



Permanent Labor Certification Program
Final Regulation
Frequently Asked Questions

August 8, 2005

FILING

Question: Where can I 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?

- *We have removed the response to this question posted on August 8, 2005. The Department is considering questions and information stakeholders have submitted in response to this FAQ posting, and will be developing and posting a clarified response in the near future.*

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?

- *We have removed the response to this question posted on August 8, 2005. The Department is considering questions and information stakeholders have submitted in response to this FAQ posting, and will be developing and posting a clarified response in the near future.*

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- As explained in an earlier FAQ on this subject, if the application was filed on-line, the application can be withdrawn by accessing the account wherein the application was filed and simply marking the appropriate box.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).