

**Backlog Elimination
Frequently Asked Questions
October, 2007**

1) Are the Backlog Elimination Centers (BECs) still open, or did they close?

As of September 30, 2007, the Backlog in the Permanent Labor Certification program has been eliminated, with nearly 99% of cases completed and the remainder awaiting responses from employers. Both of the BECs have started a transition and shutdown phase that will continue into December.

The BECs will continue to use the general information email boxes as the communication source for a limited period. These addresses are: info@dal.dflc.us (Dallas BEC) or info@phi.dflc.us (Philadelphia BEC).

2) My case is not yet completed; can I still find out the status of the case?

The online Backlog Public Disclosure System (PDS) will continue to be active. Case status can be checked at <http://pds.pbis.doleta.gov>.

3) My case is still listed as "In Process" on PDS. Will the BEC complete my case?

Both of the BECs have started a transition and shutdown phase that will continue through December. During this time, they will complete any remaining cases. Employers or their designated attorneys or agents are strongly encouraged to respond to any dated (time sensitive) correspondence as soon as possible – and prior to specified deadlines to the extent possible – regarding remaining cases to facilitate a final disposition.

4) My case is listed as Certified on PDS, but I have not yet received my certification in the mail.

It may take up to three weeks to receive the certification by mail. The certification will be sent to the attorney of record, or to the employer if there is no attorney of record. If the certification is not received after three weeks from the time it is listed on PDS as certified, email the appropriate BEC at the information email box as listed above. On the subject line, please use the identifier "Post-Certification Issue."

5) My case was closed at the State or Regional Office; will the BEC be contacting me about my case?

No. Cases that received a final disposition at either the State or regional level, including being denied, closed, or withdrawn, would not have been sent to a BEC. Since the appeal period has expired on all such cases, there is no additional action that can be taken.

6) The applicant, attorney, or representative for the case did not respond in a timely manner to correspondence and the case was closed. Will the BEC consider re-opening the case?

No. When OFLC (*i.e.*, the BEC) corresponds with employers, their attorneys, or agents, specific dates (deadlines) are given for required actions by the applicant to continue the case. If the appropriate, complete response is not received by OFLC postmarked by the required date, the decision regarding the case remains final. Likewise, if a timely response had not been received to a Notice of Findings, the decision to deny the case is final.

7) An application was sent to the State years ago, but I have not heard anything from the BEC. What is the status of such a case?

As stated in the answer to question #5, there are several reasons why an application may have received a disposition at the state level and was never sent to a BEC.

For all applications sent to a BEC, several notification actions were taken to: 1) ask employers if they wanted to continue the application, 2) notify employers of any issues through clarification letters or Notices of Findings, 3) notify employers when recruitment actions had commenced and to provide recruitment instructions, and 4) provide recruitment report instructions.

In addition to the normal procedures, OFLC published on its website two special procedures for backlog cases. OFLC published a procedure in July of 2006 for employers or their representatives to follow if they had not been contacted by a BEC with a 45-day Center Receipt Notification Letter.

OFLC then published a procedure in September of 2006 for employers or their representatives to follow if they had not been contacted in any way by a BEC.

OFLC published both of these procedures on its website, transmitted the information to stakeholder groups for dissemination on their websites, and publicly explained the procedures at several national forums. The procedures had specific timeframes in which to contact the BECs. All of these timeframes have expired.

The procedures remain substantially unchanged. If an employer has not received *any* communication from the BEC regarding a case, then the BEC does not have a record of having received the application.

In many cases, employers can file a new application using the PERM program. Instructions for establishing an account and filing an application online can be found at <http://www.plc.doleta.gov>.

8) My case was denied by the Certifying Officer at the BEC, but the employer or their attorney has appealed this decision to BALCA. Who will handle the case if further action is required by the BALCA decision?

In the event that a BALCA decision is not reached prior to the closing of the BECs in December 2007, OFLC will track the appeal and take any further actions required by a BALCA decision. The employer will be contacted at the appropriate time regarding new contact information.