

BRIEFLY...

Highlights of Report Number: 06-04-004-03-321, a report to the Assistant Secretary for Employment and Training. September 30, 2004.

WHY READ THE REPORT

This report details the adverse affects of the restoration of Section 245(i) of the Immigration and Nationality Act on the Employment and Training Administration's foreign labor certification program in terms of significant increase in workload, predominance of illegal aliens applying for permanent residence status, and poor quality of applications.

WHY OIG DID THE AUDIT

The Office of Inspector General (OIG) audited the Department of Labor's (DOL) permanent Foreign Labor Certification (FLC) program to answer three questions:

How was the FLC program workload affected by the Section 245(i) provision for the period January 1, 2001, through April 30, 2001?

What was the legal employment status and actual visa status of individuals applying for permanent foreign labor certification during the 4-month period covered by Section 245(i)?

What was the quality of FLC applications filed during this 4-month period as determined by the extent of incomplete and/or misrepresented applications?

READ THE FULL REPORT

To view the report, including the scope, methodology, and full agency response, go to:

<http://www.oig.dol.gov/public/reports/oa/2004/06-04-004-03-21.pdf>

SEPTEMBER 2004

RESTORING SECTION 245(I) OF THE IMMIGRATION AND NATIONALITY ACT CREATED A FLOOD OF POOR QUALITY FOREIGN LABOR CERTIFICATION APPLICATIONS MAINLY FOR ALIENS WITHOUT LEGAL WORK STATUS

WHAT OIG FOUND

Our audit found:

- a backlog in processing FLC applications (325,000 as of May 2004) due to a 450 percent increase in applications for permanent labor certifications from Fiscal Year 2000 to 2001;
- a majority of aliens did not have legal status to work (84 percent) or be (67 percent) in the U.S. (72 percent);
- most (67 percent) aliens were already working for the petitioning employer at the time of application, including nearly 28 percent who worked for the employer for 5 or more years prior to application; and
- an estimated 69 percent of the 214,406 applications filed from January 1 through April 30, 2001, and not subsequently canceled or withdrawn, were either misrepresented, incomplete, or both.

WHAT OIG RECOMMENDED

OIG recommended the Assistant Secretary for Employment and Training:

- require that the current backlog of applications are processed in accordance with applicable laws and regulations;
- verify an employer's current in-business status prior to certification; and
- refer to the OIG's Office of Labor Racketeering and Fraud Investigations any applications where the employer is determined not to be a bona fide employer.

ETA generally agreed with the report findings.