

February 28, 2022

Richard Christensen, ESQ.
Erickson Immigration Group
2101 Wilson Boulevard, Suite 1100
Arlington, Virginia 22201

Via Email (richardc@eiglaw.com)

Re: Freedom of Information Act Communication Letter
Tracking Number: 2022-F-00711

Dear Mr. Christensen:

Thank you for your inquiry dated February 22, 2022, forwarded to the Office of Foreign Labor for response. You requested The ANPC Integrity Tiers Plan, OFLC Audit Plan and Audit Tiers that are used currently in the review and processing of PERM applications by OFLC as well as audit plans/memorandum regarding the Erickson Immigration Group. You also requested Audit Plan's or Memorandum discussing or outlining Audit practices since March 2020 (onset of the COVID-19 Pandemic), even if no longer in effect.

OFLC personnel performed a comprehensive search for all responsive records. We sent you a fee letter on November 10, 2022, with the cost of searching and reviewing these records. The estimated fees for processing your request amounted to \$2,700.00 for 67.5 hours of search and review time. The hourly rate for professional search time is \$40.00. ETA business practice is to request half of the estimated fees (\$1350.00) before processing begins.

Once the FOIA personnel received all records for processing, we determined that most of the records were subject to Exemption 5, deliberative process privilege of the FOIA exemptions. The responsive documents included deliberations or internal e-mails discussing the ANPC Integrity Tiers Plan, OFLC Audit Plan, and Audit Tiers that are used currently in the review and processing of PERM applications by OFLC including related memoranda. These documents were in draft form and required the application of Exemption 5, which protects the decision-making process and premature disclosure of proposed policies.

The fees charged are appropriate for this type of request; however, I am waiving the remaining payment of \$1350.00 as a courtesy.

Sincerely,



Colieen Thompkins
Branch Chief, Information Services
Office of Foreign Labor Certification