

Backlog Elimination
Frequently Asked Questions Round 8
December 2007

1. **Question:** When is the official date that the Dallas and Philadelphia BECs will close?

Answer: Both BECs will close on 12/21/07.

2. **Question:** When will the BECs stop taking case inquiries from the public?

Answer: At this time the BECs' capability to answer case questions is limited due to the process of forwarding completed cases to the Federal Retention Centers for archiving purposes. All communication will cease on 12/21/07.

3. **Question:** After the BECs close on 12/21/07, whom do I contact with questions regarding the disposition of my application?

Answer: Direct all disposition questions to the Chicago National Processing Center (NPC). However, the Chicago NPC will not have direct access to case files and will only be able to provide limited information.

Contact the Chicago NPC via email at: bec.chicago@dol.gov (the subject line should be marked: Attn: Backlog) or via U.S. mail at:

U.S. Department of Labor
Employment and Training Administration
ATTN: BEC Inquiries
844 N. Rush Street, 12th Floor
Chicago, IL 60611

All mail the BECs receive just prior to closing will be forwarded to Chicago. All correspondence mailed to the BEC, but not received prior to closing, will be forwarded by the U.S. Postal Service to the Chicago NPC.

4. **Question:** If my case is denied, who will handle appeal requests after the BECs close?

Answer: Send all appeal requests for cases denied by either BEC to the Chicago National Processing Center:

U.S. Department of Labor
Employment and Training Administration
ATTN: BEC Appeals
844 N. Rush Street
12th Floor
Chicago, IL 60611

5. **Question:** My case was denied and I have filed an appeal, but I have not received a decision. What will happen to my case?

Answer: For cases that are currently in the appeal process, in the event that a BALCA decision is not reached prior to the closing of the BECs, the Chicago NPC 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.

6. **Question:** My case is listed as “In Process” on PDS. If my case is not completed prior to the BECs’ closing on 12/21/07 will final action still be taken?

Answer: In the unlikely event a case is not completed prior to the BECs’ closing, the case will be completed by Office of Foreign Labor Certification (OFLC) personnel. The application will be processed and the employer will be contacted as appropriate regarding final disposition.

7. **Question:** How long will the Public Disclosure System (PDS) remain active?

Answer: The system will remain active until all cases are completed. Cases in the appeal process will remain on PDS until BALCA reaches a decision.

8. **Question:** My case was closed at the State or Regional Office. Will the BEC be contacting me about my case?

Answer: 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.

9. **Question:** 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?

Answer: As previously stated in Backlog FAQs, Round 7, question #7, 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 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>.

10. **Question:** After the BECs close, where do I send Freedom of Information Act (FOIA) requests?

Answer: Information on how to make a FOIA request can be found at <http://www.doleta.gov/foia/>. FOIA requests should be sent to the ETA National Office at:

U.S. Department of Labor - ETA
200 Constitution Avenue, NW
Washington, D.C. 20210-0002

11. **Question:** Will BEC personnel still be available to discuss backlog applications after the BECs close?

Answer: No. All BEC federal personnel will be reassigned to positions not related to Foreign Labor Certification.

12. **Question:** I do not have my original certified ETA 750 to submit to USCIS. How do I obtain a duplicate from DOL?

Answer: For applications processed at the BECs, Employment and Training Administration regulations at 20 CFR 656.30(e) require that requests for duplicate labor certification can be initiated only by the U.S. Citizenship and Immigration Services.

13. **Question:** I have contacted the BEC for an update on the status of my case, but I have not heard anything back. Can I expect a response from the BEC or OFLC?

Answer: The volume of cases processed made it unfeasible for the BECs to provide status updates regarding where specific cases were in the process. To provide such information to the public, OFLC created the Public Disclosure System (PDS) <http://pds.pbls.doleta.gov/>. Using the case number, the public can obtain the status of their case as to whether it is In Process, Certified, Denied, Closed, Withdrawn, or actively On Appeal.

Due to the closing of the BECs, and the transmittal of the cases to archiving centers, the BECs remain unable to answer individual case status requests. However, the PDS system will continue to be active and can be used to obtain the most current information regarding the status of a case.

14. **Question:** I recently sent a message to the BEC's "No BEC Contact" address regarding a case filed with a State because I have not heard anything at all from the BEC about the case I believed to be pending. Can I expect to hear back about the case from the BEC or OFLC?

Answer: No. FLC published on its website two special procedures for backlog cases. OFLC published a procedure in July 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 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 deadlines set forth in those procedures have expired.

The closing of the BECs makes it unfeasible to provide responses to those who have sent inquiries regarding "no BEC contact" after the expiration of the deadlines. Therefore, the BECs will not be responding to individual "no BEC contact" requests filed after the expiration dates for these opportunities.

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>.