



Permanent Labor Certification Program
Final Regulation
Frequently Asked Questions
August 8, 2005

FILING

Question: *Where I can email my questions?*

- ☞ There are three locations where you may send your questions, depending upon the type of question asked.

If you have a technical question (for example, if you forgot your password), then please email those questions to plc.help@dol.gov.

If you have a program specific question (for example, if you have a question concerning the content of an advertisement) or a policy question, then please email your questions to one of the appropriate National Processing Centers at PLC.Chicago@dol.gov (for the Chicago National Processing Center) or PLC.Atlanta@dol.gov (for the Atlanta National Processing Center). The appropriate National Processing Center depends upon the state in which you are located.

Please note: **Questions should no longer be e-mailed to perm.dflc@dol.gov.**

Question: *Under PERM, is it permissible for an employer to have more than one labor certification application actively in process for the same alien at any given time? What should an employer do if it has already filed multiple applications for the same alien?*

- ☞ Under PERM, an employer may not have more than one labor certification application actively in process for the same alien at any given time. We do not intend to issue more than one permanent labor certification for the same alien regardless of the number of filed applications, and whether for the same or different job opportunities. After August 31, 2005, once one permanent labor certification application for a particular alien is certified, all other applications for that alien filed under PERM will be denied. Additionally, once one application has been certified, a Notice of Finding will be issued for any application(s) by the employer for the same alien filed under the prior regulation (in effect through March 27 2005) found pending in either of the Backlog Elimination Centers (BECs). Similarly, once an application for the alien has been certified in a BEC, any pending application in either of the National Processing Centers (NPCs) filed by the employer for the same alien will be denied. In the event multiple permanent labor certification applications for the same alien under PERM are inadvertently certified, we intend to revoke all but the first certification under 20 CFR 656.32. In the event multiple permanent labor

certification applications for the same alien are certified at both the NPC and the BEC, we intend to revoke the one filed under PERM.

If an employer wishes to file a new application for a particular alien and there is currently an application on file for that alien, the employer may not file the new application until the employer formally withdraws the previously filed application or the employer has been notified, in writing, that the previous application is denied. (For withdrawal information, see the separate FAQ on procedures for withdrawing an application.)

NOTE: If employers currently have multiple applications for the same alien pending under PERM, the employers must withdraw, by August 31, 2005, all applications other than the one they want processed. As of August 31, 2005, if multiple applications from an employer for the same alien are still pending, the last application filed will be the one processed and all the other pending applications will be denied.

NOTE: An employer may *not* file a new application for an alien while a request for review is pending with the Board of Alien Labor Certification Appeals (BALCA).

Question: In view of the past practice of allowing the filing of multiple applications by the same employer for the same alien if the job opening was different, why, under PERM, is the employer precluded from having more than one application for the same alien actively in process at any given time?

☞ While we acknowledge past practice permitted the filing of multiple applications by the same employer for the same alien if the job opening was different and distinct, this practice was instituted to accommodate changes in circumstance inherent in a multi-year review process. Because re-engineering of the labor certification process reduces the processing time from years to months, there is no longer a need to continue this accommodation practice. Moreover, the filing of multiple applications for the same alien runs counter to the concept of a streamlined process.

Question: How can an employer withdraw a PERM application if the employer has difficulty withdrawing electronically?

☞ As explained in an earlier FAQ on this subject, if the application was filed on-line, the application can be withdrawn by accessing the account wherein the application was filed and simply marking the appropriate box. If the application was filed by mail, a withdrawal request, in writing following the procedure below, must be sent to the National Processing Center to which the application was originally submitted.

In the event employers are unable to withdraw electronically as stated above, employers should send a **withdrawal request** by e-mail to the appropriate National Processing Center at: PLC.Chicago@dol.gov (for Chicago) or PLC.Atlanta@dol.gov (for Atlanta). To ensure your request is processed expeditiously, please include the following information in the e-mail request:

- Show the words “Withdrawal Request” and the employer’s name in the subject line of the e-mail
- In the body of the e-mail, include the following information:
 - Case Number
 - Employer’s Name
 - Employer’s EIN
 - The reason for withdrawal
 - Name and title of individual requesting withdrawal

NOTE: In most circumstances, an application cannot be withdrawn while it is being audited.

Question: How can corrections be made to a filed application?

☞ Corrections can not be made to an application after the application is submitted under PERM. Once an application has been electronically submitted or mailed, it is considered final and no changes to the application will be permitted. This applies to typographical errors, as well. If the employer believes changes and/or corrections are necessary to the admissibility and/or appropriateness of the application, the employer should withdraw the application and file a new application with the changes and/or corrections. (For withdrawal information, see the separate FAQ on procedures for withdrawing an application.)

NOTE: All accurate recruitment information from the prior application, if still applicable and current, can be used in support of the new application.

Question: For electronically filed applications, please provide a listing, and explanation, of the status indicators that appear on the website.

☞ The status indicators for an application filed on-line are as follows:

Incomplete: A case number preceded by a "T" indicates that the application has not been formally "filed" by the employer or its agent, i.e., electronically submitted, and is still a temporary draft. When an application is electronically submitted to a National Processing Center, the "T" changes to either a "C" or "A" depending on whether the application is submitted to the Chicago or Atlanta National Processing Center, respectively.

In process: An "in process" status indicates the application is in the process of moving through the DOL’s certification process. If the application is in a stage of review requiring further information/documentation from the employer, the employer will be notified.

Withdrawn: A "withdrawn" status indicates the employer has withdrawn the application.

Denied: A "denied" status indicates the application is denied. A Final Determination form, stating the reasons for the determination and advising the

employer of how to request review, should the employer choose to do so, will be sent to the employer. The Final Determination must be included in any request for review, therefore, the employer must wait to receive the form before making such a request. The employer is also advised to wait for the Final Determination before filing a new application for the same alien to avoid repeating errors made in the original application.

Appeal: An "appeal" status indicates the application is under reconsideration and/or review and is considered "in process." No new application for the same alien can be filed while an application is in a reconsideration and/or review queue.

Certified: A "certified" status indicates the labor certification is granted. The certified application and a complete Final Determination form will be sent to the employer, or, if appropriate, to the employer's agent or attorney, indicating the employer may file all the documents with the appropriate office in the Department of Homeland Security (DHS).