



JUN - 1 2006

Ms. Mary A. Kenney
Senior Attorney
American Immigration Law Foundation
918 F Street, N.W., 6th Floor
Washington, D.C. 20004

Dear Ms. Kenney:

We have received and carefully considered your letter, co-signed by Nadine K. Wettstein, concerning the Employment and Training Administration's (ETA) pre-PERM case closing practice as these actions relate to our efforts to eliminate the backlog of permanent labor certification applications filed prior to March 28, 2005. We believe the issuance of "45 day" letters to employers to determine their continued desire to pursue long pending applications has proven extremely successful in ascertaining current employer commitment and is an effective and efficient utilization of public resources. This practice has eliminated thousands of cases where either the employer no longer exists or no longer has the need to utilize foreign labor to meet their workforce needs.

Accordingly, it is our continued intent to enter all backlogged cases into our database which triggers the issuance of the "45 day" letter. This practice has proven too successful to abandon and serves as a necessary tool for reducing the large backlog of cases.

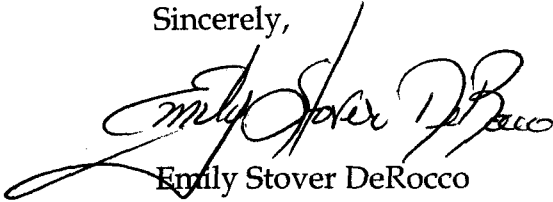
However, in the course of establishing large mailing systems where literally tens of thousands of letters have been mailed, we recognize there may have been occasions in which the letters were not received by the employer and/or its attorney through no fault of their own. In those cases, our subsequent action in closing the application may not have been warranted.

The Employment and Training Administration has always strived to serve our workforce and employers in the most equitable manner. Therefore we will re-open those cases where the employer, or its attorney, within 30 days of receipt of the case closure letter, notified the issuing Certifying Officer that the "45 day" letter had not been received and that the employer wished to continue processing.

Requests for reopening outside of this parameter will be addressed on a case-by-case basis by the appropriate BEC. The Office of Foreign Labor Certification (OFLC) will be in touch to discuss your suggestions as to what other situations might warrant reopening. Further guidance may be issued in the future.

I trust this action will satisfy the concerns raised in your correspondence and that we can continue to work together. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Emily Stover DeRocco", written over a horizontal line.

Emily Stover DeRocco

cc: Douglas F. Small
Bill Carlson
Harry Sheinfeld



JUN - 1 2006

Ms. Nadine K. Wettstein
Director Legal Action Center
American Immigration Law Foundation
918 F Street, N.W., 6th Floor
Washington, D.C. 20004

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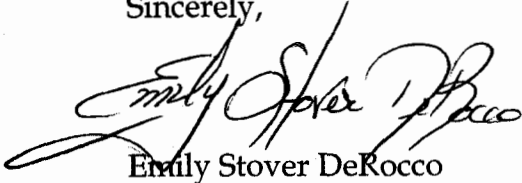
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