

**PART 656—LABOR CERTIFICATION
PROCESS FOR PERMANENT EM-
PLOYMENT OF ALIENS IN THE
UNITED STATES**

Subpart A—Purpose and Scope of Part 656

Sec.

- 656.1 Purpose and scope of part 656.
- 656.2 Description of the Immigration and Nationality Act and of the Department of Labor's role thereunder.
- 656.3 Definitions, for purposes of this part, of terms used in this part.

**Subpart B—Occupational Labor
Certification Determinations**

- 656.5 Schedule A.

Subpart C—Labor Certification Process

- 656.10 General instructions.
- 656.11 Substitutions and modifications to applications.
- 656.12 Improper commerce and payment.
- 656.15 Applications for labor certification for *Schedule A* occupations.
- 656.16 Labor certification applications for shepherders.
- 656.17 Basic labor certification process.
- 656.18 Optional special recruitment and documentation procedures for college and university teachers.
- 656.19 Live-in household domestic service workers.
- 656.20 Audit procedures.
- 656.21 Supervised recruitment.
- 656.24 Labor certification determinations.
- 656.26 Board of Alien Labor Certification Appeals review of denials of labor certification.
- 656.27 Consideration by and decisions of the Board of Alien Labor Certification Appeals.
- 656.30 Validity and invalidation of labor certifications.
- 656.31 Labor certification applications involving fraud, willful misrepresentation, or violations of this part.
- 656.32 Revocation of approved labor certifications.

**Subpart D—Determination of Prevailing
Wage**

- 656.40 Determination of prevailing wage for labor certification purposes.
- 656.41 Review of prevailing wage determinations.

AUTHORITY: 8 U.S.C. 1182(a)(5)(A), 1182(p)(1); sec.122, Public Law 101-649, 109 Stat. 4978; and Title IV, Public Law 105-277, 112 Stat. 2681.

SOURCE: 69 FR 77386, Dec. 27, 2004, unless otherwise noted.

**Subpart A—Purpose and Scope of
Part 656**

§ 656.1 Purpose and scope of part 656.

(a) Under section 212(a)(5)(A) of the Immigration and Nationality Act (INA or Act) (8 U.S.C. 1182(a)(5)(A)), certain aliens may not obtain immigrant visas for entrance into the United States in order to engage in permanent employment unless the Secretary of Labor has first certified to the Secretary of State and to the Secretary of Homeland Security that:

(1) There are not sufficient United States workers who are able, willing, qualified and available at the time of application for a visa and admission into the United States and at the place where the alien is to perform the work; and

(2) The employment of the alien will not adversely affect the wages and working conditions of United States workers similarly employed.

(b) The regulations under this part set forth the procedures through which such immigrant labor certifications may be applied for, and granted or denied.

(c) Correspondence and questions about the regulations in this part should be addressed to: Office of Foreign Labor Certification, Employment and Training Administration, 200 Constitution Avenue, NW., Room C-4312, Washington, DC 20210.

[69 FR 77386, Dec. 27, 2004, as amended at 71 FR 35522, June 21, 2006]

**§ 656.2 Description of the Immigration
and Nationality Act and of the De-
partment of Labor's role there-
under.**

(a) *Description of the Act.* The Act (8 U.S.C. 1101 *et seq.*) regulates the admission of aliens into the United States. The Act designates the Secretary of Homeland Security and the Secretary of State as the principal administrators of its provisions.

(b) *Burden of proof under the Act.* Section 291 of the Act (8 U.S.C. 1361) provides, in pertinent part, that:

Whenever any person makes application for a visa or any other documentation required for entry, or makes application for admission, or otherwise attempts to enter the United States, the burden of proof shall