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PERM - Labor Certification, DOL, Government Error

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Submitted by Chief Editor on Nov 14th 2012

We filed a PERM application under EB-2 for a Senior Programmer Analyst's position early this year. Three months later, U.S. Department of Labor (DOL) issued an Audit Notification. Immediately following our response, DOL denied the application, citing that our audit response did not include a copy of the job order. Our response, in the form of an MTR (Motion to Reconsider)/Appeal, included a clear exposition of the law and a BALCA decision in which the Administrative Law Judge held that the job order is not a mandatory document required to be submitted, and therefore, the denial was erroneous. Given that the denial reason was clearly an error on DOL's part, we requested the case be placed into the government error queue so that the case would quickly be reopened and approved. Within one week, DOL certified the labor application.

Green Card:

[EB2 Green Card](#) ^[2]

[PERM - Labor Certification](#) ^[3]

Agency:

[BALCA](#) ^[4]

[DOL](#) ^[5]

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