

employment of the alien will not adversely affect the wages and working conditions of United States workers similarly employed.

Discussion

Under 20 C.F.R. §656.21(b)(6), an employer must document that U.S. applicants were rejected solely for lawful job-related reasons. Therefore, an employer must take steps to ensure that it has obtained lawful, job-related reasons for rejecting U.S. applicants, and not stop short of fully investigating an applicant's qualifications.

Although the regulations do not explicitly state a "good faith" requirement in regard to post-filing recruitment, such good faith requirement is implicit. H.C. LaMarche Enterprises, Inc., 1987-INA-607 (Oct. 27, 1988). Actions by an employer which indicate a lack of good faith

It is well settled that although a written assertion constitutes documentation, a bare assertion without supporting reasoning or evidence is generally insufficient to carry an employer's burden of proof. Gencorp, 1987-INA-659 (Jan. 13, 1988)(en banc); A.V. Restaurant, 1988-INA-330 (Nov. 22, 1988); Carl Joecks, Inc., 1990-INA-406 (Jan. 16, 1992).

In its report of recruitment results, the Employer specifically stated that Mr. Hinojosa “*was contacted via mail.*” (Emphasis added). Furthermore, the Employer purported to enclose “the Receipt for Certified Mail as proof of mailing *and the Domestic Return Receipt showing the applicant received the invitation.*” (Emphasis added).(AF-18).

Despite the CO's finding that the return receipt had not been provided and specific instructions in the NOF to 6(p)-4(r)-11(o)-24(v)16(i)34(d)-678.66 41.04 0.636 T8TD [F(i)3418.663(()-11(E)-,4(

