However, PERM specifically requires you to advertise in the local area, not necessarily nationally (unless the job requires travel throughout the country). Industry Networks reach a national audience. But if they reach a good enough local audience, they can satisfy the requirement.

3. There has been talk about the Federal government doing away with the newspaper advertising requirement. Is this likely to happen?

Immigration rules do evolve from time to time. Over the last several decades, we've seen the requirements change roughly every 7 to 10 years. At this point, we do not expect the PERM program to change substantially anytime soon.

4. Do I need tear sheets or e-tear sheets when I advertise on the newspaper?

Yes, you should ask for these as proof of your ad. Electronic tear sheets are acceptable. The e-tear sheet just needs to show the name of the paper, the actual ad copy as it appeared, and the dates it ran.

5. Do I have flexibility for the online posting? Do I need to advertise for 30 days?

We recommend you post the position for at least 30 days. Doing it for 33 days is a good best practice.

6. Should I include a job code in the ad?

You can add a job code number, which will allow you to track applicants that saw the ad.

7. What is H2B and how is it different from PERM?

H2B is a seasonal worker program. It applies to farmworkers, resort staff, such as ski areas or beach resorts, and other staff brought in for a specific short-term purpose.

It is not related to PERM, so the rules we are covering here do not apply to H2B.

8. Am I required to provide applicants' information at any point?

You are not required to provide applicants' information. However, you are required to store applicants' information, and in the event of an audit, you could be required to provide it.

9. How do I obtain proof that an ad ran online?

Contact the media outlet where you advertised to assist with this. They will find the information you need to demonstrate the job title, start and expiration dates, and either a link to the expired job copy or a copy of the job description.