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June 1, 2006 is the closing date for filing Temporary Protected Status Reregistration Applications for Hondurans and Nicaraguans.

Failure to file a TPS re-registration by June 1, 2006 will result in withdrawal of TPS benefits, including employment authorization and protection from removal. USCIS estimates that approximately 75,000 Hondurans and 4,000 Nicaraguans may be eligible for re-registration. However, only 7,500 eligible beneficiaries had filed as of May 2, 2006. Information on how to re-register:
<http://www.uscis.gov/graphics/publicaffairs/newsrels/HonNicRemndr050206PR.pdf>. This extension of TPS is effective July 5, 2006 and is valid for one year.

FACTS- Notice of Filing for a permanent labor certification:

1. Posting timeframe for a Notice of Filing for a permanent labor certification. An employer may post a Notice of Filing indefinitely, provided that at the time of filing the permanent labor certification application, the Notice of Filing was posted for at least 10 consecutive business days and those 10 consecutive business days all fell within 30 to 180 days prior to filing the application. In addition, the Notice of Filing must contain the correct prevailing wage information, the correct job description and must comply with all other Department of Labor regulatory requirements.

2. Employer may post a Notice of Filing for the same occupation and job classifications with a single posting. An employer can satisfy Notice of Filing requirements with respect to several positions in each of these job classifications with a single Notice of Filing posting, as long as the single posting complies with the Department of Labor's regulation for each application (e.g. contains the appropriate prevailing wage information and the Notice of Filing must be posted for 10 consecutive business days during the 30 to 180 day time window prior to filing the application). For instance, separate notices would have to be posted for an attending nurse and a supervisory nurse (e.g. nurses containing different job duties).

At the time of filing the labor certification, the prevailing wage information must not have changed, the job opportunity must remain the same and all other Department of

Labor regulatory requirements must be followed.

3. Where employer must post a Notice of Filing for a permanent labor certification for roving employees. If the employer knows where the Schedule A employee will be placed, the employer must post the notice at that work-site(s) where the employee will perform the work and publish the notice internally using in-house media--whether electronic or print--in accordance with the normal internal procedures used by the employer to notify its employees of employment opportunities in the occupation in question. The prevailing wage indicated in the notice will be the wage applicable to the area of intended employment where the worksite is located.

If the employer does not know where the Schedule A employee will be placed, the employer must post the notice at that work-site(s) of all of its current clients, and publish the notice of filing internally using electronic and print media according to the normal internal procedures used by the employer to notify its employees of employment opportunities in the occupation in question. The prevailing wage will be derived from the area of the staffing agencies' headquarters.

If the work-site(s) is unknown and the staffing agency has no clients, the application would be denied based on the fact that this circumstance indicates no bona-fide job opportunity exists. The employer cannot establish an actual job opportunity under this circumstance. A denial is consistent with established policy in other foreign labor certification programs where certification is not granted for jobs that do not exist at the time of application.

Facts – PERM:

1. Corrections cannot be made to an application after the application is submitted under PERM. Once an application has been electronically submitted or mailed, it is considered final and no changes to the application will be permitted. This applies to typographical errors as well. If the employer believes changes and/or corrections are necessary for the accuracy or certifiability of the application, the employer should withdraw the application and file a new application with the changes and/or corrections (for withdrawal information, see the separate FAQ on procedures for withdrawing an application.) All accurate recruitment information from the prior application, if still applicable and current, can be used in support of the new application.

2. What to do if application for certification is denied. Upon receipt of the denial notification via U.S. mail, a new application may be filed at any time unless a request for review by the Board of Alien Labor Certification Appeals (BALCA) has been submitted. While a request for BALCA review is pending, a new application for the same occupation and the same alien cannot be filed. See 20 CFR 656.24(e)(6). The Department of Labor considers a request for review to be pending with BALCA under 20 CFR 656.24(e)(6) at the time either a request for BALCA review or a request for reconsideration is submitted to the Certifying Officer.

3. What to do if the Prevailing Wage Determination provided by the State Workforce Agency (SWA) was incorrect or incomplete. In submitting a PERM application, the employer declares that it has read and reviewed the application and that the information contained in the application is true and accurate. The employer is responsible for ensuring the PWD information provided by the SWA and entered on ETA Form 9089 is correct and for taking steps to obtain corrected PWDs from the SWA as needed.

After March 25, 2006, the Department of Labor will hold the employer responsible for ensuring Prevailing Wage Determinations obtained from a SWA are complete and in compliance with the PERM regulation. DOL will deny requests for review that seek to correct or complete PWD information.