

**LABOR CERTIFICATION CASE HIGHLIGHTS**  
**THE NEED TO PROVIDE COMPLETE INFORMATION**



by

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The Board of Alien Labor Certification Appeals (“BALCA”) issued a decision on September 29, 2006 which makes it clear that a labor certification application must be completed in its entirety or it runs the risk of being denied.

In the case (*In the Matter of Chatila Diamond Corporation d/b/a Blue & White, BALCA Case No. 2005-INA-00145*), the Employer filed a pre-PERM labor certification in April 2001 for a foreign national who had been in the United States and had been working illegally prior to the filing of the labor certification application. The Employer did not list the information on the labor certification form even though the form specifically asked for the foreign national’s employment history for the 3-year period prior to the filing of the labor certification case. When the Department of Labor reviewed the application, it requested the foreign national’s employment history. The Employer responded that the foreign national had worked without authorization in various jobs and was paid cash. The Employer did not provide the requested information (specific job information over the past three years) and the Department of Labor denied the labor certification case.

This case emphasizes that all information on a labor certification application must be answered completely and accurately. Failure to list requested information can result in the denial of a labor certification case.

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