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## **CERTIFYING OFFICER REVIEW AND BOARD OF ALIEN LABOR CERTIFICATION APPEALS (BALCA)**

### **What recourse does the employer have in the event a labor certification is denied?**

If a labor certification is denied, the employer has three options for seeking review of the Certifying Officer's decision:

1. Request for Reconsideration, pursuant to 20 CFR 656.24(g)(1);
2. Request for Review before the Board of Alien Labor Certification Appeals (BALCA), pursuant to 20 CFR 656.26(a);
3. Request for Reconsideration based on alleged Department Error. Depending on the specific language used in the cover letter of the employer's appeal, the Department will assign the appeal request to the appropriate appeals queue.

Requests for Reconsideration must be filed with the Certifying Officer in writing and submitted within 30 calendar days of the determination.

Requests for Review before BALCA must be made in writing and within 30 calendar days of the determination to the Certifying Officer who denied the application.

Please note, as of October 27, 2014, the ANPC has changed its process and will no longer forward all Requests for Reconsideration where the original case decision was upheld automatically to BALCA for review. Rather, an employer must affirmatively request review before BALCA no later than 30 calendar days after the date the request for reconsideration was denied.