



Published on *US Immigration Lawyer, Law Offices of Rajiv S. Khanna, PC, Rajiv S. Khanna* (<https://immigration.com>)

EB-2 PERM, Government Error

EB-2 PERM, Government Error [1]

Submitted by Chief Editor on Jun 13th 2013

We represented a technology consulting services corporation and a Senior Programmer Analyst employed by the firm. We submitted electronically the applicant's labor certification (PERM) to the USDOL. They denied certification without a request for explanation or audit. The USDOL denial alleged that the employer was required to show on the ETA 9089 (the PERM form) what methodology was used for the foreign degree evaluation. We responded with appropriate motion showing that this was clearly government error and a violation of due process. The forms provide no way of stating this information. We further presented several legal arguments and cases in support of our clearly justified position. Unfortunately, there is no way to spare anguish and uncertainty inflicted upon our clients, but USDOL did recognize the error and moved to correct it.

The case was approved within four weeks.

Green Card:

[EB2 Green Card](#) [2]

[PERM - Labor Certification](#) [3]

Source URL (retrieved on 25 Feb 2020 - 06:22): <https://immigration.com/sample-cases/eb2-green-card/eb-2-perm-government-error>

Links:

[1] <https://immigration.com/sample-cases/eb2-green-card/eb-2-perm-government-error>

[2] <https://immigration.com/greencard/green-card/employment-based-green-cards/eb2-green-card>

[3] <https://immigration.com/greencard/green-card/perm-labor-certification>