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PERM Denial? Possible Defect in Form

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Submitted by Chief Editor on Jan 4th 2013

I am currently in my 7th year of H-1B visa. I work as a software developer full-time with a reputed software and ATM (Automated Teller Machine) hardware company. My perm with DOL just got denied; the reason mentioned was the SWA (State Workforce Agency) Ohio job order does not mention minimum experience requirements. However, the ETA form mentions 60 months of experience, and this does not appraise US workers from applying. However, the lawyer argues that there was no room to mention experience requirements in the Ohio job order.

ANSWER:

If indeed there is a defect in the form, USDOL should be able to approve the PERM within a few months upon an MTR. BALCA has put out a number of rulings in the last few months permitting such cases to be approved. In my opinion, it is highly unlikely that the form does not have experience drop down or similar fields. That is just too improbable. The problem may be more complicated than that.

Unless the context shows otherwise, all answers here were provided by [Rajiv](#) ^[2] and were compiled and reported by our editorial team from comments and blog on immigration.com ^[3]

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