

NOTICE OF PROCEDURES AND DEADLINES FOR ADMINISTRATIVE TRANSFERS

Foreign national workers requesting permission to transfer with an Administrative Transfer will be subject to the following procedures and deadlines.

Completion of registration process: An Employer Intent Form must be filed within 30 days of the date on the registration form. Failure to file within 30 days may result in the denial of the transfer. Any denial of permission to transfer may be appealed within 15 days by filing a written notice of appeal with the Administrative Hearing Office.

Locating a job: It is the responsibility of the foreign national worker to locate an employer willing to hire the worker under a one-year contract. Once a foreign national worker has located an employer, the worker should file the Employer Intent Form with Employment Services as soon as possible. In order for the Administrative Transfer process to go forward, the completed and signed Employer Intent Form must have been submitted to Employment Services.

Website: The Labor Department maintains a website, www.marianaslabor.net, that contains job vacancy announcements, and any foreign national worker can access this website at any time from any computer that is connected to the Internet. Any foreign national worker who wants to use this website, and does not have a computer available, can come to Employment Services for assistance.

Employment of U.S. citizens: At any time prior to the order granting permission to transfer, Employment Services may locate a U.S. citizen or permanent resident who wishes to apply for a job described on an Employer Intent Form and make a referral, or a U.S. citizen or permanent resident may see the job listed on the Department's website and apply. If that happens, and the employer decides to hire the U.S. citizen, the foreign national worker will be given another opportunity to register to find another employer. Employers may hire both the U.S. citizen and the foreign national worker without further posting or advertising of the job vacancy announcement.

Initial review by a hearing officer: Every request for an Administrative Transfer must be reviewed and approved by a hearing officer in an order. A hearing officer will consider each request within a short time after the Employer Intent Form is filed, and a notice will be provided as to the date and time when this will occur.

- ✓ No objection to transfer: If the hearing officer receives no objection from officials in the Department to the transfer, the initial review will result in the final order granting permission to transfer.
- ✓ Objection to transfer: If the hearing officer receives an objection from one or more officials in the Department to the transfer, the request for transfer will be set for a hearing.

Objections: If any unit of the Labor Department makes an objection to the request for Administrative Transfer, the employer and the foreign national worker will be provided with a notice of the objection indicating the nature of the objection and the person to see to clear the objection. A 14-day period is allowed to clear objections and objections may be cleared any time prior to the hearing.

- ✓ If all objections are cleared, the request for Administrative Transfer will be put back on the hearing schedule and approved.
- ✓ If all objections are not cleared, at the end of the 10-day period the request for Administrative Transfer will be scheduled for a special hearing and any outstanding issues will be decided.

Processing the approved transfer: A foreign national worker whose request for permission to transfer is granted will have 10 days, after the date of the order from the hearing officer approving the request to transfer, to have the employer file the transfer application with Labor Processing. **All transfer applications must be complete when filed** (with the exception of the Immigration requirement for a health clearance).

- ✓ If the transfer application contains a deficiency, a notice of deficiency will be posted on the Department's website and on the bulletin boards at the Department. It is the responsibility of the worker to check for any deficiencies.
- ✓ If the transfer application is denied, a denial is issued by Labor Processing and will be posted on the Department's website and on the bulletin boards at the Department. Either an employer or a foreign national worker may appeal a denial within 15 days of the date the notice is posted by filing a written notice of appeal with the Administrative Hearing Office.

Objection sustained by a hearing officer: If a hearing officer denies a request for an Administrative Transfer at a hearing, the hearing officer will issue an order specifying the reasons for the denial. The order will be served on the foreign national worker and the employer (if the employer appears). Any denial of permission to transfer may be appealed within 15 days by filing a written notice of appeal with the Administrative Hearing Office.

Service: All information required to be served on an employer or foreign national worker with respect to the Administrative Transfer process will be posted on the Department's website and on bulletin boards at the Labor Department. It is the obligation of each employer and foreign national worker to remain informed by this method. An employer or foreign national worker who has provided an e-mail address will be provided a courtesy copy by e-mail.

Orders of the hearing officer are deemed served on the day the order is posted on the website unless personally served prior to posting.

Repatriation: If a transfer is not completed within the time periods allowed or an extension allowed by a hearing officer, the foreign national worker will be repatriated.