

§ 656.20 Audit procedures.

(a) Review of the labor certification application may lead to an audit of the application. Additionally, certain applications may be selected randomly for audit and quality control purposes. If an application is selected for audit, the Certifying Officer shall issue an audit letter. The audit letter will:

- (1) State the documentation that must be submitted by the employer;
 - (2) Specify a date, 30 days from the date of the audit letter, by which the required documentation must be submitted; and
 - (3) Advise that if the required documentation has not been sent by the date specified the application will be denied.
- (i) Failure to provide documentation in a timely manner constitutes a refusal to exhaust available administrative remedies; and
 - (ii) The administrative-judicial review procedure provided in § 656.26 is not available.
- (b) A substantial failure by the employer to provide required documentation will result in that application being denied under § 656.24 and may result in a determination by the Certifying Officer pursuant to § 656.24 to require the employer to conduct supervised recruitment under § 656.21 in future filings of labor certification applications for up to 2 years.
- (c) The Certifying Officer may in his or her discretion provide one extension, of up to 30 days, to the 30 days specified in paragraph (a)(2) of this section.
- (d) Before making a final determination in accordance with the standards in § 656.24, whether in course of an audit or otherwise, the Certifying Officer may:
- (1) Request supplemental information and/or documentation; or
 - (2) Require the employer to conduct supervised recruitment under § 656.21.

[69 FR 77386, Dec. 27, 2004, as amended at 71 FR 35523, June 21, 2006]