

<http://www.foreignlaborcert.doleta.gov/faqsanswers.cfm#superrec12>

12. What are the consequences of an employer requesting to withdraw an application undergoing Supervised Recruitment?

While OFLC/ANPC may grant an employer's request to withdraw an application undergoing supervised recruitment and the employer then files a new application meeting all regulatory requirements, the future application for the same foreign worker as in the withdrawn application will be subject to supervised recruitment pursuant to 20 CFR 656.21. Additionally, where the OFLC/ANPC determines it appropriate, all other applications filed by the employer for any foreign worker or job opportunity may also be subject to supervised recruitment.

An employer that wishes to file a future application for the same foreign worker as in an application withdrawn while undergoing supervised recruitment must do so by completing the ETA Form 9089, **except Section I, Recruitment Information**, which will be completed after submission at the instruction of the OFLC/ANPC. The employer must file the above referenced application by **mail** to the Atlanta National Processing Center at the following address:

U.S. Department of Labor
Employment and Training Administration
Office of Foreign Labor Certification
Attention: Supervised Recruitment Certifying Officer
P.O. Box 56625
Atlanta, Georgia 30343

Repeated requests to withdraw different applications undergoing supervised recruitment will be carefully reviewed and may evidence a pattern or practice of the employer's failure to comply with the supervised recruitment process, and may subject the employer to debarment from the permanent labor certification program for a reasonable period of no more than three years pursuant to 20 CFR 656.31(f)(1)(v).

May 14, 2012