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## Foreign Labor Certification

*Helping U.S. employers fill jobs while protecting U.S. and foreign workers*



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### Calendar Year 2019

- **April 1, 2019. OFLC Announces Updates to Implementation of the Interim Final Rule (IFR) for Temporary Employment in the Commonwealth of the Northern Mariana Islands (CW-1 Workers)**

Publication of CW-1 IFR: On April 1, 2019, the Office of the Federal Register published the Department's IFR, as required by the Northern Mariana Islands U.S. Workforce Act of 2018 (Pub. L. 115-218). To read the full text of the CW-1 IFR in the Federal Register, please click [here](#). **The CW-1 IFR will become effective on April 4, 2019, at 12:00 a.m. Eastern Time.**

Application Forms to Implement the CW-1 IFR: The Office of Management and Budget (OMB) has authorized use of the Forms ETA-9141C, Application for Prevailing Wage Determination and ETA-9142C, Application for Temporary Employment Certification, and the accompanying general instructions to support implementation of the CW-1 IFR. To obtain a copy of the application forms, please visit the Form and Instructions section of the OFLC website [here](#).

Implementation of CW-1 Electronic Filing Module: As required by the CW-1 IFR and except for employers that lack adequate access to electronic filing, either due to lack of internet access or physical disability, employers must use OFLC's Foreign Labor Application Gateway (FLAG) System to file the OMB-approved application forms. Employers are required to submit the Form ETA-9141C and obtain a valid Prevailing Wage Determination (PWD) before filing the Form ETA-9142C requesting temporary labor certification.

At 3:00 p.m. Eastern Time on April 1, 2019, OFLC's FLAG System will permit employers and their authorized attorneys or agents to begin preparing requests for PWDs in advance of the CW-1 IFR's effective date. However, employers will not be able to submit requests for PWDs until the CW-1 IFR becomes effective on April 4, 2019, at 12:00 a.m. Eastern Time. To access OFLC's FLAG System, please click [here](#).

- **March 26, 2019. Webinar Announcement: Program Overview: The Commonwealth of the Northern Mariana Island (CNMI) CW-1 Application for Temporary Employment Certification**

As part of the Office of Foreign Labor Certification's (OFLC) ongoing efforts to increase public outreach and awareness, and to provide the outreach and training required by the CNMI Workforce Act, OFLC will host two webinars on March 28, 2019, and April 2, 2019 Chamorro Standard Time (GMT+10). The webinars are designed to provide technical assistance to employers and, if applicable, their authorized attorneys or agents on how to complete and submit a CW-1 Application for Temporary Employment Certification. The content of both webinars will be the same.

**Details of the webinars are as follows:**

DATE: March 28, 2019 & April 2, 2019  
 TIME: 8:00 a.m - 9:30 a.m Chamorro Standard Time  
 Or  
 6:00 p.m - 7:30 p.m EST (March 27, 2019 & April 1, 2019)

March 28, 2019 Chamorro Standard Time (March 27 EST) Webinar Link:  
<https://dolevents.webex.com/dolevents/onstage/g.php?MTID=ec8b22804075b9d3689d107f3b6ef5f1c>

April 2, 2019 Chamorro Standard Time (April 1 EST) Webinar Link:  
<https://dolevents.webex.com/dolevents/onstage/g.php?MTID=e236a06b6c9f922d90384d08b3f60a6ce>

Teleconference (Both meetings can use the same numbers below)  
 Toll-Free Phone Number: 888-603-7040  
 Toll Number: 1-312-470-0014  
 Participant Passcode: 8026950  
 Meeting password (both meetings): Welcome!24

- **March 26, 2019. Federal Register Notice. Labor Certification Process for the Temporary Employment of H-2A and H-2B Foreign Workers in the United States: Annual Update to Allowable Charges for Agricultural Workers' Meals and for Travel Subsistence Reimbursement, Including Lodging**

The Employment and Training Administration (ETA) of the Department of Labor has issued a notice in the Federal Register to announce the annual update to the allowable charges that employers seeking H-2A workers in occupations other than range herding may charge their workers when the employer provides three meals a day and the maximum travel subsistence meal reimbursement that a worker with receipts may claim under the H-2A and H-2B programs. The notice also includes a reminder regarding employers' obligations with respect to overnight lodging costs as part of required subsistence. To read the notice, please click [here](#).

- **March 25, 2019. Department of Labor Announces the Interim Final Rule for Temporary Employment in the Commonwealth of the Northern Mariana Islands (CW-1 Workers)**

**WASHINGTON, DC** - The Department of Labor (the Department or DOL) is posting an Interim Final Rule (IFR) as required by the Northern Mariana Islands U.S. Workforce Act of 2018 (Workforce Act), Pub. L. 115-218 (July 24, 2018). DOL is posting a copy of the IFR in advance of its publication in the Federal Register. A copy of the IFR can be found at [https://www.foreignlaborcert.doleta.gov/pdf/CNMI\\_IFR.pdf](https://www.foreignlaborcert.doleta.gov/pdf/CNMI_IFR.pdf).

The IFR establishes the process by which an employer in the Commonwealth of the Northern Mariana Islands (CNMI) will obtain a prevailing wage and temporary labor certification (TLC) from the Department for use in petitioning the Department of Homeland Security (DHS) to employ a nonimmigrant worker in CW-1 visa status. As required by the Workforce Act, a TLC granted by the Department serves as confirmation to DHS that an insufficient number of qualified U.S. workers are available to fill the employer's job opportunity in the CNMI, and the employment of a CW-1 worker will not adversely affect the wages or working conditions of similarly employed U.S. workers.

The Department's actions will help employers, through more robust domestic recruitment, find U.S. workers for positions the employers would otherwise seek to fill with CW-1 workers. The rule also establishes important protections for both CW-1 workers and U.S. workers in corresponding employment and ensures that no U.S. worker is placed at a competitive disadvantage compared to a CW-1 worker or is displaced by a CW-1 worker. Several provisions will improve transparency between employers and workers, such as requiring employers to provide workers with detailed earnings statements on or before each payday, disclose all deductions from pay, and a copy of the work contract in a language understood by the workers. To protect the program from fraud and abuse, the Department has authority to impose sanctions on employers who violate program requirements, such as more intensive or assisted recruitment requirements, revocation of a granted TLC, and debarment from all employment-based immigration programs administered by the Department for up to five years.

The IFR will be effective on and after April 4, 2019, at 12:00 a.m. Eastern Time. The IFR will provide the public with a comment period, lasting 60 days from the date the IFR is published in the Federal Register, during which interested parties will be able to submit public comments on the rule. **No CW-1 applications will be accepted until the IFR goes into effect on April 4, 2019.**

CW-1 employers will use the Foreign Labor Application Gateway (FLAG), which can be accessed at the following website: <https://flag.dol.gov>. The Department will provide user guides and conduct informational webinars on the new system for the public beginning this week.

In the coming weeks, the Department will conduct outreach and provide materials on the new regulatory requirements for stakeholders interested in the CW-1 program, and further details on those outreach events and materials will be announced on the OFLC website at [www.foreignlaborcert.doleta.gov](http://www.foreignlaborcert.doleta.gov). In the meantime, interested stakeholders may obtain a detailed factsheet on the new regulations, [https://www.foreignlaborcert.doleta.gov/pdf/CNMI\\_IFR\\_Factsheet.pdf](https://www.foreignlaborcert.doleta.gov/pdf/CNMI_IFR_Factsheet.pdf), as well as a copy of the IFR that will be published in the Federal Register, [https://www.foreignlaborcert.doleta.gov/pdf/CW\\_IFR.pdf](https://www.foreignlaborcert.doleta.gov/pdf/CW_IFR.pdf), at the enclosed links.

**Note:** These versions of the regulations may vary slightly from the published document if minor technical or formatting changes are made during the review by the Office of the Federal Register. Only the version published in the Federal Register is the official regulation.

- **February 26, 2019. Department Announces Updates to its Procedures for Processing H-2B Applications for Temporary Labor Certification**

The Department today announced updates to its procedures for processing H-2B applications. Because of the intense competition for H-2B visas in recent years, the Department's technology and available staff resources have been challenged to handle the increasingly large volume of H-2B applications filed on January 1 of each year. As a result of stakeholder comments and the most recent filing period in which the iCERT electronic filing system experienced a service disruption due to the large volume of system user requests, the Department's Office of Foreign Labor Certification (OFLC) reassessed its procedures for processing H-2B applications.

Today, OFLC announced that all H-2B applications filed on or after July 3, 2019 will be randomly ordered for processing based on the date of filing and the start date of work requested. OFLC will randomly order and assign for processing all of the H-2B applications requesting the earliest start date of work permitted under the semi-annual visa allocation (i.e., October 1 or April 1) and filed during the first three calendar days of the regulatory time period for filing H-2B applications. Once first actions are issued, OFLC will randomly assign for processing all other H-2B applications filed on a single calendar day.

OFLC is seeking comments on this procedural change for a period of 30 calendar days from the date that the notice is published in the Federal Register. Interested stakeholders may submit comments to [H2BReform.Comments@dol.gov](mailto:H2BReform.Comments@dol.gov) or Thomas M. Dowd, Deputy Assistant Secretary, Employment and Training Administration, U.S. Department of Labor, Box PPII 12-200, 200 Constitution Avenue, NW, Washington, DC 20210.

OFLC will review all of the comments received, make any changes it determines are appropriate, and issue a final announcement prior to July 3, 2019. Stakeholders can access a full copy of the procedural announcement [here](#).

- **Scheduled Maintenance - Presidents Day Weekend**

The U.S. Department of Labor will be conducting scheduled system maintenance beginning Friday, February 15 at 5:00 p.m. ET through Tuesday, February 19 at 8:00 a.m. ET. Users should expect that OFLC's website, <https://www.foreignlaborcert.doleta.gov/>, and the iCERT and PERM systems will be unavailable during the maintenance window.

- **February 13, 2019. Published 60 Day Notice for Information Collection Related to Form ETA-9141, Application for Prevailing Wage Determination**

The Department of Labor (the Department) published a 60-day notice in the [Federal Register](#) informing the public of proposed revisions to Form ETA-9141, Application for Prevailing Wage Determination, for the purpose of requesting public comments. The objectives of the Form ETA-9141 revisions are to better align information collection requirements with the Department's current regulatory framework, streamline information collection across programs to reduce employer's time and burden in preparing applications, and promote greater efficiency and transparency in the Office of Foreign Labor Certification's (OFLC) review and issuance of prevailing wage determinations. Proposed changes to the form include addition of fields for the name and details of the attorney or agent filing the form on behalf of its employer client, formatted field for alternative requirements for the job opportunity instead of the current free-text field, and addition of an appendix to standardize the collection of requests for prevailing wage determinations for multiple worksites. Any written comments must be submitted in accordance with the [Federal Register](#) notice instructions. Copies of the 60 day notice, Supporting Statement, and the proposed forms and instructions are provided below:

- [Federal Register](#) notice
- [60-Day Supporting Statement](#)
- [Proposed Form ETA-9141](#)
- [Proposed Form ETA-9141, General Instructions](#)
- [Proposed Form ETA-9141, Appendix A](#)

- **February 7, FY 2019 Q1 Selected Statistics**

The Office of Foreign Labor Certification has posted updated program factsheets containing the Quarter 1 FY 2019 selected statistics for the [Permanent Labor Certification Program](#), [Prevailing Wage Determination Program](#), [H-1B Temporary Visa Program](#), [H-2A Temporary Agricultural Visa Program](#), and [H-2B Temporary](#)

[Non-agricultural Visa Program](#). Reports are derived from program data as of 12/31/2018. The updated program factsheets may also be found on OFLC's Performance Data [page](#).

- **February 7, 2019. FY 2019 Q1 Cumulative Disclosure Data**

The OFLC PERM, H-2A, H-2B, Prevailing Wage, and H-1B program disclosure data files for Quarter 1 of FY 2019 are now available. Click [here](#) to access the disclosure files and corresponding record layouts.

- **January 31, 2019. FY 2019 H-2B Foreign Labor Recruiter List**

Pursuant to 20 CFR § 655.9(c), the Office of Foreign Labor Certification (OFLC) is publishing an updated list of the names of foreign labor recruiters. The list also contains the identity and location of persons or entities hired by, or working for, the recruiter that employers have indicated they engaged, or planned to engage, in the recruitment of prospective H-2B workers to perform the work described on their Form ETA-9142B, H-2B Application for Temporary Employment Certification. The H-2B Foreign Labor Recruiter List includes cumulative cases filed from October 1, 2018 through December 31, 2018.

By providing this Foreign Labor Recruiter List, OFLC is providing a greater level of transparency to the H-2B worker recruitment process and facilitating information sharing between the Department of Labor, other agencies, and the public. The list will be updated quarterly and can be accessed [here](#). FAQs regarding the Foreign Labor Recruiter List have been posted as 2017 H-2B IFR FAQs Round 16 and can be accessed [here](#). Archived Foreign Labor Recruiter Lists may be found [here](#).

- **January 11, 2019. OFLC Issues H-2B Processing Announcement.**

In continuing to keep the public well-informed regarding submission and processing of H-2B Applications for Temporary Employment Certification and the iCERT system, the Department of Labor (the Department) has the following updates:

**The Department is processing applications according to procedures announced on June 1, 2018, whereby applications are assigned to analysts for processing based on the date and time at which the application was received into the system. Under normal, pre-established procedures, Notices of Acceptance and Notices of Deficiency will be issued on a rolling basis, and certifications will be issued as the employer meets all regulatory requirements.**

**Applicants' official receipt date and time are saved in the iCERT database and displayed on the applicants H-2B Portfolio Screen. This official date and time determines the order in which applications are assigned for processing.**

The Department has received questions about the difference between timestamps displayed in iCERT and timestamps contained in emails confirming the submission of applications. When an applicant submits an application, the system generates a courtesy email to the applicant which confirms the submission. The date and time in the courtesy email, however, does not represent the official date and time of the applicant's submission. Rather, it indicates the time at which the email was generated. To reiterate, the official date and time of each application may be viewed in the applicant's H-2B Portfolio Screen through the applicant's iCERT system account.

The Department undertook an after-action analysis of the iCERT system's January 7, 2019 performance. Through a review of the data logs, the Department has determined that 186 applicants submitted the same application more than once in the iCERT system. Because the iCERT database overwrites the previous date and time stamp when a new submission is made, the official date and time saved in the iCERT database is the date and time of the final submission. For these 186 applications, the Department was able to determine the time of the first submission down to the second. For the 152 applicants with multiple submissions within the same second, the final time stamp to the millisecond is reflected in the official date and time. In the remaining 34 cases, the submissions were made outside of the same second. Those applications are now at the first submission's second. These time stamps are reflected in the official receipt date and time that may be viewed on the H-2B Portfolio Screen through an iCERT system account.

Some users received an outage banner which delayed or blocked access to the H-2B page in the iCERT system. To increase processing capacity on January 7, 2019, the Department scaled up iCERT infrastructure to 50 load-balanced servers. One of the pathways to these servers did not allow access to the iCERT's H-2B module system at the 2:00 p.m. EST opening of the system, and for approximately two and half hours thereafter. All iCERT users were randomly assigned to a server at log-on as per a standard load-balancing algorithm. As a result, users assigned to this particular pathway experienced the outage banner and may have been delayed from getting into iCERT's H-2B module.

In addition, the Department received questions regarding whether there was a restoration of data due to data corruption. There was no restoration of data from back-up and no data corruption found connected to the system disruption of January 1, 2019.

The Department was notified that some applicants were missing certain required data or attachments from their applications. As per standard practice, applicants are encouraged to log into their iCERT accounts and verify that their applications are complete and accurate. If any attachments are missing, applicants may upload them at any time. If any required data fields on the ETA-9142B are missing or inaccurate, applicants may contact the Office of Foreign Labor Certification (OFLC) help desk at [tlc.chicago@dol.gov](mailto:tlc.chicago@dol.gov) and provide the relevant H-2B case number and explain the necessary corrections.

In light of the unprecedented demand for H-2B labor certifications, the Department is considering rulemaking changing the process by which applications are ordered for processing, including randomization and other methods. In the interim, the Department welcomes comments and suggestions from the public on these matters. Comments and suggestions should be directed to the [H2BReform.Comments@dol.gov](mailto:H2BReform.Comments@dol.gov).

- **January 8, 2019. OFLC Issues H-2B Processing Announcement.**

The Department of Labor's (DOL) Office of Foreign Labor Certification (OFLC) is making this public service announcement to alert employers and other interested stakeholders about the high volume of applications received requesting temporary labor certification under the H-2B visa program.

**OFLC has received for processing approximately 5,276 H-2B applications covering more than 96,400 worker positions.** Except where a statutory exemption applies, the Department of Homeland Security (DHS) may only issue up to 33,000 H-2B visas for employers seeking to hire H-2B workers during the second half of FY 2019 (April 1 to September 30). This unprecedented level of employer requests for H-2B workers is nearly three times greater than the 33,000 semi-annual visa allotment for FY 2019 permitted under the Immigration and Nationality Act (INA). The OFLC takes each request for temporary labor certification seriously and administers the labor certification program in a manner that protects the wages and working conditions of both H-2B and U.S. workers who support the seasonal workforce needs of U.S. small businesses, consumers, and communities.

### **Processing of H-2B Applications**

In order to process this significant surge of applications in a more equitable manner and to clarify the time at which an application is received, OFLC issued a public announcement on June 1, 2018, that it will sequentially assign H-2B applications to analysts based on the calendar date and time on which the applications are received (i.e., receipt date and time). Receipt time will be measured to the millisecond, e.g., 12:00:00.000 a.m. OFLC's technology servers are located in the Eastern Time Zone; therefore, the time an application is received and assigned to analysts is based on Eastern Time (ET). Applications submitted from other time zones may be filed as early as 12:00:00.000 a.m. ET.

Once assigned, the analysts will initiate review of each H-2B application in the order of receipt date and time, and in accordance with 20 C.F.R. 655.30. Based on the analyst's review, the Certifying Officer (CO) will authorize issuance of either a Notice of Acceptance (NOA) under 20 C.F.R. 655.33 or a Notice of Deficiency (NOD) under 20 C.F.R. 655.31. Following issuance of NOAs and/or NODs, the applications will be processed as each successive stage in the process is completed. Employers receiving NOAs may proceed to meet the additional regulatory requirements, including recruitment of U.S. workers and submission of recruitment reports. Employers receiving NODs must correct any deficiencies and then receive a NOA before proceeding to meet the additional regulatory requirements. As a result, for each application, analysts' review of NOD responses and recruitment reports, and issuance of final decisions (certifications and denials) will follow in the order in which each sequential step required by the regulations is concluded, irrespective of the receipt time of the application.

As required, OFLC will grant temporary labor certification only after the employer's H-2B application has met all the requirements for approving labor certification under 20 CFR 655.50 and the subpart. In accordance with regulatory requirements, OFLC will send all certified H-2B applications to the applicant by means normally assuring next day delivery. OFLC will issue rejections, withdrawals, and denials of labor certification applications as each determination is made by the CO.

### **Background on Statutory Limit of H-2B Visas**

The INA set at 66,000 the annual number of aliens who may be issued H-2B visas or otherwise provided H-2B nonimmigrant status by the DHS to perform temporary non-agricultural work. Up to 33,000 H-2B visas may be issued in the first half of a fiscal year (October 1 to March 31), and the remaining annual allocation will be available for employers seeking to hire H-2B workers during the second half of the fiscal year (April 1 to September 30). If insufficient petitions are approved to use all H-2B numbers in a given fiscal year, the unused numbers cannot be carried over for petition approvals in the next fiscal year.

On December 12, 2018, the DHS United States Citizenship and Immigration Services (USCIS) announced that the first half of the annual number of H-2B visas for Fiscal Year (FY) 2019 was reached and, except where a statutory exemption applies, USCIS will reject new H-2B petitions requesting an employment start date on or before March 31, 2019. In accordance with the INA, USCIS will accept new H-2B petitions for the remaining 33,000 visas available for FY 2019 where the employer has received a temporary labor certification from the DOL and requests an employment start date on or after April 1, 2019.

- **January 7, 2019. OFLC Issues Last Status Update Today on the iCERT System.**

**LAST OPERATING STATUS:** The Department's iCERT Rapid Response Team has continued to monitor the iCERT system, which has consistently been open for service since 2:00 p.m. EST and successfully handled the submission of approximately 5,021 H-2B applications covering more than 92,400 workers positions for an April 1, 2019, start date of work **within the first two hours of operation.**

Application filing services through the iCERT system will remain open and the Department will continue to closely monitor the situation.

- **January 7, 2019. OFLC Issues Status Update on the iCERT System.**

**OPERATING STATUS:** The Department's iCERT Rapid Response Team has continued to monitor the iCERT system, which has now successfully handled the submission of approximately 4,749 H-2B applications covering more than 87,900 workers positions for an April 1, 2019, start date of work **within the first one hour of operation.**

Application filing services through the iCERT system will remain open and the Department will continue to closely monitor the situation.

- **January 7, 2019. OFLC Issues Status Update on the iCERT System.**

**OPERATING STATUS:** The iCERT system for application processing opened for service promptly at 2:00 p.m. EST today. The Department's iCERT Rapid Response Team continuously monitored the system's server capacity, which successfully handled the submission of approximately 4,195 H-2B applications covering more than 79,500 workers positions for an April 1, 2019, start date of work **within the first 30 minutes of operation.**

Application filing services through the iCERT system will remain open and the Department will continue to closely monitor the situation.

- **January 7, 2019. OFLC Issues Step-by-Step Instructions for Emergency Backup H-2B Applications Filing Process if iCERT System Disruption Occurs.**

The iCERT system for application processing is scheduled to **open at 2:00 p.m. EST on MONDAY, JANUARY 7, 2019.**

The Department has enhanced system capacity and performed intensive testing and performance tuning on the iCERT system to simulate the expected activity of a large number of simultaneous system users. Out of an abundance of caution, the Department is prepared to activate an emergency application filing process, called the H-2B Case Submission Ticketing Portal, in the unlikely event a system disruption occurs or the Department determines that it is prudent to activate.

During the stakeholder conference call held on Friday, January 4, 2019, the Department committed to providing the stakeholder community with procedural information on the emergency application filing process before 12:00 p.m. EST today. Accordingly, the Department provided iCERT system account holders, who have a pending H-2B application containing a start date of work on or after April 1, 2019, with step-by-step instructions for using the H-2B Case Submission Ticketing Portal. The electronic mail (e-mail) communications were issued throughout the early morning hours today. To view a sample of the electronic communication sent to iCERT system account holders with a pending H-2B application, please click [here](#).

Important Reminder: This web service portal will only be activated in the event of an emergency or the Department's determination that it is prudent to activate and upon electronic notice from the Department through the iCERT system website (<https://icert.doleta.gov>).

- **January 6, 2019. OFLC Issues Frequently Asked Questions Related to Passwords for the iCERT System**

The Department held a conference call on Friday, January 4, 2019, to update stakeholders on the status of the iCERT system and timeline to restore services **at 2:00 p.m. EST on MONDAY, JANUARY 7, 2019.** The Department is issuing this announcement in response to specific questions regarding passwords for the iCERT system. To access the new FAQs, please click [here](#).

- **January 4, 2019. OFLC Issues Frequently Asked Questions Regarding the iCERT System**

The iCERT system for application processing is tentatively scheduled to **open at 2:00 p.m. EST on MONDAY, JANUARY 7, 2019.**

Today, the U.S. Department of Labor held a conference call to update stakeholders on the status of the iCERT system. The Department is confident the iCERT System will open for service at 2:00 p.m. Eastern on Monday, January 7, 2019. The Department is issuing this announcement in order to respond to important questions stemming from today's conference call impacting the broader stakeholder community. To access the FAQs, please click [here](#).

Due to an unprecedented volume of simultaneous system users that included applications for 97,800 workers on January 1, 2019, the legacy iCERT System experienced a failure preventing applications for H-2B temporary labor certifications from being submitted to the Department.

The Department's iCERT Rapid Response team has been working non-stop to address all issues. Steps taken to recover and restore stability to the iCERT System include:

- Increasing web server capacity to 50 servers for managing the increased number of system users who need to submit applications;
- Instituting a "CAPTCHA" feature at the iCERT login stage to ensure individuals, as opposed to computer algorithms, are interacting with the system, and;
- Continuing to perform intensive testing and performance tuning on the iCERT system to simulate the functional load volume and activity of a large number of simultaneous system users.

The H-2B program is statutorily limited to 66,000 worker positions annually with 33,000 allocated to each half of the fiscal year. H-2B applications are date and time stamped to establish the order of submission, because of the demand for the program. A huge surge in user activity is expected upon the reopening of the iCERT System on January 7, especially in the first 15 minutes. The non-H-2B users should not attempt to log into the system until 3:00 p.m. The Department's iCERT Rapid Response Team will be monitoring the system's servers continuously when services are restored.

Out of an abundance of caution, we have established and will be prepared to activate a backup solution should an unlikely new system disruption occur. We understand how important our programs are for employers and realize this workforce is critical to meeting the seasonal needs of many employers across the nation.

- **January 3, 2019. OFLC Issues Status Update on Availability of the iCERT System**

The iCERT system for application processing is tentatively scheduled to **open at 2:00 p.m. EST on MONDAY, JANUARY 7, 2019.**

The Department is currently testing the system to process a record number of applicants. DOL has made 50 servers available for processing, more than eight times as many as available for processing on January 1, 2019.

To offer a further detailed update, senior leaders of the Employment and Training Administration will be conducting a conference call **TOMORROW, FRIDAY, JANUARY 4, 2019 at 2:00 p.m. EST.** to provide a further update on the status of the iCERT system. **The conference call can be accessed by calling 1-888-946-6304 and using participant code 9462870.**

- **January 3, 2019. OFLC Issues Frequently Asked Question Regarding H-2A Applications Impacted by the iCERT system failure on January 1**

**QUESTION:** I am an H-2A employer impacted by the iCERT system failure that occurred in the early morning of January 1, 2019, and was not able to file my application 45 days before the start date of work. When system service is restored, will the Chicago NPC consider the recent system outage as a qualifying emergency?

**ANSWER:** Yes. The Department recognizes that some employers are not able to submit their H-2A applications at least 45 calendar days before the start date of work due to the temporary iCERT system outage. We consider this situation to qualify as good and substantial cause under 20 CFR 655.134. When the Department has restored system service, employers with start dates of need less than 45 days from the date of restored service may file their H-2A applications with the Chicago NPC using emergency procedures and should include a statement that their request for a waiver of the regulatory timeframe for filing is based on the temporary iCERT system outage.

- **January 3, 2019. OFLC Issues Frequently Asked Questions Regarding H-2B Applications Mailed to the Chicago NPC**

**QUESTION:** I am an employer impacted by the iCERT system failure that occurred in the early morning of January 1, 2019. May I submit my H-2B application by mail to the Chicago National Processing Center (NPC)?

**ANSWER:** Yes. In accordance with 20 CFR 655.15(c), an employer may submit the H-2B Application for Temporary Employment Certification and all required supporting documentation to the NPC either electronically or by mail. An employer submitting by mail must send the H-2B application to the address listed below.

Office of Foreign Labor Certification  
Chicago National Processing Center  
11 West Quincy Court  
Chicago, IL 60604-2105  
ATTN: H-2B Program Unit

The Chicago NPC **does not accept** hand delivered applications.

**QUESTION:** I am an employer who mailed an H-2B application to the Chicago NPC and I understand from the Department of Labor's June 1, 2018, public announcement that applications are assigned to analysts based on the calendar date and time on which the applications are received. What procedures does the Chicago NPC use for mailed-in applications and how are the receipt dates and times affixed to these applications?

**ANSWER:** The Chicago NPC receives two shipments of mail each business day; one at approximately 10:00AM Central Standard Time (CST) and a second one at 2:00PM CST. For each shipment received, consistent with standard operating procedures, the Chicago NPC opens each mail item and establishes a receipt date. The following summarizes how the Chicago NPC handles mailed-in applications:

- Each application is assigned to a Chicago NPC data entry clerk;
- All data from each mailed-in application is fully entered into the iCERT system by an assigned data entry clerk based on the receipt date;

- o Each application is assigned a date and timestamp based on the date and time the Chicago NPC data entry clerk submits the application after completing the data entry, not the date the application is originally received at the Chicago NPC; and
- o After each application is submitted for processing by the Chicago NPC data entry clerk, the iCERT system issues a courtesy email notification that includes the date and timestamp of submission.

**Important Note:** As a result of the process described above, applications sent by mail will generally be filed in the system more slowly. The opening of mail and subsequent timely entry of the mailed-in applications is highly sensitive to the level of data entry resources available at the Chicago NPC. Submitting identical applications electronically and by mail is also not recommended and it may delay the processing of your application.

- **January 2, 2019. Important Announcement Regarding the Availability of the iCERT System for H-2B Program Filings**

Within the first five minutes of opening the semi-annual H-2B certification process on January 1, 2019, the U.S. Department of Labor iCERT system had an unprecedented demand for H-2B certifications with more than 97,800 workers requested in pending applications for the 33,000 available visas. With more than thirty-times the user demand on the iCERT system compared to last year on January 1, the iCERT system experienced a system disruption. The Employment and Training Administration, working with the Department of Labor's Office of the Chief Information Officer, is working diligently to have the system ready within a few days to accept a record number of H-2B applications. Enhancing system capacity and dealing with other factors such as the possible use of automated script programs during the application process are being addressed in iCERT to ensure certifications can be processed. As previously stated, the Department will be giving at least 24 hours' notice before the iCERT system is re-opened. A further update will be provided on Thursday, January 3, 2019.

## Calendar Year 2018

- **December 27, 2018. OFLC National Processing Centers Are Open**

The Department of Labor's (DOL) Office of Foreign Labor Certification (OFLC) is making this announcement to assure employers and other interested stakeholders that the temporary lapse in appropriations for some Federal government programs and activities **does not directly impact** the administration of OFLC programs. A full year appropriations through September 30, 2019, for all DOL program and activities was enacted by Congress on September 28, 2018. The OFLC national processing centers and the iCERT System are open and operating as normally scheduled.

- **December 27, 2018. H-2B Application Filing Timelines**

The Department of Labor's Office of Foreign Labor Certification (OFLC) is making this announcement to remind employers and other interested stakeholders that H-2B Applications for Temporary Employment Certification, Form ETA-9142B, with April 1, 2019, start dates may be filed no earlier than January 1, 2019 at 12:00:00.000 a.m. Eastern Time. Applications with an April 1 start date that are filed before January 1, 2019 at 12:00:00.000 a.m. Eastern Time will be denied, and the employer will be required to refile its application. Filers are reminded that OFLC's technology servers are located in the Eastern Time Zone; therefore, the time an application is received is based on Eastern Time. Please reference the H-2B processing guidance that was previously published as an announcement on OFLC's website on June 1, 2018, for additional information regarding OFLC's processing of H-2B applications.

- **December 26, 2018. New 2019 H-2A Monthly Adverse Effect Wage Rate (AEWR) for Herding or Production of Livestock on the Range**

The Department of Labor (DOL) has published a notice in the Federal Register announcing the new AEWR for herding or production of livestock on the range for the H-2A Program. The AEWR is the minimum wage rate DOL has determined must be offered and paid by employers to H-2A workers and workers in corresponding employment, so that the wages of similarly employed U.S. workers will not be adversely affected. The notice announces the new national monthly AEWR for herding or production of livestock on the range. To access the notice please click [here](#).

- **December 26, 2018. New 2019 H-2A Hourly Adverse Effect Wage Rates (AEWR) by State**

The Department of Labor (DOL) has published a notice in the Federal Register announcing the new AEWR in each state to perform agricultural labor or service other than herding and production of livestock on the range for the H-2A Program, based on the Farm Labor Survey conducted by the U.S. Department of Agriculture. The AEWR is the minimum wage rate DOL has determined must be offered and paid by employers to H-2A workers and workers in corresponding employment, so that the wages of similarly employed U.S. workers will not be adversely affected. The notice announces the new hourly AEWR for each state. To access the notice please click [here](#).

- **December 21, 2018. Clarifications to Non-Substantive Application Form Changes in the H-2A and H-2B Programs.**

The Employment and Training Administration's Office of Foreign Labor Certification (OFLC) is issuing clarifications to the non-substantive changes to application forms for temporary labor certification under the H-2A and H-2B programs. The below Frequently Asked Questions are intended to provide employers with assistance in completing Section H, items H.6a, H.6b, and/or H.6c, before the application can be submitted.

**QUESTION:** I am a small employer that does not maintain a website where U.S. workers can apply for my job opportunities. Can I comply with the collection requirements in Section H.6.c, Forms ETA-9142A and 9142B, by entering the website of the State Workforce Agency (SWA) where I placed my job opportunity for recruiting U.S. workers?

**ANSWER:** Yes. The general instructions for Section H.6.c, Forms ETA-9142A and 9142B, require the employer to provide a website address where U.S. workers can apply, or enter "N/A" where no website address is available. The employer is also required to use a valid format when entering the website address, and the general instructions identify a number of valid website address suffixes, including those covering government agencies. Because employers are required by regulation to place job orders with the SWA and place other advertisements directing applicants to apply for the job opportunity at the nearest SWA in the states in which their advertisements appear, and include contact information for the relevant SWA in their advertisements, the employer may enter the website address of the SWA where the job opportunity is posted in Section H.6.c. Employers are reminded to report SWA referrals of qualified and available U.S. workers on their recruitment reports.

**QUESTION:** I am completing my application and usually do not include a phone number, email address, or website address for the State Workforce Agency (SWA) job order. Do I need to edit my job order to include the same information in Sections H.6.a, H.6.b., and H.6.c.?

**ANSWER:** No. The Department will review the application along with the SWA job order and issue a Notice of Deficiency (NOD) where the employer or their authorized agents or attorneys provide contact information (e.g., phone, email, web site) that is different from that provided on the SWA job order. For instance, if the employer or its authorized agent or attorney provides a phone number and email address as its contact information on the SWA job order where U.S. workers can apply, and the information submitted on the Forms ETA-9142A or 9142B is different, a NOD will be issued to provide the employer with an opportunity to correct the discrepancy. However, if an employer or its authorized agent or attorney provides other methods of contact information on the SWA job order, such as a fax number and physical address, the Department will not issue a NOD but will view this as additional methods for U.S. workers to apply for the job.

- **IMMEDIATE ACTION REQUIRED: December 19, 2018. Non-Substantive Form Changes to iCERT Data Collection in the H-2A and H-2B Programs.**

**Important Notice: Employers that have prepared cases in iCERT, but have not yet submitted them, will need to login to iCERT and complete Section H, items H.6a, H.6b, and/or H.6c, before the application can be submitted. If two of the three items are not completed, employers will not be able to submit their application.**

The Employment and Training Administration's Office of Foreign Labor Certification (OFLC) will be implementing non-substantive changes to application forms for temporary labor certification under the H-2A and H-2B programs. These changes are intended to offer greater assistance to prospective U.S. workers applying for job opportunities. **Employers that have prepared cases in iCERT, but have not yet submitted them, will need to take additional actions on their application.**

As of December 19, 2018, OFLC implemented non-substantive changes to Section H, items H.6a, H.6b, and H.6c, on the Forms ETA-9142A and ETA-9142B. These changes have been approved by the Office of Management and Budget.

Specifically, the revised application forms require collection of the following information related to recruiting U.S. workers for the employer's job opportunity: (1) a phone number where U.S. workers can apply, (2) an email address where U.S. workers can apply, and (3) a website address where U.S. workers can apply. As per the instructions, an employer must provide a minimum of two of the three categories of information through which prospective U.S. workers can contact the employer and apply for the job opportunity.

Stakeholders can access a copy of the form instructions and revised Forms ETA-9142A and ETA-9142B [here](#).

- **December 17, 2018. Acceptance of H-2B Applications for January 2019**

The H-2B Application for Temporary Employment Certification, Form ETA-9142B and all appendices, are set to expire on December 31, 2018. The Department is seeking approval from the Office of Management and Budget (OMB) to extend these application forms in one-month increments starting January 2019. Until OMB grants approval, employers are permitted to continue filing H-2B applications using the current forms, including any approved one-month extensions, starting January 1, 2019.

- **December 14, 2018. Revised Form ETA-9035/9035E Presentation and Informational Materials**

The revised Form ETA-9035/9035E PowerPoint presentation can be accessed on the Office of Foreign Labor Certification's Additional Resources tab located [here](#). Also posted under the Additional Resources tab is a side-by-side comparison of the major form revisions and factsheet that provides further explanation of the revisions.

- **December 11, 2018. Extension of H-2A and H-2B Notices of Proposed Rulemaking (NPRM) Comment Period**

On November 9, 2018, the Department of Labor (DOL) published in the Federal Register a NPRM to modernize the advertising requirements for the H-2A program. On November 9, 2018, DOL also jointly published with the Department of Homeland Security, a separate NPRM proposing to modernize the advertising requirements for the H-2B program.

Both NPRMs provide for the submission of public comments through December 10, 2018. In response to requests to extend the comment period, DOL has published subsequent notices in the Federal Register to extend both comment periods through December 28, 2018.

The H-2A Federal Register notice can be accessed here:

<https://www.federalregister.gov/documents/2018/12/10/2018-26766/modernizing-recruitment-requirements-for-the-temporary-employment-of-h-2a-foreign-workers-in-the#addresses>

The H-2B Federal Register notice can be accessed here:

<https://www.federalregister.gov/documents/2018/12/10/2018-26767/modernizing-recruitment-requirements-for-the-temporary-employment-of-h-2b-foreign-workers-in-the>

- **December 4, 2018. Webinar Announcement: PERM Helpdesk Inquiry Submission Process**

As part of the Office of Foreign Labor Certification's (OFLC) continuing efforts to increase public outreach and awareness, OFLC will host a a webinar on Wednesday, December 19, 2018, designed to provide technical assistance regarding the Electronic Helpdesk Inquiry Submission Process associated with the Permanent Labor Certification Online System Helpdesk Module. Details of the webinar are as follows:

DATE: Wednesday, December 19, 2018

TIME: 2:00 p.m. to 3:30 p.m. EST

Link to the webinar:

<https://dol.webex.com/dol/j.php?MTID=m2474cd0ef88e547ee22c2a879c30f9d5>

Teleconference: 1-877-917-3612

Attendee access code: 7763886

Meeting password: Welcome!68

- **November 28, 2018. H-2B Program: Form ETA-9142B filing tip for jobs covered by temporary need exemption under the National Defense Authorization Act for Fiscal Year 2019**

The Office of Foreign Labor Certification (OFLC) is announcing a new filing tip for employers submitting an H-2B Form ETA-9142B in connection with a future filed H-2B nonimmigrant petition that falls under section 1045 of the National Defense Authorization Act (NDAA) for Fiscal Year 2019, as discussed in United States Citizenship and Immigration Services (USCIS) Policy Memorandum, PM-602-0164, for services or labor to be performed by H-2B workers in the Commonwealth of the Northern Mariana Islands (CNMI). An employer requesting H-2B temporary labor certification, whose job opportunity qualifies for the NDAA temporary need exemption described in PM-602-0164, should indicate such exemption in Section B.9 (Statement of Temporary Need) of the Form ETA-9142B in lieu of a temporary need statement. Specifically, a qualifying employer should enter the following statement in Section B.9: "N/A - job opportunity for services or labor to be performed by H-2B workers in the CNMI qualifies for NDAA temporary need exemption under USCIS PM-602-0164." This standard language is designed to provide employers with an efficient and standard way to inform the OFLC Chicago National Processing Center that the job opportunity being requested for temporary labor certification is subject to the statutory exemption.

As USCIS will make the final decision as to whether an H-2B petition is covered by the provisions of section 1045 of the NDAA, and eligibility for the H-2B classification, employers are encouraged to review eligibility criteria carefully in PM-602-0164, which is available on USCIS's website here:

<https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/2018/2018-10-01-PM-602-0164-H-2B-Policy-Memorandum-to-Interpret-Guam.pdf>

- **November 21, 2018. California Wildfires Guidance**

Please click [here](#) for guidance regarding reasonable case-accommodations in light of the damage done by the California wildfires.

- **November 20, 2018. Webinar Announcement: Employer Filing Tips for Submitting the Form ETA-9035/9035E, Labor Condition Application (LCA)**

As part of the Office of Foreign Labor Certification's (OFLC) ongoing efforts to increase public outreach and awareness, OFLC will host two additional webinars on November 28, 2018, designed to provide technical assistance to employers and, if applicable, their authorized attorneys or agents on how to complete and submit an LCA using the revised Form ETA-9035/9035E.

Details of the webinars are as follows:

DATE: November 28, 2018

TIME: 10:00 a.m. - 11:00 a.m. EST (Webinar 1)  
3:00 p.m. - 4:00 p.m. EST (Webinar 2)

LINK to 10:00 a.m. EST presentation:

<https://dolevents.webex.com/dolevents/onstage/g.php?MTID=e23189a272278e5dceaf5f2ec6a656b3e>

LINK to 3:00 p.m. EST presentation:

<https://dolevents.webex.com/dolevents/onstage/g.php?MTID=e8c7f5f0a2bc1942b02a0cfc906e88396>

Teleconference: Toll Free Phone Number: 888-955-8963  
Toll Number: 1-517-308-9289

Participant Passcode: 5549214

Meeting password: Welcome!68

- **November 16, 2018. USDA Release of 2018 Farm Labor Survey**

On November 15, 2018, the United States Department of Agriculture (USDA) issued the Farm Labor Survey (FLS) report in which it established the average annual wage rates, by region and the United States, for field and livestock workers. The Department of Labor (Department) relies on the average annual combined hourly wage for field and livestock workers in order to establish the Adverse Effect Wage Rates (AEWR) in the H-2A program. The AEWRs are the minimum hourly wage rates the Department has determined must be offered and paid by employers to H-2A workers and workers in corresponding employment, so that the wages of workers similarly employed in the United States will not be adversely affected.

The Department is reviewing the USDA FLS average annual wage rates for 2019 and will soon publish a notice in the Federal Register announcing new AEWRs for each state. To obtain more information on the National Agricultural Statistic Service (NASS) surveys and reports, please call the NASS Agricultural Statistics Hotline at (800) 727-9540, 7:30 a.m. EST to 4:00 p.m. EST, or e-mail: [nass@nass.usda.gov](mailto:nass@nass.usda.gov). You can access a copy of the latest [USDA FLS report](#).

- **November 14, 2018. H-2A and H-2B Notices of Proposed Rulemaking**

The Department of Labor (DOL) published a notice of proposed rulemaking (NPRM) in the Federal Register proposing to modernize the advertising requirements for the H-2A program. DOL also published, jointly with the Department of Homeland Security, a separate NPRM proposing to modernize the advertising requirements for the H-2B program. More information about the NPRMs are available by clicking on [H-2A program](#) and [H-2B program](#).

- **November 13, 2018. The Employment and Training Administration Announces iCERT Enhancements to Improve Customer Service in the H-2A and H-2B Programs**

The Employment and Training Administration's Office of Foreign Labor Certification today implemented new enhancements to the iCERT system related to the submission of applications for temporary labor certification under the H-2A and H-2B programs. These enhancements are intended to improve customer service and increase the quality of applications submitted for processing.

These enhancements include data validation checks designed to assist employers in preparing H-2A and H-2B applications according to the required form fields and instructions approved by the Office of Management and Budget. Specifically, employers preparing applications must ensure that each required field of the Form ETA-9142A, H-2A Application for Temporary Employment Certification, and ETA-9142B, H-2B Application for Temporary Employment Certification, is completed before submitting to the National Processing Center for processing. As a reminder, the iCERT system helps employers prepare applications by displaying mandatory fields on the Forms ETA-9142A and 9142B with an asterisk (\*), and conditional mandatory fields with a section symbol (§) where the response is conditioned on one or more previous form entries.

- **November 8, 2018. OMB Approval of Revisions to the ETA Form 9035/9035E and WH-4**

In accordance with the Secretary's June 6, 2017, [News Release](#), which calls for form changes to better protect American workers, confront fraud, and increase transparency, the Office of Foreign Labor Certification (OFLC) is announcing revisions to the Labor Condition Application (LCA) information collection. The revisions include the ETA Form 9035/9035E, Labor Condition Application for Nonimmigrant Workers, for H-1B, H-1B1, and E-3 Nonimmigrants; Form WH-4, Nonimmigrant Worker Information Form; and all applicable instructions and electronic versions. The ETA Form 9035/9035E is used in the Department of Labor's (DOL) employment-based temporary immigration programs to request permission to bring foreign workers to the United States as nonimmigrants to perform certain work in specialty occupations or as fashion models of distinguished merit and ability. The WH-4 form is used to request that DOL's Wage and Hour Division initiate an investigation related to alleged violations of the H-1B, H-1B1, or E-3 program requirements.

### **IMPLEMENTATION PROCEDURES**

The Department is updating the electronic filing system for the ETA Form 9035/9035E, and anticipates full implementation of the form on November 19, 2018. The existing ETA Form 9035/9035E remains valid and the public can continue to file it until November 19, 2018. Employers or their authorized representatives filing the ETA Form 9035/9035E on or after November 19, 2018, must use the revised form approved by the Office of Management and Budget.

OFLC will host two webinars on November 14, 2018, designed to provide technical assistance to employers and, if applicable, their authorized attorneys or agents in completing and submitting an LCA using the revised ETA Form 9035/9035E.

- **November 8, 2018. Webinar Announcement: Employer Filing Tips for Submitting the ETA Form 9035/9035E, Labor Condition Application for Nonimmigrant Workers (LCA)**

As part of the Office of Foreign Labor Certification's (OFLC) ongoing efforts to increase public outreach and awareness, OFLC will host two webinars on November 14, 2018, designed to provide technical assistance to employers and, if applicable, their authorized attorneys or agents in completing and submitting an LCA using the revised ETA Form 9035/9035E.

Details of the webinars are as follows:

DATE: November 14, 2018

TIME: 10:00 a.m. - 11:00 a.m. EST (Webinar 1)  
3:00 p.m. - 4:00 p.m. EST (Webinar 2)

LINK to 10:00 a.m. EST presentation:

<https://dol.webex.com/dol/j.php?MTID=mc77b5aabb7e095b318ab08e8b3b7334f>

LINK to 3:00 p.m. EST presentation:

<https://dol.webex.com/dol/j.php?MTID=m3962017f417afc545b90e3e7bbab91c4>

Teleconference: 800-779-7164  
Attendee access code: 4194887  
Meeting password: **Welcome!24**

- **November 8, 2018. FY 2018 H-2B Foreign Labor Recruiter List**

Pursuant to 20 CFR § 655.9(c), the Office of Foreign Labor Certification (OFLC) is publishing an updated list of the names of foreign labor recruiters. The list also contains the identity and location of persons or entities hired by, or working for, the recruiter that employers have indicated they engaged, or planned to engage, in the recruitment of prospective H-2B workers to perform the work described on their Form ETA-9142B, H-2B Application for Temporary Employment Certification. The H-2B Foreign Labor Recruiter List includes cumulative cases filed from October 1, 2017 through September 30, 2018.

By providing this Foreign Labor Recruiter List, OFLC is providing a greater level of transparency to the H-2B worker recruitment process and facilitating information sharing between the Department of Labor, other agencies, and the public. The list will be updated quarterly and can be accessed [here](#). FAQs regarding the Foreign Labor Recruiter List have been posted as 2017 H-2B IFR FAQs Round 16 and can be accessed [here](#). Archived Foreign Labor Recruiter Lists may be found [here](#).

- **October 30, 2018. H-2B Employer Filing Tips Presentation**

The H-2B webinar presentation, hosted on September 14, 2018, is posted under the H-2B Additional Resources link on the Office of Foreign Labor Certification's [H-2B Visa Program](#) web page. You can access the H-2B Temporary Program and H-2B Webinar September 14, 2018 at the following address [https://foreignlaborcert.doleta.gov/pdf/H-2B\\_Stakeholder\\_Webinar\\_September\\_2018.pdf](https://foreignlaborcert.doleta.gov/pdf/H-2B_Stakeholder_Webinar_September_2018.pdf)

- **October 29, 2018. Typhoon Yutu Guidance**

Please click [here](#) for guidance regarding reasonable case-accommodations in light of the damage done by Typhoon Yutu.

- **October 25, 2018. Published 60 Day Notice for Information Collection Related to the H-2A Program**

The Department of Labor published a 60-day notice in the [Federal Register](#) announcing its intent to revise application forms, instructions, and other information collected under the H-2A temporary agricultural visa program. The proposed revisions are designed to better align information collection requirements with the Department's H-2A regulations, provide greater clarity to employers on regulatory requirements, standardize and streamline information collection for employers preparing H-2A applications and job orders, and promote greater efficiency and transparency in the Office of Foreign Labor Certification's (OFLC) review and issuance of labor certification decisions. In part, the Department proposes revisions to the Forms ETA-9142A and ETA-790 to eliminate redundancy by collecting the material terms and conditions of the job opportunity in a significantly revised ETA-790 and ETA-790A with addenda and incorporating standardized language for required employer assurances. Any written comments must be submitted in accordance with the [Federal Register](#) notice instructions. Copies of the 60 day notice, Supporting Statement, and the proposed forms are provided below:

[Federal Register](#) Notice

- [60-Day Supporting Statement](#)
- [Proposed Form ETA-9142A](#)
- [Proposed Form ETA-9142A General Instructions](#)
- [Proposed Form ETA-9142A Appendix A](#)
- [Proposed Form ETA-9142A Final Determination - TLC Approval](#)
- [Proposed Form ETA-790](#)
- [Proposed Form ETA-790A Agricultural Clearance Order](#)
- [Proposed Form ETA-790A General Instructions](#)
- [Proposed Form ETA-790A Addendum A - Crops Wages](#)
- [Proposed Form ETA-790A Addendum B - Worksites-Housing](#)

- **October 18, 2018. iCERT System Maintenance**

The iCERT system will be unavailable during the following time period for system maintenance: Thursday, October 18, 2018 from 8:00 pm ET to 11:00 pm ET.

- **October 16, 2018. FY 2018 Q4 Cumulative Disclosure Data**

The OFLC PERM, H-2A, H-2B, Prevailing Wage, and H-1B program disclosure data files for Quarter 4 of FY 2018 are now available. Access to the disclosure files and corresponding record layouts are available on the [OFLC Performance Data page](#).

- **October 16, 2018. FY 2018 Q4 Selected Statistics**

The Office of Foreign Labor Certification has posted updated program factsheets containing the Quarter 4 FY 2018 selected statistics for the [Permanent Labor Certification Program](#), [Prevailing Wage Determination Program](#), [H-1B Temporary Visa Program](#), [H-2A Temporary Agricultural Visa Program](#), and [H-2B Temporary Non-agricultural Visa Program](#). Reports are derived from program data as of 9/30/2018. The updated program factsheets may also be found on [OFLC's Performance Data page](#).

- **October 11, 2018. Hurricane Florence and Hurricane Michael Guidance**

Please click [here](#) for guidance regarding reasonable case-accommodations in light of the damage done by Hurricane Florence and Hurricane Michael.

- **September 21-23, 2018. iCERT and PERM System Maintenance**

iCERT and PERM systems will be unavailable during the following time period for system maintenance: Friday, September 21 8:00 pm ET through Sunday, September 23, 2018 until 2:00 pm ET.

- **September 20, 2018. OFLC Announces System Maintenance Outage Impacting the PERM System**

The PERM system will be unavailable during the following time period for system maintenance: Thursday, September 20, 2018 from 8:00 pm ET until 11:00 pm ET.

- **September 17, 2018. Hurricane Florence Guidance**

Please click [here](#) for guidance regarding reasonable case-accommodations in light of the damage done by Hurricane Florence.

- **September 13, 2018. H-2A Employer Filing Tips Presentation**

The H-2A webinar presentation, hosted on August 23, 2018, is posted under the H-2A Additional Resources link on the Office of Foreign Labor Certification's H-2A Visa Program web page. You can access the [H-2A Temporary Agricultural Program](#) and [H-2A Webinar August 2018](#) at the following address [https://foreignlaborcert.doleta.gov/pdf/H-2A\\_Webinar\\_August\\_2018.pdf](https://foreignlaborcert.doleta.gov/pdf/H-2A_Webinar_August_2018.pdf).

- **September 7, 2018. OFLC Announces 60-Day Public Comment Period on Proposed Revisions to Information Collection Under the H-2B Program**

The Department of Labor published a 60-day notice in the [Federal Register](#) announcing its intent to revise application forms, instructions, and other information collected under the H-2B temporary nonagricultural visa program. The proposed revisions are designed to better align information collection requirements with the 2015 H-2B Interim Final Rule, provide greater clarity to employers on regulatory requirements, standardize and streamline information collection for employers preparing H-2B applications, and promote greater efficiency and transparency in OFLC's review and issuance of labor certification decisions. Any written comments must be submitted in accordance with the [Federal Register](#) notice instructions. Copies of the 60 day notice, Supporting Statement, and the proposed forms are provided below:

[Federal Register](#) Notice  
[60 Day Supporting Statement](#)  
[Proposed Form ETA-9142B General Instructions](#)  
[Proposed Form ETA-9142B](#)  
[Proposed Form ETA-9142B Appendix A](#)  
[Proposed Form ETA-9142B Appendix B](#)  
[Proposed Form ETA-9142B Appendix C](#)  
[Proposed Form ETA-9142B Appendix D](#)  
[Proposed Form ETA-9142B E-Certification](#)  
[Proposed Form ETA-9142B Seafood Attestation](#)  
[Proposed Form ETA-9165 Instructions](#)  
[Proposed Form ETA-9165](#)  
[Proposed Form ETA-9155 Instructions](#)  
[Proposed Form ETA-9155](#)

- **August 30, 2018. Webinar Announcement: Employer Filing Tips for H-2B Labor Certification Applications**

As part of the Office of Foreign Labor Certification's (OFLC) on-going efforts to increase public engagement, OFLC will host a webinar on Friday, September 14, 2018, designed to educate stakeholders, program users, and other interested members of best practices associated with filing an application with the H-2B Labor Certification program.

Our objective for this webinar is to provide technical assistance to employers and, if applicable, their authorized attorneys or agents that will provide stakeholders with helpful practice tips when submitting their H-2B applications for temporary labor certification to the Chicago National Processing Center.

DATE: Friday, September 14, 2018

TIME: 2:00 PM to 3:00 PM EST

FORMAT: Webinar & conference call capability will be provided to maximize participation

TELEPHONE NUMBER: 888-324-8530

TELEPHONE PASSCODE: 1210601

Go to or click on: <https://dolevents.webex.com/dolevents/onstage/g.php?MTID=e878822bcfc898df038f6389dbe656ba7>

If prompted, please enter the appropriate contact information (first name, last name, email address)

If prompted, enter the event password: Welcome!24

Click on "Join Now"

To join and hear the audio, please dial the toll-free number 888-324-8530 and enter access code: 1210601 to hear the audio portion of the webinar or use the audio function of the WebEx software to stream audio.

- **August 24, 2018. The PERM Business Existence Online Registration Process Presentation**

The PERM Business Existence Online Registration Process presentation, hosted on August 22, 2018, is posted under the PERM Webinars link on the Office of Foreign Labor Certification's Permanent Labor Certification Program web page. You can access the [PERM presentation](#) directly.

- **August 10, 2018. Webinar Announcement: Employer Filing Tips and Best Practices for H-2A Labor Certification Applications**

As part of the Office of Foreign Labor Certification's (OFLC) on-going efforts to increase public engagement, OFLC will host a webinar on Thursday, August 23, 2018, designed to educate stakeholders, program users, and other interested members of the public on recent program workload trends, common deficiencies and best practices associated with the H-2A Labor Certification program.

Our objective for this webinar is to provide technical assistance to employers and, if applicable, their authorized attorneys or agents that will provide stakeholders with helpful practice tips when submitting their H-2A applications for temporary labor certification to the Chicago National Processing Center.

DATE: Thursday, August 23, 2018

TIME: 2:00 PM to 3:30 PM EST

FORMAT: Webinar & conference call capability will be provided to maximize participation

TELEPHONE NUMBER: 888-989-9783

TELEPHONE PASSCODE: 2923456

Go to or click on: <https://dolevents.webex.com/dolevents/onstage/g.php?MTID=ea5038a88b934a9d257256fd190821682>

If prompted, please enter the appropriate contact information (first name, last name, email address)

If prompted, enter the event password: Welcome!24

Click on "Join Now"

To join and hear the audio, please dial the toll-free number 888-989-9783 and enter access code: 2923456 to hear the audio portion of the webinar or use the audio function of the WebEx software to stream audio.

- **August 10, 2018. FY 2018 H-2B Foreign Labor Recruiter List**

Pursuant to 20 CFR § 655.9(c), the Office of Foreign Labor Certification (OFLC) is publishing an updated list of the names of foreign labor recruiters. The list also contains the identity and location of persons or entities hired by, or working for, the recruiter that employers have indicated they engaged, or planned to engage, in the recruitment of prospective H-2B workers to perform the work described on their Form ETA-9142B, H-2B Application for Temporary Employment Certification. The H-2B Foreign Labor Recruiter List includes cumulative cases filed from October 1, 2017 through June 30, 2018.

By providing this Foreign Labor Recruiter List, OFLC is providing a greater level of transparency to the H-2B worker recruitment process and facilitating information sharing between the Department of Labor, other agencies, and the public. The list will be updated quarterly and can be accessed [here](#). FAQs regarding the Foreign Labor Recruiter List have been posted as 2017 H-2B IFR FAQs Round 16 and can be accessed [here](#). Archived Foreign Labor Recruiter Lists may be found [here](#).

- **August 8, 2018. PERM Business Existence Online Registration Process**

As part of the Office of Foreign Labor Certification's (OFLC) continuous efforts to enhance both internal and external customer service and increase public engagement, the OFLC will host an Online Registration Process webinar on Wednesday, August 22, 2018. This webinar is specifically designed to educate our external customers (e.g. stakeholders, program users, and other interested members of the public) on identified best practices associated with the Permanent Labor Certification program.

Additionally, our objective for this webinar is to provide general technical assistance that will provide stakeholders with helpful tips when submitting an online registration via the PERM Online System. Please be advised that this webinar will not address case specific inquiries.

DATE: Wednesday, August 22, 2018

TIME: 2:00 PM to 3:30 PM Eastern Standard Time

FORMAT: Webinar & conference call capability will be provided to maximize participation

TELEPHONE NUMBER: 1-888-324-9242

TELEPHONE PASSCODE: 9766277

Go to or click on: <https://dolevents.webex.com/dolevents/onstage/g.php?MTID=ef2eea551a0d1dd90686d573e95e8ebaf>

If prompted, please enter the appropriate contact information (first name, last name, email address)

If prompted, enter the event password: Welcome!68

Click on "Join Now"

To join and hear the audio, please dial the toll-free number 1-888-324-9242 and enter access code: 9766277 to hear the audio portion of the webinar or use the audio function of the WebEx software to stream audio.

- **July 13, 2018. FY 2018 Q3 Cumulative Disclosure Data**

The OFLC PERM, H-2A, H-2B, Prevailing Wage, and H-1B program disclosure data files for Quarter 3 of FY 2018 are now available. Access to the disclosure files and corresponding record layouts are available on the [OFLC Performance Data page](#).

- **July 13, 2018. FY 2018 Q3 Selected Statistics**

The Office of Foreign Labor Certification has posted updated program factsheets containing the Quarter 3 FY 2018 selected statistics for the [Permanent Labor Certification Program](#), [Prevailing Wage Determination Program](#), [H-1B Temporary Visa Program](#), [H-2A Temporary Agricultural Visa Program](#), and [H-2B Temporary Non-agricultural Visa Program](#). Reports are derived from program data as of 6/30/2018. The updated program factsheets may also be found on [OFLC's Performance Data page](#).

- **July 2, 2018.** On July 1, 2018, OFLC uploaded the newest prevailing wage data from the Occupational Employment Survey as generated by the Bureau of Labor Statistics for the year from July 2018 - June 2019. The effective date is July 1, 2018. Prevailing wage determinations issued from the National Prevailing Wage Center will reflect the new data.

- **June 14, 2018.** The PERM Appeals Webinar presentation, hosted on June 13, 2018, is posted under the PERM Webinars link on the Office of Foreign Labor Certification's Permanent Labor Certification Program web page. You can access the [PERM Webinar](#) directly.

- **June 1, 2018. H-2B Processing Announcement** The Department of Labor's Office of Foreign Labor Certification (OFLC) is making this announcement to inform employers and other interested stakeholders how H-2B Applications for Temporary Employment Certification, Form ETA-9142B, filed by employers on or after July 3, 2018, will be assigned to staff for review in accordance with 20 C.F.R. 655.30.

#### **Background**

OFLC continues to experience significant increases in the number of H-2B applications requesting temporary labor certification, and those submissions are generally

received on the earliest day employers, seeking to obtain visas for their workers under the semi-annual allotments, are permitted by regulation to file (i.e., 75 to 90 days before the start date of work). For example, in the past several second-half semi-annual filing cycles, the overwhelming majority of H-2B applications were received on January 1, which is the earliest date on which an H-2B application may be filed for a period of need beginning on April 1. Because of the intense competition for H-2B visas in recent years, the semi-annual visa allocation, and the regulatory timeframes for filing a request for temporary labor certification, stakeholders have also raised questions regarding the earliest **time** of day on which an application can be submitted to OFLC. In order to process the significant surge of applications that OFLC expects to receive in a short period of time during the semi-annual visa allotment periods in a more equitable manner and to clarify the time at which an application is received, OFLC will be implementing the following procedures.

#### **Process Announcement**

For H-2B applications filed on or after July 3, 2018, OFLC will sequentially assign H-2B applications to analysts based on the calendar date **and time** on which the applications are received (i.e., receipt date and time). Receipt time will be measured to the millisecond, e.g., 12:00:00.000 a.m. OFLC's technology servers are located in the Eastern Time Zone; therefore, the time an application is received and assigned to analysts is based on Eastern Time (ET). Applications submitted from other time zones may be filed as early as 12:00:00.000 a.m. ET, as discussed below.

Once assigned, the analysts will initiate review of each H-2B application in the order of receipt date and time, and in accordance with 20 C.F.R. 655.30. Based on the analyst's review, the Certifying Officer (CO) will authorize issuance of either a Notice of Acceptance (NOA) under 20 C.F.R. 655.33 or a Notice of Deficiency (NOD) under 20 C.F.R. 655.31. Following issuance of NOAs and/or NODs, the applications will be processed as each successive stage in the process is completed. Employers receiving NOAs may proceed to meet the additional regulatory requirements, including recruitment of U.S. workers and submission of recruitment reports. Employers receiving NODs must correct any deficiencies and then receive a NOA before proceeding to meet the additional regulatory requirements. As a result, for each application, analysts' review of NOD responses and recruitment reports, and issuance of final decisions (certifications and denials) will follow in the order in which each sequential step required by the regulations is concluded, irrespective of the receipt time of the application.

As required, OFLC will grant temporary labor certification only after the employer's H-2B application has met all the requirements for approving labor certification under 20 CFR 655.50 and the subpart. In accordance with regulatory requirements, OFLC will send all certified H-2B applications to the applicant by means normally assuring next day delivery. OFLC will issue rejections, withdrawals, and denials of labor certification applications as each determination is made by the CO.

#### **Instructive Examples Related to Time Zones**

Applicants wishing to file their H-2B applications at the earliest possible time may begin filing at 12:00:00.000 a.m. ET on the appropriate calendar day. As noted above, application receipt time is based upon ET. Receipt time is not based on the time zone covering the geographic location in which the applicant is filing, nor is it based on the time zone covering the geographic location in which the job is located. For example, applicants seeking to file an H-2B application from a location outside the Eastern Time Zone at the earliest possible filing time for the first-half semi-annual filing cycle of FY 2019 should file at 12:00:00.000 a.m. ET on July 3, 2018; not 12:00:00.000 a.m. in any other time zone in which that person is located on July 3, 2018.

As noted above, receipt time will be measured to the millisecond. The following examples help illustrate how the receipt date and time will be recorded on H-2B applications filed with OFLC:

- o An H-2B application filed and received on July 3, 2018 at 12:00:00.000 a.m. ET will be stamped with a receipt date and time of July 3, 2018 at 12:00:00.000 a.m. ET;
- o An H-2B application filed and received on July 3, 2018 at 12:00:00.000 a.m. Pacific Time (PT) will be stamped with a receipt date and time of July 3, 2018 at 3:00:00.000 a.m. ET;
- o An H-2B application filed and received on July 2, 2018 at 9:00:00.000 p.m. PT will be stamped with a receipt date and time of July 3, 2018 at 12:00:00.000 a.m. ET;
- o An H-2B application filed and received on January 1, 2019 at 12:00:00.000 a.m. Central Time (CT) will be stamped with a receipt date and time of January 1, 2019 at 1:00:00.000 a.m. ET; and
- o An H-2B application filed and received on December 31, 2018 at 11:00:00.000 p.m. CT will be stamped with a receipt date and time of January 1, 2019 at 12:00:00.000 a.m. ET.

#### **• May 31, 2018. H-1B Form ETA-9035/9035E Extended**

The Labor Condition Application for Nonimmigrant Workers, Form ETA-9035/9035E has been extended through June 30, 2018. OFLC's request for a three-year extension is currently under review with the Office of Management and Budget (OMB). OFLC will continue to extend the form in one-month increments until approved by OMB. For complete details see the [Federal Register notice](#) for OMB control number 1205-0310.

#### **• May 31, 2018. ETA Form 9142-B-CAA-2**

The Office of Foreign Labor Certification (OFLC) has published [ETA Form 9142-B-CAA-2](#) and the accompanying [instructions](#) in support of the [temporary rule](#) jointly issued by the Department of Homeland Security and the Department of Labor, titled "Exercise of Time-Limited Authority to Increase the Fiscal Year 2018 Numerical Limitation for the H-2B Temporary Nonagricultural Worker Program." The temporary rule was published in the Federal Register on May 31, 2018, with an immediate effective date. The Secretary of Homeland Security has decided, after consultation with DOL, to increase the H-2B cap for FY 2018 by up to 15,000 additional visas for American businesses that are likely to suffer irreparable harm (that is, permanent and severe financial loss) without the ability to employ all of the H-2B workers requested on their respective petitions before the end of FY 2018. This attestation must be submitted to the United States Citizenship and Immigration Services along with Form I-129, in support of an H-2B application subject to the H-2B cap before the end of Fiscal Year 2018. The attestation is also available on the Forms and Instructions section of the OFLC website found at: <https://www.foreignlaborcert.doleta.gov/form.cfm>

#### **• May 30, 2018. OFLC Announces System Maintenance Outage Impacting the PERM System**

The PERM system will be unavailable during the following time period for system maintenance: Thursday, May 31, 2018 from 8:00 pm ET until 11:00 pm ET.

#### **• May 15, 2018. PERM Form ETA 9089 Extended.**

The Office of Management and Budget granted the Department approval of a three year extension for the Form ETA-9089 (1205-0451). The Form ETA-9089 is available on the [Foreign Labor Certification Forms](#) page. The Departments PERM Online Filing System will be updated in the coming weeks. Once available, the Department will notify the public.

#### **• May 15, 2018. Webinar Announcement: PERM Appeals**

As part of the Office of Foreign Labor Certification's (OFLC) continuous efforts to enhance both internal and external customer service and increase public engagement, the OFLC will host an Appeals webinar on Wednesday, June 13, 2018. This webinar is specifically designed to educate our external customers (e.g. stakeholders, program users, and other interested members of the public) on identified best practices associated with the Permanent Labor Certification program.

Additionally, our objective for this webinar is to provide general technical assistance that will provide stakeholders with helpful tips when submitting a PERM Appeals response to the Atlanta National Processing Center. Please be advised that this webinar will not address case specific inquiries.

DATE: Wednesday, June 13, 2018

TIME: 2:00 PM to 3:30 PM Eastern Standard Time

FORMAT: Webinar & conference call capability will be provided to maximize participation

TELEPHONE NUMBER: 800-619-9983

TELEPHONE PASSCODE: 1185981

Go to or click on: <https://dolevents.webex.com/dolevents/onstage/g.php?MTID=e2ab84c73e041e15273c07c00156f38d8>

If prompted, please enter the appropriate contact information (first name, last name, email address)

If prompted, enter the event password: Welcome!68

Click on "Join Now"

To join and hear the audio, please dial the toll-free number 800-619-9983 and enter access code: 1185981 to hear the audio portion of the webinar or use the audio function of the WebEx software to stream audio.

- **April 30, 2018. Prevailing Wage Concepts for H-2B Surveyors and General Filing Tips**

The H-2B Prevailing Wage Webinar presentation on Concepts for H-2B Surveyors and General filing tips, hosted on April 3, 2018, is posted under the Helpful Filing Tips on the Office of Foreign Labor Certification's H-2B web page, under Prevailing Wage Information. You can access this presentation directly at [https://www.foreignlaborcert.doleta.gov/2015\\_H-2B\\_IFR.cfm](https://www.foreignlaborcert.doleta.gov/2015_H-2B_IFR.cfm).

- **April 20, 2018. iCERT and PERM System Maintenance**

Due to planned maintenance, service interruptions and degraded performance may be possible for both the iCERT and PERM systems from 8:00 pm EDT on Friday, April 20, 2018 until 11:00 pm EDT on Sunday, April 22, 2018.

- **April 20, 2018. FY 2017 H-2B Foreign Labor Recruiter List**

Pursuant to 20 CFR § 655.9(c), the Office of Foreign Labor Certification (OFLC) is publishing an updated list of the names of foreign labor recruiters. The list also contains the identity and location of persons or entities hired by, or working for, the recruiter that employers have indicated they engaged, or planned to engage, in the recruitment of prospective H-2B workers to perform the work described on their Form ETA-9142B, H-2B Application for Temporary Employment Certification. The H-2B Foreign Labor Recruiter List includes cumulative cases filed from October 1, 2017 through March 31, 2018.

By providing this Foreign Labor Recruiter List, OFLC is providing a greater level of transparency to the H-2B worker recruitment process and facilitating information sharing between the Department of Labor, other agencies, and the public. The list will be updated quarterly and can be accessed [here](#). FAQs regarding the Foreign Labor Recruiter List have been posted as 2017 H-2B IFR FAQs Round 16 and can be accessed [here](#). Archived Foreign Labor Recruiter Lists may be found [here](#).

- **April 12, 2018. FY 2018 Q2 Cumulative Disclosure Data**

The OFLC PERM, H-2A, H-2B, Prevailing Wage, and H-1B program disclosure data files for Quarter 2 of FY 2018 are now available. Access to the disclosure files and corresponding record layouts are available on the [OFLC Performance Data page](#).

- **April 12, 2018. FY 2018 Q2 Selected Statistics**

The Office of Foreign Labor Certification has posted updated program factsheets containing the Quarter 2 FY 2018 selected statistics for the [Permanent Labor Certification Program](#), [Prevailing Wage Determination Program](#), [H-1B Temporary Visa Program](#), [H-2A Temporary Agricultural Visa Program](#), and [H-2B Temporary Non-agricultural Visa Program](#). Reports are derived from program data as of 3/31/2018. The updated program factsheets may also be found on [OFLC's Performance Data page](#).

- **March 22, 2018. Federal Register Notice. Labor Certification Process for the Temporary Employment of H-2A and H-2B Foreign Workers in the United States: Annual Update to Allowable Charges for Agricultural Workers' Meals and for Travel Subsistence Reimbursement, Including Lodging**

The Employment and Training Administration (ETA) of the Department of Labor has issued a Notice to announce the annual update to the allowable charges that employers seeking H-2A workers in occupations other than range herding may charge their workers when the employer provides three meals a day and the maximum travel subsistence meal reimbursement that a worker with receipts may claim under the H-2A and H-2B programs. The Notice also includes a reminder regarding employers' obligations with respect to overnight lodging costs as part of required subsistence. To read the Notice, please click [here](#).

- **March 15, 2018. NPWC Webinar: H-2B Survey Concepts and Employer Filing Tips**

As part of the Office of Foreign Labor Certification's (OFLC) on-going efforts to increase public engagement, OFLC's NPWC will host a webinar on Tuesday, April 3, 2018 designed to educate surveyor's, stakeholders, program users, and other interested members of the public on H-2B surveyor concepts and general filing tips. The first hour will focus on information to surveyors and the second hour will have more general information for PWD requestors and employers.

- DATE: Tuesday, April 3

- TIME: 1:00 PM to 3:00 PM EST

- FORMAT: Webinar & conference call capability will be provided to maximize participation; Link to Webinar:

- <https://dolevents.webex.com/dolevents/onstage/g.php?MTID=ee2e492e153621e23cc5c6cc1e6adbbc1>

- PASSWORD: Welcome!!23

- TELEPHONE NUMBER: 800-779-9039

- TELEPHONE PASSCODE: 6217706

- **March 13, 2018.** The PERM Webinar presentation, hosted on March 7, 2018, is posted under the PERM Webinars link on the Office of Foreign Labor Certification's Permanent Labor Certification Program web page. You can access the [PERM Webinar](#) directly.

- **February 27, 2018. Webinar Announcement: PERM Supervised Recruitment**

As part of the Office of Foreign Labor Certification's (OFLC) continuous efforts to enhance both internal and external customer service and increase public engagement, the OFLC will host a Supervised Recruitment webinar on Wednesday, March 7, 2018. This webinar is specifically designed to educate our external

customers (e.g. stakeholders, program users, and other interested members of the public) on identified best practices associated with the Permanent Labor Certification program.

Additionally, our objective for this webinar is to provide general technical assistance that will provide stakeholders with helpful tips when submitting a PERM Supervised Recruitment response to the Atlanta National Processing Center. Please be advised that this webinar will not address case specific inquiries.

DATE: Wednesday, March 7, 2018

TIME: 2:00 PM to 3:30 PM Eastern Standard Time

FORMAT: Webinar & conference call capability will be provided to maximize participation

TELEPHONE NUMBER: 888-282-0371

TELEPHONE PASSCODE: 6854311

Go to or click on: <https://dolevents.webex.com/dolevents/onstage/g.php?MTID=e35893c21221a8e89f25a00876613ff74>

If prompted, please enter the appropriate contact information (first name, last name, email address)

If prompted, enter the event password: Welcome!24

Click on "Join Now"

To join and hear the audio, please dial the toll-free number 888-282-0371 and enter access code: 6854311 to hear the audio portion of the webinar or use the audio function of the WebEx software to stream audio.

- **February 27, 2018. OFLC Announces System Maintenance Outage Impacting the PERM System**

The PERM system will be unavailable during the following time period for system maintenance: Thursday, March 1, 2018 from 8:00 pm ET until 11:00 pm ET.

- **February 7, 2018. Notice to Stakeholders Regarding Lapse in Appropriations**

The Office of Foreign Labor Certification (OFLC) will continue limited operations of its H-1B, H-2A, H-2B, and associated prevailing wage programs as exempt functions due to the availability of limited non-fiscal year funds to continue those activities. These processing activities will continue as an exempt function during a lapse for as long as those funds remain available. However, OFLC will not process any applications for Permanent Labor Certification and associated prevailing wage determinations. Processing in the Permanent Labor Certification and associated prevailing wage determination programs will be suspended and therefore timelines extended, which may cause delays in decisions in applications in those programs.

- **January 29, 2018. FY 2018 H-2B Foreign Labor Recruiter List**

Pursuant to 20 CFR § 655.9(c), the Office of Foreign Labor Certification (OFLC) is publishing an updated list of the names of foreign labor recruiters and the identity and location of persons or entities hired by or working for the recruiter that employers have indicated they engaged, or planned to engage, in the recruitment of prospective H-2B workers to perform the work described on their Form ETA-9142B, H-2B Application for Temporary Employment Certification. The H-2B Foreign Labor Recruiter List includes cumulative cases filed from October 1, 2017 through December 31, 2018.

By providing this Foreign Labor Recruiter List, OFLC is providing a greater level of transparency to the H-2B worker recruitment process and facilitating information sharing between the Department and other agencies and the public. [H-2B Foreign Labor Recruiter List](#) will be updated quarterly. FAQs regarding the Foreign Labor Recruiter List have been posted as [2017 H-2B IFR FAQs](#) Round 16 and can be accessed. [Archived Foreign Labor Recruiter Lists](#) may also be found.

- **January 19, 2018. FY 2018 Q1 Cumulative Disclosure Data**

The OFLC PERM, H-2A, H-2B, Prevailing Wage, and H-1B program disclosure data files for Quarter 1 of FY 2018 are now available. Access to the disclosure files and corresponding record layouts are available on the [OFLC Performance Data page](#).

- **January 19, 2018. FY 2018 Q1 Selected Statistics**

The Office of Foreign Labor Certification has posted updated program factsheets containing the Quarter 1 FY 2018 selected statistics for the [Permanent Labor Certification Program](#), [Prevailing Wage Determination Program](#), [H-1B Temporary Visa Program](#), [H-2A Temporary Agricultural Visa Program](#), and [H-2B Temporary Non-agricultural Visa Program](#). Reports are derived from program data as of 12/31/2017. The updated program factsheets may also be found on [OFLC's Performance Data page](#).

## Calendar Year 2017

- **January 17, 2018. H-2B Processing Announcement**

The Department of Labor's (DOL) Office of Foreign Labor Certification (OFLC) is making this announcement to alert employers and other interested stakeholders about a process change to better assure fairness regarding the issuance of H-2B temporary labor certifications due to the unprecedented volume of applications received on January 1, 2018.

### H-2B Visas: Statutory Background and OFLC Process

The Immigration and Nationality Act (INA) sets the annual number of aliens who may be issued H-2B visas or otherwise provided H-2B nonimmigrant status by the Department of Homeland Security (DHS) to perform temporary non-agricultural work at 66,000. Up to 33,000 H-2B visas may be issued in the first half of a fiscal year (October 1 to March 31), and the remaining semi-annual allocation of 33,000 visas will be available for employers seeking to hire H-2B workers during the second half of the fiscal year (April 1 to September 30). This announcement concerns the processing of the H-2B temporary labor certification applications for the April 1 - September 30, 2018 period of need.

OFLC process for obtaining an H-2B certification is a two-step process for employers. Employers must first file a complete and accurate Application for Temporary Employment Certification ([ETA Form 9142B](#)). Following review and acceptance from OFLC, the employer must then conduct recruitment of U.S. workers and file a recruitment report. The Department reviews those reports and issues final labor certification decisions to employers who comply with all regulatory requirements as they are returned to OFLC by employers. Employers granted temporary labor certification are then eligible to file a petition with the United States Citizenship and Immigration Services (USCIS) at the DHS.

### Process Change for Granting Temporary Labor Certification

Because of the intense competition for H-2B visas in recent years, the semi-annual visa allocation, and the regulatory requirement that employers apply with OFLC for a temporary labor certification 75 to 90 days before the start date of work, employers who wish to obtain visas for their workers under the semi-annual allotment for periods of need beginning from April 1 - September 30, 2018, must promptly apply for a temporary labor certification and then file a petition with USCIS before the cap is reached. As a result, OFLC typically experiences a significant "spike" in labor certification applications at the beginning of January for temporary or seasonal jobs during the U.S.'s early spring and summer weather months.

Thus, on January 1, 2017 (FY 2017), OFLC received 1,538 applications covering approximately 26,673 worker positions for a work start date of April 1, 2017; approximately 80% of the entire semi-annual visa allocation of 33,000. By contrast, on January 1, 2018, OFLC received approximately 4,498 applications covering 81,008 worker positions requesting an April 1, 2018, start date of work. This unprecedented level of employer requests for H-2B workers on January 1, 2018 is approximately three times greater than the number of applications received on January 1, 2017, and more than two and one-half times greater than the 33,000 semi-annual visa allotment for FY 2018 permitted under the INA. In previous years, OFLC processed applications as expeditiously as possible in a manner irrespective of the time of day the application was filed, only focusing on processing applications by the day they were filed. Although OFLC is working as expeditiously as possible to issue first actions, review responses to Notices of Deficiency, and issue Notices of Acceptance, the overwhelming workload this year has strained OFLC's processing system and resulted in delays for the majority of all applications filed on January 1. OFLC expects the first 2,400 applications filed on January 1 (which represent approximately 40,000 worker positions) will be processed for first actions by next week, with the remainder of all filed applications processed for first actions in the weeks that follow.

Employers receiving Notices of Acceptance can proceed to meet the additional regulatory requirements, including recruitment of U.S. workers and submission of recruitment reports. Employers receiving Notices of Deficiency that are corrected, and who then receive a Notice of Acceptance, can also proceed to meet the additional regulatory requirements. In order to promote fairness for employers in accessing the H-2B program and due to the unprecedented volume of applications on January 1, OFLC is making a change to its process regarding the issuance of final labor certification decisions. This process change will better reflect the sequential order in which employers filed applications. Thus, OFLC will not begin releasing certified H-2B applications (Form ETA-9142B Application for Temporary Employment Certification) until February 20, 2018. On that day, OFLC will release certified H-2B applications that have met all regulatory requirements as of that day in sequential order based on the original calendar day and time the application was filed (i.e., receipt time). Thereafter, OFLC will continue to release certified H-2B applications in a sequential manner until all applications are released. OFLC will continue to issue rejections, withdrawals, and denials of labor certification applications in accordance with standard procedures. This process change will allow employers who filed promptly on January 1, 2018, sufficient time to meet regulatory requirements, including the recruitment and hiring of qualified and available U.S. workers, thus preserving the sequential order of filing that took place on January 1, 2018, to the extent possible.

As required, OFLC will grant temporary labor certification only after the employer's H-2B application has met all the requirements for approving labor certification under 20 CFR 655.50 and the subpart. In accordance with regulatory requirements, OFLC will send all certified H-2B applications to the employer, or the employer's authorized attorney or agent, by means normally assuring next day delivery.

- **January 3, 2018. OFLC Issues Public Service Announcement Regarding H-2B Requests for Temporary Labor Certification, Second Half of Fiscal Year (FY) 2018**

The Department of Labor's (DOL) Office of Foreign Labor Certification (OFLC) is making this public service announcement to alert employers and other interested stakeholders about the high volume of applications received requesting temporary labor certification under the H-2B visa program.

On January 1, 2018, the earliest date on which an employer seeking an employment start date of April 1 may file an H-2B application requesting temporary labor certification. **OFLC received approximately 4,500 applications covering more than 81,600 worker positions.** Except where a statutory exemption applies, the Department of Homeland Security (DHS) may only issue up to 33,000 H-2B visas for employers seeking to hire H-2B workers during the second half of FY 2018 (April 1 to September 30).

The OFLC takes each request for temporary labor certification seriously and administers the labor certification program in a manner that protects the wages and working conditions of both H-2B and U.S. workers who support the seasonal workforce needs of U.S. small businesses, consumers, and communities. We are working as expeditiously as possible to issue first case actions, review responses to Notices of Deficiency (NODs), and issue Notices of Acceptance where possible. First case actions are taken on a first filed basis and responses to NODs are evaluated in the order in which they are received.

#### **Background on Statutory Limit of H-2B Visas**

The Immigration and Nationality Act (INA) set at 66,000 the annual number of aliens who may be issued H-2B visas or otherwise provided H-2B nonimmigrant status by the DHS to perform temporary non-agricultural work. Up to 33,000 H-2B visas may be issued in the first half of a fiscal year (October 1 to March 31), and the remaining annual allocation will be available for employers seeking to hire H-2B workers during the second half of the fiscal year (April 1 to September 30). If insufficient petitions are approved to use all H-2B numbers in a given fiscal year, the unused numbers cannot be carried over for petition approvals in the next fiscal year.

On December 21, 2017, the DHS United States Citizenship and Immigration Services (USCIS) announced that the first half of the annual number of H-2B visas for Fiscal Year (FY) 2018 was reached and, except where a statutory exemption applies, USCIS will reject new H-2B petitions requesting an employment start date on or before March 31, 2018. In accordance with the INA, USCIS will accept new H-2B petitions for the remaining 33,000 visas available for FY 2018 where the employer has received a temporary labor certification from the DOL and requests an employment start date on or after April 1, 2018.

- **January 2, 2018. Labor Certification Process for the Temporary Employment of Aliens in Agriculture in the United States: Adverse Effect Wage Rate for Range Occupations in 2018; Correction**

On December 22, 2017, the Employment and Training Administration (ETA) of the Department of Labor (Department) published in the Federal Register a notice announcing the new Adverse Effect Wage Rate (AEWR) for the employment of temporary or seasonal nonimmigrant foreign workers (H-2A workers) who perform herding or production of livestock on the range. AEWRs are the minimum wage rates the Department has determined must be offered and paid by employers to H-2A workers and workers in corresponding employment so that the wages of similarly employed U.S. workers will not be adversely affected. The Federal Register Notice presented the new AEWR as both \$1,584.22/month and \$1,548.22/month. The correct 2018 AEWR for herding or production of livestock on the range is \$1,584.22/month.

On January 2, 2018, the Department published a correction notice in the Federal Register announcing the correct 2018 AEWR for herding or production of livestock on the range of \$1,584.22/month. Visit <https://www.federalregister.gov> to read more.

- **December 28, 2017. New 2018 Herder H-2A Adverse Effect Wage Rates (AEWRs) - Correction**

On December 22, 2017, the Employment and Training Administration (ETA) of the Department of Labor (Department) published in the Federal Register a notice announcing the new Adverse Effect Wage Rate (AEWR) for the employment of temporary or seasonal nonimmigrant foreign workers (H-2A workers) who perform herding or production of livestock on the range. AEWRs are the minimum wage rates the Department has determined must be offered and paid by employers to H-2A workers and workers in corresponding employment so that the wages of similarly employed U.S. workers will not be adversely affected. The Federal Register Notice presented the new AEWR as both \$1,584.22/month and \$1,548.22/month. The correct 2018 AEWR for herding or production of livestock on the range is \$1,584.22/month, effective January 1, 2018. ETA will publish a correction notice in the Federal Register.

- **December 22, 2017. New 2018 Herder H-2A Adverse Effect Wage Rates (AEWRs)**

On December 22, 2017, the Employment and Training Administration (ETA) of the Department of Labor (Department) is issuing this notice to announce the new Adverse Effect Wage Rate (AEWR) for the employment of temporary or seasonal nonimmigrant foreign workers (H-2A workers) to perform herding or production of livestock on the range. AEWRs are the minimum wage rates the Department has determined must be offered and paid by employers to H-2A workers and workers in corresponding employment so that the wages of similarly employed U.S. workers will not be adversely affected. To read the Federal Register notice please click [here](#).

- **December 21, 2017.**

The PERM Webinar presentation, hosted on December 13, 2017, is posted under the PERM Webinars link on the Office of Foreign Labor Certification's Permanent Labor Certification Program web [page](#).

- **December 21, 2017. New 2018 H-2A Adverse Effect Wage Rates (AEWRs)**

The Department has published a notice in the Federal Register announcing new Adverse Effect Wage Rates (AEWRs) for each state, based on the Farm Labor Survey conducted by the U.S. Department of Agriculture. The AEWRs are the minimum hourly wage rates the Department has determined must be offered and paid by employers to H-2A workers and workers in corresponding employment for a particular agricultural job and area, so that the wages of similarly employed U.S. workers will not be adversely affected. To read the Federal Register notice please click [here](#).

- **November 27, 2017. Webinar Announcement: How to Upload PERM Documents into the Permanent Online System**

As part of the Office of Foreign Labor Certification's (OFLC) on-going efforts to increase public engagement, OFLC, the AXIS Management Group, and the Office of the Chief Information Officer (OCIO) will host a webinar on Wednesday, December 13, 2017, designed to educate stakeholders, program users, and other interested members of the public on best practices associated with the Permanent Labor Certification program.

Our objective for this webinar is to provide technical assistance to stakeholders with helpful practice tips on how to upload documentation into the Permanent Online System. The benefits of uploading documentation in the Permanent Online System include: immediate confirmation of successfully uploaded documentation; reducing cost and burden to stakeholders from submitting documentation via U.S. mail, e-mail and/or facsimile; streamlining process of submitting documentation; and expediting review of PERM applications.

- DATE: Wednesday, December 13, 2017
- TIME: 2:00 PM to 3:30 PM Eastern Standard Time
- FORMAT: Webinar & conference call capability will be provided to maximize participation
- TELEPHONE NUMBER: 888-324-7513
- TELEPHONE PASSCODE: 6906613

Go to or click on: <https://dolevents.webex.com/dolevents/onstage/g.php?MTID=ea2fdf781fddada1121e2da3b7bbd675b>

If prompted, please enter the appropriate contact information (first name, last name, email address)

If prompted, enter the event password: Welcome!25

Click on "Join Now"

To join and hear the audio, please dial the toll-free number 888-324-7513 and enter access code: 6906613 to hear the audio portion of the webinar or use the audio function of the WebEx software to stream audio.

- **November 16, 2017. USDA Release of 2017 Farm Labor Survey**

On November 16, 2017, the United States Department of Agriculture (USDA) issued the Farm Labor Survey (FLS) report in which it established the average annual wage rates, by region and the United States, for field and livestock workers. The Department of Labor (Department) relies on the average annual combined hourly wage for field and livestock workers in order to establish the Adverse Effect Wage Rates (AEWRs) in the H-2A program. The AEWRs are the minimum hourly wage rates the Department has determined must be offered and paid by employers to H-2A workers and workers in corresponding employment, so that the wages of workers similarly employed in the United States will not be adversely affected.

The Department is reviewing the USDA FLS average annual wage rates for 2017 and will soon publish a notice in the Federal Register announcing new Adverse Effect Wage Rates (AEWRs) for each state. To obtain more information on NASS surveys and reports, please call the NASS Agricultural Statistics Hotline at (800) 727-9540, 7:30 a.m. to 4:00 p.m. ET, or e-mail: [nass@nass.usda.gov](mailto:nass@nass.usda.gov). You can access a copy of the latest [USDA FLS report](#).

- **November 15, 2017. OFLC Announces System Maintenance Outage Impacting iCERT Systems**

The iCERT system will be unavailable during the following time period for system maintenance:  
Thursday, November 16, 2017 from 8:00 pm ET until 10:00 pm ET

- **November 9, 2017.**

The H-2A Webinar presentation, hosted on October 31, 2017, is posted under the H-2A Additional Resources link on the Office of Foreign Labor Certification's H-2A Visa Program web page. You can access the [H-2A Temporary Agricultural Program](#) and the [presentation](#) directly.

- **November 2, 2017.**

The H-2B Webinar presentation, hosted on October 25, 2017, is posted under the H-2B Additional Resources link on the Office of Foreign Labor Certification's H-2B Visa Program web page. You can access the [H-2B Temporary Non-agricultural Program](#) and the [presentation](#) directly.

- **October 27, 2017. ETA Announces Enhancement of its iCERT System to Improve Customer Service and Streamline Processing in the H-2A and H-2B Visa Programs**

The State Workforce Agency (SWA) plays an important role supporting the Office of Foreign Labor Certification (OFLC) in processing employer applications requesting temporary labor certification under the H-2A agricultural and H-2B non-agricultural temporary visa programs. In the H-2A program, the SWA reviews the content of employer job orders prior to employer submission of the H-2A applications to the Chicago National Processing Center (CNPC), places approved job orders for intrastate and interstate recruitment of U.S. workers, and conducts safety inspections of employer-provided housing for temporary agricultural workers. In the H-2B program, the SWA reviews the employer's job order concurrently with the Certifying Officer (CO) at the CNPC, advises the CO of any job order deficiencies within six business days of receipt, promptly makes any modifications to the job order required by the CO, and places approved job orders for intrastate and interstate recruitment of U.S. workers.

During the course of processing an employer's application for H-2A or H-2B workers, the SWA currently provides the CO with required information and documentation using U.S. mail, electronic mail or facsimile. The iCERT System was not initially designed to permit SWA staff to upload responsive documents (e.g., housing certification) or input based on a review of the employer's job order directly to the employer's pending H-2A or H-2B application. As a result, the

current process requires OFLC staff to invest time in receiving, tracking, and, where necessary, scanning and uploading each responsive document into the pending application assigned to the OFLC analyst for review. During certain seasons of the year when the H-2A and H-2B workloads are high, there can be delays associated with the time it takes for the SWA's information to get connected with the employer's pending application.

To help mitigate delays associated with connecting SWA documentation to the employer's pending H-2A or H-2B application and provide employers with better customer services, OFLC has released an enhancement to the iCERT System that will permit authorized SWA staff to electronically upload supporting documentation or other information directly to the employer's pending application for immediate review by the assigned CNPC analyst. OFLC expects that this new feature will ultimately eliminate the need for the SWAs to submit responsive documents via U.S. mail, e-mail or facsimile, and result in a more expedient review of the employer's pending H-2A or H-2B application. Initially, OFLC will be implementing this new enhancement in 33 states with the goal of full implementation nationwide no later than September 30, 2018:

- o Arizona
- o Idaho
- o Maine
- o Mississippi
- o New Jersey
- o Oregon
- o Texas
- o California
- o Iowa
- o Maryland
- o Missouri
- o New York
- o Pennsylvania
- o Utah
- o Colorado
- o Kansas
- o Massachusetts
- o Montana
- o North Carolina
- o South Carolina
- o Virginia
- o Florida
- o Kentucky
- o Michigan
- o Nebraska
- o Ohio
- o South Dakota
- o Washington
- o Georgia
- o Louisiana
- o Minnesota
- o Nevada
- o Oklahoma
- o Tennessee

• **October 24, 2017. FY 2017 H-2B Foreign Labor Recruiter List**

Pursuant to 20 CFR § 655.9(c), the Office of Foreign Labor Certification (OFLC) is publishing an updated list of the names of foreign labor recruiters and the identity and location of persons or entities hired by or working for the recruiter that employers have indicated they engaged, or planned to engage, in the recruitment of prospective H-2B temporary non-agricultural workers to perform the work described on their Form ETA-9142B, H-2B Application for Temporary Employment Certification. The H-2B Foreign Labor Recruiter List includes cumulative cases filed from July 28, 2016 through September 30, 2017.

By providing this Foreign Labor Recruiter List, OFLC is providing a greater level of transparency to the H-2B worker recruitment process and facilitating information sharing between the Department and other agencies and the public. The list will be updated quarterly and can be accessed [here](#). FAQs regarding the Foreign Labor Recruiter List have been posted as 2017 H-2B IFR FAQs Round 16 and can be accessed [here](#).

• **FY 2017 Q4 Cumulative Disclosure Data**

The OFLC PERM, H-2A, H-2B, Prevailing Wage, and H-1B program disclosure data files for Quarter 4 of FY 2017 are now available. Click [here](#) to access the disclosure files and corresponding record layouts.

• **October 19, 2017. FY 2017 Q4 Selected Statistics**

The Office of Foreign Labor Certification has posted updated program factsheets containing the Quarter 4 FY 2017 selected statistics for the [Permanent Labor Certification Program](#), [Prevailing Wage Determination Program](#), [H-1B Temporary Visa Program](#), [H-2A Temporary Agricultural Visa Program](#), and [H-2B Temporary Non-agricultural Visa Program](#). Reports are derived from program data as of 9/30/2017. The updated program factsheets may also be found on OFLC's Performance Data [page](#).

• **October 18, 2017. Webinar Announcement: Employer Filing Tips and Best Practices for H-2A Labor Certification Applications**

As part of the Office of Foreign Labor Certification's (OFLC) on-going efforts to increase public engagement, OFLC will host a webinar on Tuesday, October 31, 2017, designed to educate stakeholders, program users, and other interested members of the public on recent program workload trends, common deficiencies and best practices associated with the H-2A Labor Certification program.

Our objective for this webinar is to provide technical assistance to employers and, if applicable, their authorized attorneys or agents that will provide stakeholders with helpful practice tips when submitting their H-2A applications for temporary labor certification to the Chicago National Processing Center.

- o DATE: Tuesday, October 31, 2017
- o TIME: 2:00 PM to 3:00 PM EST
- o FORMAT: Webinar & conference call capability will be provided to maximize participation
- o TELEPHONE NUMBER: 888-324-2611
- o TELEPHONE PASSCODE: 8502163

Go to or click on: <https://dolevents.webex.com/dolevents/onstage/g.php?MTID=e20ea933e3267af5aa6b4221552ab752d>

If prompted, please enter the appropriate contact information (first name, last name, email address)

If prompted, enter the event password: Welcome!24

Click on "Join Now"

To join and hear the audio, please dial the toll-free number 888-324-2611 and enter access code: 8502163 to hear the audio portion of the webinar or use the audio function of the WebEx software to stream audio.

• **October 18, 2017. Webinar Announcement: Employer Filing Tips and Best Practices for H-2B Labor Certification Applications**

As part of the Office of Foreign Labor Certification's (OFLC) on-going efforts to increase public engagement, OFLC will host a webinar on Wednesday, October 25, 2017, designed to educate stakeholders, program users, and other interested members of the public on recent program workload trends, common deficiencies and best practices associated with the H-2B Labor Certification program.

Our objective for this webinar is to provide technical assistance to employers and, if applicable, their authorized attorneys or agents that will provide stakeholders with helpful practice tips when submitting their H-2B applications for temporary labor certification to the Chicago National Processing Center.

- o DATE: Wednesday, October 25, 2017
- o TIME: 2:00 PM to 3:00 PM EST
- o FORMAT: Webinar & conference call capability will be provided to maximize participation
- o TELEPHONE NUMBER: 888-324-2611
- o TELEPHONE PASSCODE: 8502163

Go to or click on: <https://dolevents.webex.com/dolevents/onstage/g.php?MTID=e11f2f059be4a290558acbbb0b70d5df>

If prompted, please enter the appropriate contact information (first name, last name, email address)

If prompted, enter the event password: Welcome!24

Click on "Join Now"

To join and hear the audio, please dial the toll-free number 888-324-2611 and enter access code: 8502163 to hear the audio portion of the webinar or use the audio function of the WebEx software to stream audio.

- **October 13, 2017. H-2A 2010 Rule FAQs Round 13**

The Office of Foreign Labor Certification (OFLC) has published Round 13 of Frequently Asked Questions (FAQs) related to H-2A Applications for Temporary Employment Certification under the 2010 Rule. This round, which covers questions related to H-2A newspaper advertisements, is posted on the OFLC website on the [H-2A](#) page, the [FAQs](#) page, and the [FAQs Rounds](#) page. To directly access the Round 13 FAQs, please click [here](#).

- **October 6, 2017. OFLC Announces System Maintenance Outage Impacting PERM and iCERT Systems**

The PERM and iCERT systems will be unavailable during the following time periods for system maintenance:

- Friday, October 6, 2017 from 8:00pm ET until Tuesday, October 10, 2017, 6:00 am ET

- **September 26, 2017. OFLC Announces System Maintenance Outage Impacting the PERM System**

The PERM system will be unavailable during the following time periods for system maintenance:

- Thursday, September 28, 2017 from 8:00pm ET until Friday, September 29, 2017, 1:00 am ET

- **September 21, 2017. Updated Guidance for Hurricanes Harvey and Irma.** Please click [here](#) for updated guidance regarding reasonable case accommodations in light of the damage done by Hurricanes Harvey and Irma.

- **September 13, 2017. The Department has released its Foreign Labor Certification Annual Report for Fiscal Year (FY) 2016.** The FY 2016 Annual Report presents information on the Prevailing Wage Determination Process, Permanent Labor Certification, and Temporary Nonimmigrant Labor Certification for FY 2016. The report also contains State Employment-Based Labor Certification Profiles and top Country Employment-Based Immigration Profiles. Click [here](#) to view the 2016 Annual Report. A 508 compliant version will be posted as soon as it is available.

- **September 1, 2017. Hurricane Harvey Guidance.** Please click [here](#) for guidance regarding reasonable case-accommodations in light of the damage done by Hurricane Harvey.

- **August 22, 2017.** The PERM Webinar presentation, hosted on August 16, 2017, is posted under the PERM Webinars link on the Office of Foreign Labor Certification's Permanent Labor Certification Program web page. To access this page, please click [here](#).

- **August 25, 2017. OFLC Announces System Maintenance Outage Impacting the iCERT and PERM Systems**

The iCERT and PERM systems will be unavailable during the following time periods for system maintenance:

- Friday, August 25, 2017 from 10:30pm ET until Saturday, August 26, 9:30 am ET

- **August 3, 2017. Published 60 Day Notice for the LCA and WH-4**

In accordance with the Secretary's June 6, 2017 [News Release](#), which called for proposed form changes to better protect American workers, confront fraud, and increase transparency, the Department of Labor published a 60 day notice in the Federal Register announcing its intent to revise its information collection for the H-1B, H-1B1 and E-3 programs. The revision includes the Labor Condition Application for Nonimmigrant Workers (LCA) Form ETA 9035/ 9035E (electronic), Form ETA 9035CP accompanying instructions, a new Appendix for the Form ETA 9035/ 9035E, and the Wage and Hour Division's WH-4 Nonimmigrant Worker Information Form collection. Any written comments must be submitted in accordance with the [Federal Register](#) notice instructions. Copies of the notice and the proposed forms are below:

[Federal Register 60 Day Notice](#)

[Proposed Form ETA 9035](#)

[Proposed Form ETA 9035CP Instructions](#)

[Proposed Form ETA 9035 Appendix A](#)

[Proposed Form WH-4](#)

[Proposed Form WH-4 Instructions](#)

[Supporting Statement](#)

[Supporting Statement Appendix](#)

[Table of Changes Form ETA 9035](#)

[Table of Changes Form ETA 9035CP](#)

[Table of Changes WH-4](#)

- **July 19, 2017. ETA Form 9142-B-CAA**

The Office of Foreign Labor Certification (OFLC) has published [ETA Form 9142-B-CAA](#) and the accompanying [instructions](#) in support of the [temporary rule](#) jointly issued by the Department of Homeland Security and the Department of Labor, titled "Exercise of Time-Limited Authority to Increase the Fiscal Year 2017 Numerical Limitation for the H-2B Temporary Nonagricultural Worker Program." The temporary rule was published in the Federal Register on July 19, 2017, with an immediate effective date. This attestation must be submitted to the United States Citizenship and Immigration Services along with Form I-129, in support of an H-2B application subject to the H-2B cap for the second half of Fiscal Year 2017. The attestation is also available on the Forms and Instructions section of the OFLC website found at: <https://www.foreignlaborcert.doleta.gov/form.cfm>

- **July 18, 2017. FY 2017 Q3 Cumulative Disclosure Data**

The OFLC PERM, H-2A, H-2B, Prevailing Wage, and H-1B program disclosure data files for Quarter 3 of FY 2017 are now available. Click [here](#) to access the disclosure files and corresponding record layouts.

- **July 18, 2017. FY 2017 Q3 Selected Statistics.**

The Office of Foreign Labor Certification has posted updated program factsheets containing the Quarter 3 FY 2017 selected statistics for the [Permanent Labor Certification Program](#), [Prevailing Wage Determination Program](#), [H-1B Temporary Visa Program](#), [H-2A Temporary Agricultural Visa Program](#), and [H-2B Temporary Non-agricultural Visa Program](#). Reports are derived from program data as of 6/30/2017. The updated program factsheets may also be found on OFLC's Performance Data [page](#).

- **July 18, 2017. FY 2017 Q2 H-2B Foreign Labor Recruiter List**

Pursuant to 20 CFR § 655.9(c), the Office of Foreign Labor Certification (OFLC) is publishing an updated list of the names of foreign labor recruiters and the identity and location of persons or entities hired by or working for the recruiter that employers have indicated they engaged, or planned to engage, in the recruitment of prospective H-2B workers to perform the work described on their Form ETA-9142B, H-2B Application for Temporary Employment Certification. The H-2B Foreign Labor Recruiter List includes cumulative cases filed from July 28, 2016 through June 30, 2017.

By providing this Foreign Labor Recruiter List, OFLC is providing a greater level of transparency to the H-2B worker recruitment process and facilitating information sharing between the Department and other agencies and the public. The list will be updated quarterly and can be accessed [here](#). FAQs regarding the Foreign Labor Recruiter List have been posted as 2015 H-2B IFR FAQs Round 16 and can be accessed [here](#).

- **July 17, 2017. H-2B Temporary Rule**

Today the Secretary of Labor and the Secretary of Homeland Security signed a joint regulation allowing some seasonal American businesses who have tried and failed to find American workers to hire a limited number of foreign workers on a temporary basis. This regulation is needed to keep U.S. businesses open and their American workers employed; it is limited to those businesses who are in the most desperate straits. [The text of the regulation](#) may be found at the Federal Register. Inquiries should be directed to [mediainquiry@h2.dhs.gov](mailto:mediainquiry@h2.dhs.gov).

- **July 14, 2017. Webinar Announcement: PERM Audit Response Submission Practice Tips**

As part of the Office of Foreign Labor Certification's (OFLC) on-going efforts to increase public engagement, OFLC will host a webinar on Wednesday, August 16, 2017, designed to educate stakeholders, program users, and other interested members of the public on best practices associated with the Permanent Labor Certification program.

Our objective for this webinar is to provide technical assistance to employers and, if applicable, their authorized attorneys or agents that will provide stakeholders with helpful practice tips when submitting their PERM audit response to the Atlanta National Processing Center.

- DATE: Wednesday, August 16, 2017

- TIME: 2:00 PM to 3:30 PM EST

- FORMAT: Webinar & conference call capability will be provided to maximize participation

- TELEPHONE NUMBER: 800-779-9573

- TELEPHONE PASSCODE: 6621869

- Go to or click on: <https://dolevents.webex.com/dolevents/onstage/g.php?MTID=e27f766e27a5436e353601816de7f99a6>

- If prompted, please enter the appropriate contact information (first name, last name, email address)

- If prompted, enter the event password: Welcome!24

- Click on "Join Now"

- To join and hear the audio, please dial the toll-free number 800-779-9573 and enter access code: 6621869 to hear the audio portion of the webinar or use the audio function of the WebEx software to stream audio.

- **July 6, 2017. OFLC Announces System Maintenance Outage Impacting the iCERT System**

The iCERT system will be unavailable during the following time periods for system maintenance:

- Thursday, July 6, 2017 from 8:00pm - 12:00am ET

- **June 16, 2017: OFLC Announces 2010 H-2A FAQ on Rental Housing and Public Accommodations**

The Office of Foreign Labor Certification (OFLC) has published a twelfth round of Frequently Asked Questions (FAQs) related to the filing and processing of H-2A Applications for Temporary Employment Certification covering issues related to the use of rental housing or public accommodations. These FAQs are intended to help H-2A employers better understand the filing and documentation requirements that are necessary for an employer to demonstrate that the housing being offered to accommodate H-2A foreign workers complies with applicable housing standards for rental housing and public accommodations. The Round 12 FAQs are posted on the OFLC website on the H-2A program page at <https://www.foreignlaborcert.doleta.gov/h-2a.cfm> and the FAQs page at <https://www.foreignlaborcert.doleta.gov/faqsanswers.cfm>. To directly access the Round 12 FAQs, please click [here](#).

- **June 7, 2017. OFLC Announces System Maintenance Outage Impacting the iCERT and PERM Systems**

The iCERT and PERM systems will be unavailable during the following time periods for system maintenance:

- Friday, June 9, 2017 from 8:00pm ET until Monday, June 12, 6:00 am ET

- **May 30, 2017. OFLC Announces Improvements to the PERM Sponsorship Verification Process**

The Office of Foreign Labor Certification (OFLC) is currently working to streamline the PERM sponsorship verification process. Effective May 13, 2017, OFLC updated the automated email request for sponsorship verification process, allowing the employer to respond within 30 days by directly accessing the sponsorship questionnaire online. Employers who do not respond within seven (7) calendar days will be sent a follow up email reminding them that it has 23 days left to respond to the sponsorship request.

If applicable, the employer's attorney/agent will also receive a courtesy email regarding the employer's timeframe to respond to the sponsorship request. Failure to respond to the request within the established timeframe will result in a denial for failure to comply with the request for sponsorship verification. These emails will inform both the employer and the employer's attorney/agent of the consequences of failing to comply with the request for sponsorship verification.

If the employer does not have an email address listed on its ETA Form 9089, Application for Permanent Employment Certification, OFLC will verify sponsorship via a telephone call or a mailed request for sponsorship verification.

- **May 19, 2017. OFLC Announces System Maintenance Outage Impacting the iCERT and PERM Systems**

The iCERT and PERM systems will be unavailable during the following time periods for system maintenance:

- Friday, May 19, 2017 from 10:00pm ET until 12:00 am ET

- **May 18, 2017.** The PERM Webinar presentation, hosted on May 10, 2017, is posted under the PERM Webinars link on the Office of Foreign Labor Certification's Permanent Labor Certification Program web page. To access this page, please click [here](#). To access the presentation directly, please click [here](#).

- **May 11, 2017. OFLC Announces System Maintenance Outage Impacting the PERM System**

The PERM system will be unavailable during the following time periods for system maintenance:

- Thursday, May 11, 2017 from 8:00pm ET until 12:00 am ET

• **April 28, 2017. Webinar Announcement: Employer Filing Tips and Best Practices for Preparing and Submitting H-2B Prevailing Wage Requests**

As part of the Office of Foreign Labor Certification's (OFLC) on-going efforts to increase public engagement, the OFLC will host webinar on Thursday, May 18, 2017 designed to educate stakeholders, program users, and other interested members of the public on recent program workload trends, common deficiencies and best practices associated with employer request for H-2B prevailing wage determinations (PWDs).

Our objective for the webinar is to provide technical assistance to employers and, if applicable, their authorized attorneys or agents that will improve the quality of applications submitted to the OFLC by providing:

- Helpful filing tips to ensure quality PWD requests are submitted for processing;
- Assistance in writing correct Job Duties and Occupations in the application;
- Tips on how to avoid common deficiencies or errors that lead to Requests for Further Information (RFIs);
- Recommendations on the use of surveys for PWD requests.

DATE: Thursday, May 18, 2017

TIME: 2:00PM to 4:00PM Eastern Standard Time

FORMAT: Webinar & conference call capability will be provided to maximize participation

PASSWORD: **Welcome!25**

Go to or click on: <https://dolevents.webex.com/dolevents/onstage/g.php?MTID=e378bf63c1553fc5b5444b8c549e5cd0e>

If prompted, please enter the appropriate contact information (first name, last name, email address)

If prompted, enter the event password: Welcome!25

Click on "Join Now"

To join and hear the audio, please dial the toll-free number **888-455-3756** and enter access code: **1965721** to hear the audio portion of the webinar or use the audio function of the Web Ex software to stream audio.

- **Apr 18, 2017. FY 2017 Q2 Cumulative Disclosure Data.** The OFLC PERM, H-2A, H-2B, Prevailing Wage, and H-1B program disclosure data files for Quarter 2 of FY 2017 are now available. Click [here](#) to access the disclosure files and corresponding record layouts.
- **Apr 18, 2017.** The Office of Foreign Labor Certification has posted updated program factsheets containing the Quarter 2 FY 2017 selected statistics for the [Permanent Labor Certification Program](#), [Prevailing Wage Determination Program](#), [H-1B Temporary Visa Program](#), [H-2A Temporary Agricultural Visa Program](#), and [H-2B Temporary Non-agricultural Visa Program](#). Reports are derived from program data as of 3/31/2017. The updated program factsheets may also be found on OFLC's Performance Data [page](#).

• **Apr 18, 2017. OFLC Announces System Maintenance Outage Impacting the iCERT and PERM Systems**

iCERT and PERM systems will be unavailable during the following time periods for system maintenance:

- Friday, April 21, 2016 from 8:00pm ET until Monday, April 24, 2017 6:00 am ET

• **Apr 18, 2017. Federal Register Notice Announcing the 2017 Allowable Charges for Agricultural Workers' Meals and Travel Subsistence Reimbursement, Including Lodging for the H-2A and H-2B Programs.**

The Department of Labor has published a Notice in the Federal Register to announce the allowable charges for 2017 that employers seeking H-2A workers may charge their workers when the employer provides three meals a day, and the maximum travel subsistence meal reimbursement that a worker with receipts may claim in 2017 under the H-2A and H-2B programs. The Notice also includes a reminder regarding employers' obligations with respect to overnight lodging costs as part of required subsistence for the H-2A and H-2B programs. To read the Notice, please click [here](#).

• **Apr 18, 2017. FY 2017 Q2 H-2B Foreign Labor Recruiter List**

Pursuant to 20 CFR § 655.9(c), the Office of Foreign Labor Certification (OFLC) is posting an updated list of the names of foreign labor recruiters and the identity and location of persons or entities hired by or working for the recruiter that employers have indicated they engaged, or planned to engage, in the recruitment of prospective H-2B workers to perform the work described on their Form ETA-9142B, H-2B Application for Temporary Employment Certification. The H-2B Foreign Labor Recruiter List includes cumulative cases filed from July 28, 2016 through March 31, 2017.

By providing this Foreign Labor Recruiter List, OFLC is providing a greater level of transparency to the H-2B worker recruitment process and facilitating information sharing between the Department and other agencies and the public. The list will be updated quarterly and can be accessed [here](#). FAQs regarding the Foreign Labor Recruiter List have been posted as 2015 H-2B IFR FAQs Round 16 and can be accessed [here](#).

• **Apr 12, 2017. Webinar Announcement: Employer Filing Tips and Best Practices for Preparing and Submitting Permanent Labor Certification Applications and PERM Prevailing Wage Requests**

As part of the Office of Foreign Labor Certification's (OFLC) on-going efforts to increase public engagement, the OFLC will host a webinar on Wednesday, May 10, 2017, designed to educate stakeholders, program users, and other interested members of the public on recent program workload trends, common deficiencies and best practices associated with the Permanent Labor Certification program.

Our objective for the webinar is to provide technical assistance to employers and, if applicable, their authorized attorneys or agents that will improve the quality of applications submitted to the OFLC by:

- Discussing the E-issuance, E-Receipt and Upload Documents process;
- Identifying how to avoid common deficiencies or frequent errors when preparing an ETA Form 9089 application;
- Providing helpful practice tips to ensure quality applications are submitted for processing; and
- Helpful tips for common deficiencies related to PERM prevailing wage requests.

DATE: Wednesday, May 10, 2017

TIME: 2:00 PM to 3:30 PM Eastern Standard Time

FORMAT: Webinar & conference call capability will be provided to maximize participation

EVENT NUMBER: 888-455-3756

PASSCODE: 6624633

Go to or click on:

<https://dolevents.webex.com/dolevents/onstage/g.php?MTID=ec09f8a3a112fe1fd42884385558021bd>

If prompted, please enter the appropriate contact information (first name, last name, email address)

If prompted, enter the event password: Welcome!24

Click on "Join Now"

To join and hear the audio, please dial the toll-free number 888-455-3756 and enter access code: 6624633 to hear the audio portion of the webinar or use the audio function of the Web Ex software to stream audio.

- **March 31, 2017. ETA Announces PERM Case Management System Enhancement to Streamline PERM Processes for Employers: Electronic Submission of Supporting Documentation**

ETA has implemented a new enhancement to the PERM Case Management System (CMS) related to the submission of applications for permanent labor certification intended to reduce burdens on employers and streamline the processing of applications. Beginning on and after April 15, 2017, the PERM CMS will permit the submission of electronic documentation while the application is pending review and up to 30 calendar days after the notice of proposed final agency action is issued on an application. The Department expects that this new feature will eliminate the need for the employer or, if applicable, its authorized agent or attorney to submit responsive documents via U.S. mail, e-mail or facsimile, and result in a more expedient review of applications by connecting the responsive documents directly to the OFLC analysts assigned to the application.

To review the features of this new CMS enhancement, please download a copy of the PERM Quick Guide at <https://www.plc.doleta.gov/onlinehelp.pdf>.

- **March 10, 2017. PERM FAQ Round 14**

In light of stakeholder input, which the Office of Foreign Labor Certification (OFLC) is considering, OFLC has temporarily removed from its website PERM FAQ Round 14 regarding Actual Minimum Requirements, originally published on March 6, 2017. OFLC will clarify and republish PERM FAQ Round 14 to provide additional information on its applicability to PERM applications and associated prevailing wage requests and determinations.

- **February 6, 2017. OFLC Announces Updates to H-2B Case Workload and Processing Times**

The Department's Office of Foreign Labor Certification (OFLC) is providing additional processing information to employers who participate in the H-2B temporary nonimmigrant visa programs. Between January 1 - 7, 2017, OFLC received nearly 3,000 H-2B applications covering approximately 53,200 worker positions with an expected start date of work on or after April 1, 2017; an approximate 93% increase when compared to the number of H-2B applications received during the same calendar week in 2016. Between January 8 - 31, 2017, OFLC received another 1,500 H-2B applications requesting temporary labor certification for approximately 28,900 workers.

During 2016 and within its limited resources, OFLC planned and executed a number of management actions, as well as regular stakeholder education and outreach activities, designed to minimize expected processing delays without being able to accurately predict the total volume of applications that would be filed for processing. Beginning the first work week of January 2017, OFLC published regular updates on H-2B case processing times to the stakeholder community, and ensured consistent availability of its iCERT electronic system for customers to file H-2B applications and staff to process case actions. In order to issue prompt final decisions, OFLC also deployed a dedicated team of staff to review employer recruitment reports on pending H-2B applications that have completed the labor market test requirements under the regulation. We are continuing to focus our available resources on reducing the number of pending H-2B applications as expeditiously as possible while simultaneously issuing quality decisions.

To help employers better understand employer demand for workers under the H-2B visa program, OFLC has updated its H-2B case processing time information to include the total number of workers requested and certified based on the week in which the employer filed its H-2B application. OFLC will continue to provide regular updates to this information during each work week, and employers can access current processing time information through the iCERT System at <https://icert.doleta.gov> and clicking on the "Processing Times" tab from the main home page.

- **February 3, 2017. FY 2017 Q1 Cumulative Disclosure Data**

The OFLC PERM, H-2A, H-2B, Prevailing Wage, and H-1B program disclosure data files for Quarter 1 of FY 2017 are now available. Click [here](#) to access the disclosure files and corresponding record layouts.

- **February 2, 2017. Updated program factsheets containing the Quarter 1 FY 2017**

The Office of Foreign Labor Certification has posted updated program factsheets containing the Quarter 1 FY 2017 selected statistics for the [Permanent Labor Certification Program](#), [Prevailing Wage Determination Program](#), [H-1B Specialty Occupations Labor Condition Program](#), [H-2A Temporary Agricultural Labor Certification Program](#) and [H-2B Temporary Non-agricultural Labor Certification Program](#). Reports are derived from program data as of 12/31/2016. The updated program factsheets may also be found on OFLC's Performance Data [page](#).

- **January 11, 2017. FY 2017 Q1 H-2B Foreign Labor Recruiter List**

The Office of Foreign Labor Certification has posted an updated H-2B Foreign Labor Recruiter List with cumulative cases from July 28, 2016 through December 31, 2016. Quarterly updates will normally be posted by the end of the month immediately following the close of the quarter. Click [here](#) for the updated list.

## Calendar Year 2016

- **January 11, 2017. FY 2017 Q1 H-2B Foreign Labor Recruiter List**

The Office of Foreign Labor Certification has posted an updated H-2B Foreign Labor Recruiter List with cumulative cases from July 28, 2016 through December 31, 2016. Quarterly updates will normally be posted by the end of the month immediately following the close of the quarter. Click [here](#) for the updated list.

- **December 23, 2016. New 2017 Herder H-2A Adverse Effect Wage Rates (AEWRs)**

On December 23, 2016, the Employment and Training Administration (ETA) of the Department of Labor (Department) is issuing this notice to announce the new Adverse Effect Wage Rate (AEWR) for the employment of temporary or seasonal nonimmigrant foreign workers (H-2A workers) to perform herding or production of livestock on the range. AEWRs are the minimum wage rates the Department has determined must be offered and paid by employers to H-2A workers and workers in corresponding employment so that the wages of similarly employed U.S. workers will not be adversely affected. To read the Federal Register notice please click [here](#).

- **December 23, 2016. New 2017 H-2A Adverse Effect Wage Rates (AEWRs)**

The Department has published a notice in the Federal Register announcing new Adverse Effect Wage Rates (AEWRs) for each state, based on the Farm Labor Survey conducted by the U.S. Department of Agriculture. The AEWRs are the minimum hourly wage rates the Department has determined must be offered and paid by employers to H-2A workers and workers in corresponding employment for a particular agricultural job and area, so that the wages of similarly employed U.S. workers will not be adversely affected. To read the Federal Register notice please click [here](#).

- **December 20, 2016. New 2017 H-2A Adverse Effect Wage Rates and Adverse Effect Wage Rate for Range Occupations.**

The Office of Federal Register has scheduled the Labor Certification Process for the Temporary Employment of Aliens in Agriculture in the United States: 2017 Adverse Effect Wage Rates and 2017 Adverse Effect Wage Rate for Range Occupations for publication in the [Federal Register](#) on December 23, 2016. These documents will be placed on public inspection on 12-22-2016 08:45:00.

- **December 19, 2016. PERM Notice of Proposed Rulemaking (NPRM) Status FAQ**

**Q: Is the Department planning to issue a regulation on PERM?**

A: On December 16, 2016, the PERM Notice of Proposed Rulemaking and Schedule A Request for Information were withdrawn from OMB/OIRA review.

- **December 1, 2016. OFLC Announces System Maintenance Outage Impacting the iCERT and PERM Systems**

The PERM system will be unavailable during the following time periods for system maintenance:

- Thursday, December 8, 2016 from 8:00pm EDT until 12:00 am EDT

iCERT and PERM systems will be unavailable during the following time periods for system maintenance:

- Friday, December 16, 2016 from 8:00pm EDT until Saturday, December 17, 2016 10:00 am EDT

- **November 17, 2016. USDA Release of 2016 Farm Labor Survey**

On November 17, 2016, the United States Department of Agriculture (USDA) issued the Farm Labor Survey (FLS) report in which it established the average annual wage rates, by region and the United States, for field and livestock workers. The Department of Labor (Department) relies on the average annual combined hourly wage for field and livestock workers in order to establish the Adverse Effect Wage Rates (AEWRs) in the H-2A program. The AEWRs are the minimum hourly wage rates the Department has determined must be offered and paid by employers to H-2A workers and workers in corresponding employment, so that the wages of workers similarly employed in the United States will not be adversely affected.

The Department is reviewing the USDA FLS average annual wage rates for 2016 and will soon publish a notice in the Federal Register announcing new Adverse Effect Wage Rates (AEWRs) for each state at which time the rates will become immediately effective. To obtain more information on NASS surveys and reports, please call the NASS Agricultural Statistics Hotline at (800) 727-9540, 7:30 a.m. to 4:00 p.m. ET, or e-mail: [nass@nass.usda.gov](mailto:nass@nass.usda.gov). To obtain a copy of the latest USDA FLS report, please click [here](#).

- **November 3, 2016. OFLC Announces System Maintenance Outage Impacting the iCERT System**

The iCERT system will be unavailable during the following time periods for system maintenance:

- Thursday, November 3, 2016 from 8:00pm EDT until 12:00 am EDT

- **November 2, 2016. Hurricane Matthew Extension Requests**

Please click [here](#) for questions regarding extensions or other reasonable case-accommodations in light of the damage done by Hurricane Matthew.

- **November 1, 2016. The Department has released its Foreign Labor Certification Annual Report for FY 2015**

The 2015 Annual Report presents information on the Prevailing Wage Determination Process, Permanent Labor Certification, and Temporary Nonimmigrant Labor Certification for FY 2015. The report also contains State Employment-Based Labor Certification Profiles and top Country Employment-Based Immigration Profiles. Click [here](#) to view the 2015 Annual Report. A 508 compliant version will be posted as soon as it is available.

- **November 1, 2016. Electronic Notification of PERM Letters:**

The Atlanta National Processing Center (ANPC) will begin issuing PERM notification letters via e-mail beginning December 1, 2016. Electronic notification e-mails will ensure PERM stakeholders receive ETA Form 9089 application determination notifications in a timely, cost effective manner without 'in the mail' delivery delays.

To ensure this electronic notification delivery convenience works for all PERM stakeholders, please add [sr.processing@dol.gov](mailto:sr.processing@dol.gov) and [plc.atlanta@dol.gov](mailto:plc.atlanta@dol.gov) to your Address Book or Safe List within your e-mail system(s) to avoid being filtered as SPAM. In addition, if e-mail addresses for the authorized representative or employer have changed, please notify either [sr.processing@dol.gov](mailto:sr.processing@dol.gov) (Supervised Recruitment cases) or [plc.atlanta@dol.gov](mailto:plc.atlanta@dol.gov) (all other correspondence). Please provide the case number along with the updated contact information.

Stakeholders will receive the following letters/notifications via e-mail:

- Audit Notification Letters
- Denial Notification Letters
- Requests for Information Letters
- Additional Audit Information Requests
- Withdrawal Letters
- Notices of Decisions from Appeals

NOTE: Certified ETA Form 9089 PERM application letters will not be sent electronically due to the certification's security paper requirements currently in place with the U.S. Citizenship and Immigration Services.

**Electronic Receipt of PERM Audit Responses, Requests for Information, and Responses to Notices of Decisions for Appeals:** The ANPC will receive ETA Form 9089 audit responses and responses to Requests for Information, Additional Audit Information Requests, and Notices of Decisions for Appeals sent via e-mail on December 1, 2016. To ensure your submission is received with no issues, i.e., non-compliance with delivery size limitations, please ensure each e-mailed response is no larger than 20MB.

If your e-mail response is larger than 20MB, please separate the response into two or more documents of less than 20MB in size.

For example, if submitting more than one document in response to an audit notification due to size restrictions, please ensure you indicate in the Subject Line of the e-mail that there are multiple submissions. For example, <Case Number>\_Audit Response\_1 of 3.

In addition, when submitting an electronic response, please keep in mind the following tips:

- Do not combine multiple audit responses for different cases in one submission packet.
  - Direct any questions via e-mail to [sr.processing@dol.gov](mailto:sr.processing@dol.gov) (Supervised Recruitment inquiries) or [plc.atlanta@dol.gov](mailto:plc.atlanta@dol.gov) (all other inquiries) and include the case number in the subject line.
  - For audit responses specifically; scan, tab, or clearly identify the documentation into the following categories:
    - a. Cover Letter
    - b. Recruitment Report and any other supporting documentation
    - c. Business Necessity and other supporting documentation
    - d. Recruitment Content, including copies of newspaper advertisements, Notice of Filing, Job Order, and professional advertisements
    - e. Copy of Audit Letter (if applicable)
    - f. Resumes, including any applications, evaluations, and other supporting documentation
    - g. Prevailing Wage (if applicable)
    - h. Affidavits (if applicable)
    - i. Signed ETA Form 9089 (if applicable)
    - j. Postage Receipt (if applicable)
- **November 1, 2016. FY 2016 Q4 Cumulative Disclosure Data**

The OFLC PERM, H-2A, H-2B, Prevailing Wage, and H-1B program disclosure data files for Quarter 4 of FY 2016 are now available. Click [here](#) to access the disclosure files and corresponding record layouts.

- **November 1, 2016.**

The Office of Foreign Labor Certification has posted updated program factsheets containing the FY 2016 Quarter 4 Selected Statistics for the [Permanent Labor Certification Program](#), [Prevailing Wage Determination Program](#), [H-1B Temporary Visa Program](#), [H-2A Temporary Agricultural Visa Program](#), and [H-2B Temporary Non-agricultural Visa Program](#). Reports are derived from program data as of 9/30/2016. The updated program factsheets may also be found on OFLC's Performance Data page.

- **October 11, 2016. OFLC Announces System Maintenance Outage Impacting the iCERT/PERM Systems**

The PERM system will be unavailable during the following time periods for system maintenance:

- Thursday, October 13, 2016 from 8:00 pm EDT until 12:00 am EDT

The iCERT and PERM system will be unavailable during the following time periods for system maintenance:

- Saturday, October 15, 2016 from 10:00 am EDT until 4:00 pm EDT

- **October 7, 2016. PERM FAQ Round 13**

The Department of Labor has published a Frequently Asked Question (FAQ) Round 13 related to preparing the required recruitment report for employers seeking labor certification under the PERM Program along with two "best practice" sample recruitment reports. The Round 13 FAQ is posted on the PERM Program Page on the Office of Foreign Labor Certification website at [https://www.foreignlaborcert.doleta.gov/faqs\\_pdf.cfm](https://www.foreignlaborcert.doleta.gov/faqs_pdf.cfm). To directly access the Round 13 FAQ, please click [here](#).

- **October 4, 2016. H-2B Interim Final Rule FAQs Round 17**

The Department of Labor has published a seventeenth round of Frequently Asked Questions (FAQs) related to the filing and processing of H-2B Applications for Temporary Employment Certification covering issues related to the area of intended employment and what constitutes a worksite under the H-2B program. The Round 17 FAQs are posted on the H-2B Interim Final Rule Implementation Page on the Office of Foreign Labor Certification website at [https://www.foreignlaborcert.doleta.gov/2015\\_H-2B\\_IFR.cfm](https://www.foreignlaborcert.doleta.gov/2015_H-2B_IFR.cfm). To directly access the Round 17 FAQs, please click [here](#).

- **October 3, 2016: H-2A Herder Final Rule FAQs Round 3**

The Department of Labor has published a third round of Frequently Asked Questions (FAQs) related to the filing and processing of H-2A Applications for Temporary Employment Certification covering the herding or production of livestock on the range. The Round 3 FAQs are posted on the H-2A Herder Final Rule Implementation Page on the Office of Foreign Labor Certification website at [https://www.foreignlaborcert.doleta.gov/h-2a\\_herders.cfm](https://www.foreignlaborcert.doleta.gov/h-2a_herders.cfm). To directly access the Round 3 FAQs, please click [here](#).

- **September 14, 2016. OFLC Webinar Update: Technical Assistance Presentation from September 13, 2016, H-2A and H-2B Program Webinar Now Available**

On Tuesday, September 13, 2016, the Office of Foreign Labor Certification hosted a 4-hour webinar to educate stakeholders, program users, and other interested members of the public on recent program workload trends, common deficiencies and best practices associated with employer requests for H-2B prevailing wage determinations and applications for temporary labor certification under the H-2A and H-2B visa programs. Our objective for the webinar was to provide technical assistance to employers and, if applicable, their authorized attorneys or agents that will improve the quality of applications submitted to the OFLC by:

- Discussing recent program updates and initiatives designed to improve case processing and transparency of the decision-making process;
- Identifying how to avoid common deficiencies or frequent errors when preparing job orders and applications;
- Providing helpful practice tips to ensure quality job order and applications are submitted for processing; and
- Highlighting best practices or quality prevailing wage requests and labor certifications applications from the 2016 filing season.

Stakeholders and members of the general public can obtain a copy of the presentation by clicking [here](#).

- **September 9, 2016. H-2B Prevailing Wage FAQs.**

The Department of Labor has published Frequently Asked Questions (FAQs) related to processing H-2B Prevailing Wage Determinations under the 2015 H-2B Wage Final Rule. The FAQs are posted in the Prevailing Wages section on the FAQs page. To directly access the FAQs page, please click [here](#).

- **September 1, 2016. ETA Announces it is Streamlining the H-2B Process for Non-Agricultural Employers: Procedural Change in Submitting Temporary Need Documentation**

ETA is announcing a process change related to the submission of applications for temporary labor certification under the H-2B visa program intended to reduce burdens on employers and streamline the adjudication of temporary need. Effective immediately, an employer submitting an H-2B application may satisfy the regulatory requirements for demonstrating temporary need by disclosing such information on the Form ETA-9142B, Application for Temporary Employment Certification, without also submitting detailed supporting documentation with its initial application, particularly where the employer's temporary need has been demonstrated in earlier applications certified or the work is clearly tied to a temporary, seasonal cycle. This process change in the H-2B program better aligns the review of temporary need with the standard applied to agricultural employers in the H-2A program, where the submission of detailed supporting documentation to support recurring seasonal workforce needs is not necessary.

For a more detailed explanation of this important process change in the H-2B program, please click [here](#).

- **August 26, 2016. ETA Announces iCERT System Enhancement to Streamline the H-2A and H-2B Processes for Employers: Electronic Submission of Supporting Documentation Post-Filing**

ETA has implemented a new enhancement to the iCERT System related to the submission of applications for temporary labor certification under the H-2A and H-2B visa programs intended to reduce burdens on employers and streamline the processing of applications. Beginning on and after Friday, August 26, 2016, the iCERT System permits the submission of electronic documentation at the time of filing and while the H-2A or H-2B application is pending review. The Department expects that this new feature will eliminate the need for the employer or, if applicable, its authorized agent or attorney to submit responsive documents via U.S. mail, e-mail or facsimile, and result in a more expedient review of applications by connecting the responsive documents directly to the OFLC analysts assigned to the application.

For a more detailed explanation of this important iCERT System enhancement, please click [here](#).

To review the features of this new iCERT System enhancement, please download a copy of the Quick Start Technical Guide by clicking [here](#).

- **August 15, 2016. Webinar Announcement: Employer Filing Tips and Best Practices for Preparing and Submitting H-2B Prevailing Wage Requests and H-2A/H-2B Labor Certification Applications**

As part of the Office of Foreign Labor Certification's (OFLC) on-going efforts to increase public engagement, the OFLC will host a webinar on Tuesday, September 13, 2016, designed to educate stakeholders, program users, and other interested members of the public on recent program workload trends, common deficiencies and best practices associated with employer requests for H-2B prevailing wage determinations and applications for temporary labor certification under the H-2A and H-2B visa programs.

Our objective for the webinar is to provide technical assistance to employers and, if applicable, their authorized attorneys or agents that will improve the quality of applications submitted to the OFLC by:

- Discussing recent program updates and initiatives designed to improve case processing and transparency of the decision-making process;
- Identifying how to avoid common deficiencies or frequent errors when preparing job orders and applications;
- Providing helpful practice tips to ensure quality job order and applications are submitted for processing; and
- Highlighting best practices or quality prevailing wage requests and labor certifications applications from the 2016 filing season.

DATE: Tuesday, September 13, 2016

TIME: 12:00PM to 4:00PM Eastern Standard Time

FORMAT: Webinar & conference call capability will be provided to maximize participation

EVENT NUMBER: 744 257 619

PASSWORD: **Welcome!25**

Go to or click on: <https://dolevents.webex.com/dolevents/onstage/g.php?MTID=e61d5965bdc38a77f05328af0e2e4ec27>

If prompted, please enter the appropriate contact information (first name, last name, email address)

If prompted, enter the event password: Welcome!25

Click on "Join Now"

To join and hear the audio, please dial the toll-free number **800-369-1983** and enter access code: **2846236** to hear the audio portion of the webinar or use the audio function of the Web Ex software to stream audio.

- **August 03, 2016. FY 2016 Q3 Program Factsheets**

The Office of Foreign Labor Certification has posted updated program factsheets containing the Quarter 3 FY 2016 selected statistics for the [Permanent Labor Certification Program](#), [Prevailing Wage Determination Program](#), [H-1B Temporary Visa Program](#), [H-2A Temporary Agricultural Visa Program](#), and [H-2B Temporary Non-agricultural Visa Program](#). Reports are derived from program data as of 6/30/2016. The updated program factsheets may also be found on OFLC's Performance Data [page](#).

- **July 29, 2016.**

The Office of Foreign Labor Certification has posted updated PERM Program disclosure data files for Quarter 4 of FY 2015. Click [here](#) to access the disclosure files and corresponding record layouts.

- **July 20, 2016. FY 2016 Q3 Cumulative Disclosure Data**

The OFLC PERM, H-2A, H-2B, Prevailing Wage, and H-1B program disclosure data files for Quarter 3 of FY 2016 are now available. Click [here](#) to access the disclosure files and corresponding record layouts.

- **July 6, 2016. OES Wage Data Update Includes Updated BLS Metropolitan Statistical Areas (MSAs) Definitions**

As noted in the July 1, 2016 web announcement below, the National Prevailing Wage Center (NPWC) recently began using the 2017 wage data set provided by the Bureau of Labor Statistics (BLS), based on May 2015 Occupational Employment Statistics (OES) data. This data set is the first to use the 2010 BLS definitions of Metropolitan Statistical Areas (MSAs), as designated by the Office of Management and Budget. As a result, some ETA-9141 prevailing wage request forms submitted prior to the NPWC's use of the new data and MSA definitions will incorrectly cite in subsection E.c.7a MSAs that have changed pursuant to the new definitions.

If an applicant's ETA-9141 Form lists a MSA that no longer exists due to the updated BLS area definitions, the NPWC will alter the text in E.c.7a to reflect the correct MSA and will include an additional note to notify the applicant that the NPWC has altered its form as a result of the update to the MSA definitions. In

addition, some returning applicants seeking a prevailing wage determination (PWD) for multiple worksites will receive a different wage(s) than in prior years due to the BLS geographic area updates. For example, in prior years the areas of Somerset and Middlesex in New Jersey were included in the same MSA and thus received the same OES wage in a PWD. However, as a result of the BLS update, Somerset and Middlesex are included in separate BLS areas and PWDs issued for job opportunities in the areas will not be the same. Please direct any questions or comments regarding the effect of the BLS updates on the PWD process to the NPWC help desk via email at [flc.pwd@dol.gov](mailto:flc.pwd@dol.gov). The updated OES data sets may be viewed by visiting [www.bls.gov/oes/tables.htm](http://www.bls.gov/oes/tables.htm).

- **July 1, 2016. OES Wage Data Update**

On July 1, 2016, OFLC uploaded the newest prevailing wage data from the Occupational Employment Survey as generated by the Bureau of Labor Statistics for the year from July 2016 - June 2017. The effective date is July 1, 2016. Prevailing wages issued from the National Prevailing Wage Center will reflect the new data.

- **June 28, 2016. Webinar Update June 23, 2016: Employer Filing Tips for Submitting H-2A and H-2B Labor Certification Applications**

Copies of the OFLC's June 23rd presentation on filing tips and common deficiencies associated with the submission of applications for temporary labor certification under the H-2A and H-2B visa programs are now available.

- To obtain a copy of the H-2A Filing Tips, please click [here](#).
- To obtain a copy of the H-2B Filing Tips, please click [here](#).
- To obtain a copy of the H-2B PWDs Filing Tips, please click [here](#).

- **June 27, 2016.**

The Office of Foreign Labor Certification has posted updated Prevailing Wage disclosure data files for Quarter 4 of FY 2015. Click [here](#) to access the disclosure files and corresponding record layouts.

- **June 8, 2016. Webinar Announcement: Employer Filing Tips for Submitting H-2A and H-2B Labor Certification Applications**

As part of the Department's Office of Foreign Labor Certification's (OFLC) on-going efforts for increased public outreach, the OFLC will host a public webinar on June 23, 2016, to educate stakeholders, program users, and other interested members of the public on best practices, filing tips, and common deficiencies associated with the submission of applications for temporary labor certification under the H-2A and H-2B visa programs. Our objective for this webinar is to provide technical assistance to employers and, if applicable their authorized representatives to avoid frequent or common errors in preparing and submitting H-2A and H-2B applications.

To join the webinar event scheduled for Thursday, June 23, 2016, please use the below instructions:

DATE: Thursday, June 23, 2016

TIME: 2:00PM - 3:30PM EST

Call-in number: 888-469-0871

INSTRUCTIONS:

1. Go to or click on: <https://dolevents.webex.com/dolevents/onstage/g.php?MTID=e83537a74c16bc53cb6b5c930f48eff95>
2. If prompted, please enter the appropriate contact information (first name, last name, email address)
3. If prompted, enter the event password: Welcome!24
4. Click on "Join Now"
5. To join and hear the audio, please dial the toll-free number 888-469-0871 and enter access code: 27423 to hear the audio portion of the webinar or use the audio function of the Web Ex software to stream audio.

- **May 18, 2016. ETA Announces it is Streamlining the H-2A Process for Agricultural Employers: Procedural Change to the Form ETA-9142A, Appendix A**

OFLC is pleased to announce that the Office of Management and Budget (OMB) has approved the Department's request to update the Appendix A in two ways: (1) to reflect new regulatory requirements contained in the 2015 H-2A Herder Final Rule; and (2) to simplify the H-2A process for employers submitting this document alongside their I-129 petitions to the United States Citizenship and Immigration Services (USCIS). This approval came as part of the Department's 3-year extension of the Form ETA-9142A and Appendix A. The remainder of the data collected on the Form ETA-9142A remains unchanged.

When filing an H-2A application on the Form ETA-9142A, an employer is required to submit a signed and dated copy of the Appendix A, which contains the requisite program assurances and obligations. Prior to this announcement, where the OFLC granted a temporary labor certification application, the Chicago National Processing Center (NPC) sent the employer a certified H-2A application containing a second copy of the Appendix A issued on "blue security paper." The employer and its authorized attorney or agent were each then required to sign and date this second copy of Appendix A again and then submit it to the USCIS.

The Department's new Form will make it unnecessary to sign and submit a second copy of the Appendix A. An employer will now only need to sign and date the Appendix A once at the time of filing the H-2A application and retain the original in its administrative file. Then, where the OFLC grants a temporary labor certification, the Chicago NPC will send a certified H-2A application and a Final Determination letter to the employer by means normally assuring next day delivery, including electronic mail, and a copy, if applicable, to the employer's authorized attorney or agent. The employer and its authorized attorney or agent will be instructed to complete three steps:

- |        |   |
|--------|---|
| Step 1 | Complete the newly modified footer on each page of the original Appendix A (retained in its administrative file), adding the case number, status, and period of employment from the certified Form ETA-9142A; |
| Step 2 | Retain the original Appendix A along with a copy of the certified Form ETA-9142A, as required by 20 CFR 655.167; and  |
| Step 3 | Submit a <u>signed and dated copy</u> of the Appendix A, together with the original certified Form ETA-9142A issued by the OFLC, directly to the USCIS.   |

This change will save employers and their agents or attorneys from mailing each other paper forms to sign them a second time - which is effectively required under the current form.

### **TRANSITION PROCEDURES**

- Employers with either a currently pending H-2A application or those who file a new H-2A application prior to June 15, 2016, containing the previous Appendix A will be provided with a copy of the revised Appendix A at the time the Chicago NPC grants a temporary labor certification. They will also receive instructions from the Chicago NPC regarding how to complete the revised Appendix A for submission to the USCIS.

- On or after June 15, 2016, employers or their authorized representatives filing a new H-2A application must submit a signed and dated copy of the revised Appendix A containing the program assurances and obligations that comply with the 2010 H-2A Final Rule and 2015 H-2A Herder Final Rule. Otherwise, the Chicago NPC will issue either a Minor Deficiency Email or a Notice of Deficiency requesting that the employer provide a signed and dated copy of the revised Appendix A.

To obtain a copy of the revised Appendix A, please click [here](#).

To obtain a copy of the Form ETA-9142 and general instructions, please click [here](#).

- **May 17, 2016. FY 2016 Q2 Cumulative Disclosure Data**

The OFLC PERM, H-2A, H-2B, Prevailing Wage, and H-1B program disclosure data files through Quarter 2 of FY 2016 are now available. Click [here](#) to access the disclosure files and corresponding record layouts.

- **April 8, 2016.**

The Office of Foreign Labor Certification has posted updated program factsheets containing the Quarter 2 FY 2016 selected statistics for the [Permanent Labor Certification Program](#), [Prevailing Wage Determination Program](#), [H-1B Temporary Visa Program](#), [H-2A Temporary Agricultural Visa Program](#), and [H-2B Temporary Non-agricultural Visa Program](#). Reports are derived from program data as of 3/31/2016. The updated program factsheets may also be found on OFLC's Performance Data [page](#).

- **April 4, 2016. Webinar Announcement: Employer Filing Tips for Submitting H-2B Wage Surveys**

As part of the Department's Office of Foreign Labor Certification's (OFLC) on-going efforts for increased public outreach, the OFLC will host a public webinar on April 7, 2016, to educate stakeholders, program users, and other interested members of the public on submission of wage surveys to determine the prevailing wage for job opportunities in the H-2B temporary non-agricultural labor certification program.

Employer Filing Tips for Submitting H-2B Wage Surveys

The objectives for this webinar are to assist employers and surveyors to avoid frequent errors found in filing prevailing wage determination applications that include wage surveys by:

- Providing clarification on common errors with documenting and displaying survey results;
- Providing tools to help ensure surveys comply with applicable regulatory requirements;
- Reviewing common errors found when completing the Form ETA-9165

The webinar briefing is scheduled for Thursday, April 7, 2016, at 1:30 PM Eastern Standard time for approximately 90 minutes. This webinar is open to the public and no pre-registration is required. It will be accessible to the public on a first-come, first-served basis on the date specified. To learn how to access the Department's upcoming H-2B webinar focused on providing wage survey submission and compliance guidance, please click [here](#).

- **March 28, 2016. OFLC Announces Extension of Emergency Procedures Initiative for Backlogged H-2B Applications through April 30, 2016.**

The Employment and Training Administration's (ETA) Office of Foreign Labor Certification (OFLC) is continuing to experience significant delays in processing employers' H-2B applications for certification. As explained in the public service announcement posted by the Department on February 19, 2016, these delays have been generated by several factors, the most significant of which was a 17-day certification processing pause at the Chicago National Processing Center (NPC) needed for OFLC to implement changes to comply with the revisions to the H-2B prevailing wage and certification standards contained in the Consolidated Appropriations Act, 2016 (2016 appropriations law), Public Law 114-113, 129 Stat. 2242 (Dec. 18, 2015).

The delays in the certification process that applicants are continuing to experience impair the ability of employers to hire foreign workers when needed, and create instability for small businesses that depend on temporary and seasonal workers. OFLC has concluded that the delays still impacting the timely processing of H-2B applications constitute good and substantial cause under 20 CFR 655.17 for employers to request emergency procedures of their currently pending applications.

Therefore, employers with pending H-2B applications will be able to continue to request the emergency procedures under 20 CFR 655.17 through April 29, 2016, so that the Chicago NPC can complete the current application processing backlog. For H-2B applications filed on and between April 2 and April 29, the CNPC will accept requests for expedited procedures at 12:01 on April 4, and will no longer accept such requests at midnight April 29.

To read the full announcement of the Emergency Procedures Initiative and how employers can continue to participate, please click [here](#).

- **March 23, 2016. H-2A Program Forms.**

The forms for the H-2A program are currently in review for a three year extension. Notice of a second comment period, as required by the Paperwork Reduction Act, is expected to be published in the Federal Register in the coming weeks. The Chicago National Processing Center will continue to accept the current H-2A program form with 2016 expiration dates, which may be extended in one month increments until the full three year extension is approved by OMB and the new forms are posted on our website and updated in the iCERT System.

- **February 26, 2016. Federal Register Notice Announcing the 2016 Allowable Charges for Agricultural Workers' Meals and Travel Subsistence Reimbursement, Including Lodging for the H-2A and H-2B Programs.**

The Department of Labor has published a Notice in the Federal Register to announce the allowable charges for 2016 that employers seeking H-2A workers may charge their workers when the employer provides three meals a day, and the maximum travel subsistence meal reimbursement that a worker with receipts may claim in 2016 under the H-2A and H-2B programs. The Notice also includes a reminder regarding employers' obligations with respect to overnight lodging costs as part of required subsistence for the H-2A and H-2B programs. To read the Notice, please click [here](#).

- **February 24, OFLC Webinar on H-2B Case Processing Initiatives.**

On February 19, OFLC announced two initiatives designed to help reduce the backlog of pending H-2B applications and provide information to help the stakeholder community better understand the current processing timeframes for H-2B applications at the Chicago NPC. OFLC will be conducting a second webinar to explain these initiatives in more detail and answer stakeholder questions using a chat room feature.

To join the webinar event scheduled for Friday, February 26, 2016, please use the below instructions:

**DATE:** Friday, February 26, 2016

**TIME:** 1:00PM - 3:00PM Eastern Standard Time

**EVENT NUMBER:** 748 972 498

**PRESENTATION:** To obtain a copy of the powerpoint presentation slides, please click [here](#)

**INSTRUCTIONS:**

Go to or click on: <https://dolevents.webex.com/dolevents/onstage/g.php?MTID=e3dc7bbd2b4592a45cebc9975a7767e38>

If prompted, please enter the appropriate contact information (first name, last name, email address)

If prompted, enter the event password: **Welcome!25**

Click on "Join Now"

To join and hear the audio, please dial the toll-free number **1-800-857-9772** and enter access code: **7545364** to hear the audio portion of the webinar or use the audio function of the Web Ex software to stream audio.

• **February 19, OFLC Announces Emergency Procedures Initiative for Backlogged H-2B Applications**

The Employment and Training Administration's (ETA) Office of Foreign Labor Certification (OFLC) is presently experiencing significant delays in processing employers' H-2B applications for certification. These delays have been generated by several factors, the most significant of which was a 17-day certification processing pause at the Chicago National Processing Center (NPC) needed for OFLC to implement changes to comply with the revisions to the H-2B prevailing wage and certification standards contained in the Consolidated Appropriations Act, 2016 (2016 appropriations law), Public Law 114-113, 129 Stat. 2242 (Dec. 18, 2015). At the same time OFLC experienced more than a twofold increase in H-2B applications for certifications during a three-week period from December 26, 2016 to January 15, 2016, as compared to the same period last year (1087 application last year compared to 2420 applications this year). Also as noted in its public announcement on January 27, 2016, OFLC has been experiencing technical problems with its electronic filing system, iCERT, which resulted from the implementation of required IT security specifications that slowed the iCERT system. Each of these factors contributed to the processing delays employers are experiencing.

The delays in the certification process that applicants are currently experiencing impair the ability of employers to hire foreign workers when needed, and create instability for small businesses that depend on temporary and seasonal workers. OFLC has concluded that the factors discussed above, which have created the current backlog in applications, constitute good and substantial cause under 20 CFR 655.17 for employers to request emergency procedures of their currently pending applications. Employers with pending H-2B applications will have a limited opportunity to request the emergency procedures under 20 CFR 655.17, so that the Chicago NPC can address the current application processing backlog.

To read the full announcement of the Emergency Procedures Initiative and how employers can participate, please click [here](#).

In addition, the OFLC will host a public stakeholder webinar on Monday, February 22, 2016, starting at 2:00PM to 3:30PM (Eastern Standard Time). To join the event, please use the below instructions:

Go to or click on: <https://dol.webex.com/dol/onstage/g.php?MTID=e5d2c3aa2de3806cdaa9937a40c8e8d6c>

Enter your first name, last name and e-mail address.

If prompted, enter the event password: **Abcd123\$**

Click on "Join Now"

Dial the toll-free number **1-866-421-8739** and enter access code: **939 193 9** to hear the audio portion of the webinar or use the audio function of the Web Ex software to stream audio.

• **February 19, OFLC Releases H-2B Case Processing Information**

The Department's Office of Foreign Labor Certification (OFLC) is making this public service announcement to employers who participate in the H-2B temporary nonimmigrant visa program. Since the end of December 2015, the Department has issued several public announcements concerning recent changes and significant delays in processing H-2B applications at the OFLC Chicago National Processing Center (NPC). The significant delays employers are experiencing stem from the implementation of changes in program requirements contained in the 2016 DOL Appropriations Act (enacted on December 18, 2015), and the magnitude of the increase in H-2B applications filed during the late December to early January time period. In addition, during the course of several weeks in January 2016, the OFLC experienced technical network problems with its iCERT System due to implementation of software upgrades related to mandatory security requirements, which impacted our staff's ability to process case actions in a timely manner and caused additional delays for our employer customers.

Since October 1, 2015, the OFLC has processed approximately 2,000 H-2B applications requesting approximately 45,500 worker positions. We have certified approximately 1,500 H-2B applications covering more than 36,900 worker positions. Between December 28, 2015 and February 19, 2016, the OFLC has issued more than 1,300 Notices of Acceptance (NOA) or Deficiency (NOD) on pending H-2B applications. The OFLC has expanded and reallocated resources to assist in the processing of pending H-2B applications without compromising program integrity or the processing timeframes of other visa programs. We continue to focus our efforts on reducing the number of pending cases as quickly as possible and examining administrative flexibilities to increase processing efficiency.

To help employers better understand the current processing timeframes for H-2B applications at the Chicago NPC, the OFLC is disclosing case processing information through its iCERT System at <https://icert.doleta.gov>, which will be updated at least weekly.

• **February 17, H-2B IFR Job Order Checklist and H-2B IFR Round 11 FAQs**

The Department of Labor has published on the H-2B program page an updated version of the H-2B 2015 Interim Final Rule (IFR) Job Order Checklist and updated H-2B 2015 IFR Round 11 Frequently Asked Questions: Job Order Content, Amendments, and Recruitment. To directly access the H-2B 2015 IFR Job Order Checklist, click [here](#). To directly access the H-2B 2015 IFR Round 11 FAQs, click [here](#).

• **February 16, H-2B Stakeholder Webinars (Update)**

The Department is posting the instructions for accessing H-2B stakeholder public webinars that are scheduled for February 17, 2016, at 10:00 AM Eastern Standard Time and February 18, 2016, at 2:00 PM Eastern Standard time. There is no pre-registration for the public webinars. Each will be accessible to the public on a first-come, first-served basis on the dates specified. To learn how to access the Department's H-2B stakeholder public webinar, please click [here](#).

• **February 12, FY 2016 Q1 Cumulative Disclosure Data**

The OFLC PERM, H-2A, H-2B, Prevailing Wage, and H-1B program disclosure data files for Quarter 1 of FY 2016 are now available. Click [here](#) to access the disclosure files and corresponding record layouts.

• **February 9, 2016. Stakeholder Webinars**

On February 17 and 18, 2016, the Department's Office of Foreign Labor Certification (OFLC) will host two public webinars to educate stakeholders, program users, and other interested members of the public regarding the changes to the H-2B program made by the 2016 DOL Appropriations Act, enacted on December 18, 2015, and how those changes impact the processing of applications at the OFLC National Prevailing Wage Center and Chicago National Processing Center. The webinar

briefings are scheduled for February 17, 2016, at 10:00 AM Eastern Standard Time and February 18, 2016, at 2:00 PM Eastern Standard time. Each briefing will be identical in content and will last 90 minutes. Instructions for accessing these H-2B webinars will be announced by February 12, 2016.

- **February 4, 2016. Index of OFLC FAQ Rounds added**

The Office of Foreign Labor Certification has compiled a list of topics covered in each one of its FAQ Rounds. Once launched, the user can search for key words in the FAQ Rounds by clicking the Ctrl + F keys. To access the Index of OFLC FAQ Rounds, please click [here](#).

- **January 29, 2016.**

The Office of Foreign Labor Certification has posted updated program factsheets containing the Quarter 1 FY 2016 selected statistics for the [Permanent Labor Certification Program](#), [Prevailing Wage Determination Program](#), [H-1B Temporary Visa Program](#), [H-2A Temporary Agricultural Visa Program](#), and [H-2B Temporary Non-agricultural Visa Program](#). Reports are derived from program data as of 12/31/2015. The updated program factsheets may also be found on OFLC's Performance Data [page](#).

- **January 27, 2016.**

The Department's Office of Foreign Labor Certification (OFLC) is making this public service announcement to employers who participate in H-1B, H-2A and H-2B temporary nonimmigrant visa programs. The OFLC has been experiencing technical network problems supporting its iCERT Visa Portal System (iCERT System), resulting in delays in the processing of temporary nonimmigrant visa applications for employers. Specifically, although the iCERT System's application and database are working properly, the network infrastructure supporting the system is exhibiting performance issues that are significantly impacting our staff's ability to process case actions for our employer customers. The Department's technology staff is working diligently with the OFLC to improve system performance as soon as practically possible.

- **January 22, 2016. H-2A Corporate Restructuring/ Successor in Interest FAQ**

The Department of Labor on January 22, 2016 published a Frequently Asked Question (FAQ) for the H-2A program on Post Certification: Corporate Restructuring/ Successor In Interest. The FAQ is posted as Round 10: January 2016 on the H-2A program page. To directly access the new FAQ, please click [here](#).

- **January 21, 2016. H-2B IFR Job Order Checklist**

The Department of Labor has temporarily removed the H-2B Interim Final Rule Job Order Checklist. It will be re-posted as soon as it is updated.

- **January 15, 2016.**

The Department of Labor has published Frequently Asked Questions (FAQs) related to employer obligations and minimum job order content requirements for occupations involving a mobile workforce under the 2015 H-2B Interim Final Rule. The FAQs are posted as Round 15 on the H-2B page. To directly access the new FAQs, please click [here](#).

- **January 12, 2016. Updated Prevailing Wage disclosure data files for Quarter 4 of FY 2015**

The Office of Foreign Labor Certification has posted updated Prevailing Wage disclosure data files for Quarter 4 of FY 2015. Click [here](#) to access the disclosure files and corresponding record layouts.

- **January 11, 2016.**

The Department's Office of Foreign Labor Certification (OFLC) is making this public service announcement to employers who participate in the H-2B temporary nonagricultural visa program. We have received a number of inquiries and correspondence concerning recent changes and delays in processing H-2B applications at the Chicago National Processing Center (NPC). The Department takes your concerns seriously and strives to support U.S. small businesses, consumers, and communities.

The Department, along with the Department of Homeland Security, jointly published the 2015 H-2B Interim Final Rule and H-2B Wage Final Rule, which became effective on April 29, 2015. The new rules strengthened protections for U.S. workers while also ensuring that employers can access foreign workers on a temporary basis when U.S. workers are not available. Additionally, the rules were intended to bring stability and continuity to the program. However, the 2016 Department of Labor Appropriations Act (2016 DOL Appropriations Act), enacted on December 18, 2015, contains provisions significantly affecting the processing of employer H-2B applications at the Chicago NPC. Unfortunately, the time required to implement these new legislative provisions is causing delays in processing employer H-2B applications filed prior to December 18 and that were pending with the Chicago NPC. Following an intensive review of the operational impacts of the 2016 DOL Appropriations Act, OFLC posted emergency guidance and has been implementing requirements of the 2016 DOL Appropriations Act, including new procedures and forms approved on an emergency basis by the Office of Management and Budget.

In addition, the current filing season has seen more than 1,700 new H-2B applications filed during the holiday season, an approximate 79% increase over the number of H-2B applications filed during the 2014 holiday season.

The simultaneous impact of the requirement to change procedures as the result of the 2016 DOL Appropriations Act, and the major increase in the number of applications being filed, has resulted in longer processing times in the H-2B program. This additional processing time may continue for the immediate future so that we can fully incorporate and operationalize the new program requirements and handle the increased workload. Our current efforts are focused on reducing the number of pending cases as quickly as possible without compromising program integrity.

- **January 7, 2016. Change of Address for the Office of Foreign Labor Certification, National Prevailing Wage Center**

The Department of Labor (Department) is providing notice that the Office of Foreign Labor Certification (OFLC) National Prevailing Wage Center (NPWC), currently located at 1341 G. Street, Washington, D.C., is relocating within the Washington, D.C. area effective Monday, January 11, 2016. The address for the NPWC's new location is:

US Department of Labor/ETA  
Office of Foreign Labor Certification  
National Prevailing Wage Center  
200 Constitution Avenue NW  
Room N-5311  
Washington, D.C. 20210  
Telephone: (202) 693-8200

- **January 6, 2016. Upload the updated FY 2015 Q4 Disclosure Data. H-2B, PERM and Prevailing Wage**

The Office of Foreign Labor Certification has posted updated H-2B, PERM and Prevailing Wage disclosure data files for Quarter 4 of FY 2015. Click [here](#) to access the disclosure files and corresponding record layouts.

- **December 29, 2015. Emergency Guidance for Implementing 2016 DOL Appropriations Act**

The 2016 Department of Labor Appropriations Act, (Division H, Title I of Public Law 114-113) (2016 DOL Appropriations Act) which was signed into law on December 18, 2015, contains several provisions impacting the Office of Foreign Labor Certification's (OFLC) administration of the H-2B temporary nonagricultural visa program. Consequently, the OFLC is disseminating emergency guidance to provide information regarding how it is implementing the new provisions of the 2016 DOL Appropriations Act for employers seeking to obtain prevailing wage determinations and temporary labor certifications under the H-2B nonimmigrant visa classification. In the coming weeks, OFLC will integrate the emergency guidance into the applicable program pages on its website and, where necessary, disseminate additional public announcements. To obtain a copy of the emergency guidance, please click [here](#).

- **December 28, 2015. The Department has released its Foreign Labor Certification Annual Report for FY 2014**

The 2014 Annual Report presents information on the Prevailing Wage Determination Process, Permanent Labor Certification, and Temporary Nonimmigrant Labor Certification for FY 2014. The report also contains State Employment-Based Labor Certification Profiles and top Country Employment-Based Immigration Profiles. Click [here](#) to view the 2014 Annual Report. A 508 compliant version will be posted as soon as available.

- **December 22, 2015. New 2016 H-2A Adverse Effect Wage Rates (AEWRs)**

The Department has published a notice in the Federal Register announcing new Adverse Effect Wage Rates (AEWRs) for each state, based on the Farm Labor Survey conducted by the U.S. Department of Agriculture. The AEWRs are the minimum hourly wage rates the Department has determined must be offered and paid by employers to H-2A workers and workers in corresponding employment for a particular agricultural job and area, so that the wages of similarly employed U.S. workers will not be adversely affected. To read the Federal Register notice please click [here](#).

- **December 21, 2015.**

The Office of Foreign Labor Certification has posted updated performance factsheets containing the Quarter 4 FY 2015 selected statistics for the H-1B, H-2A and H-2B programs. The reports have been updated to include the percentage of applications processed timely. Additionally, the H-2A report has been updated to reflect the correct number of Top 10 Crops/Occupations FYTD. Reports are derived from program data as of 9/30/2015. The updated program factsheets may also be found on OFLC's Performance Data [page](#).

- **December 17, 2015. New Small Business Guide to the H-2A Visa Program: Herding or Production of Livestock on the Range**

In efforts to assist users of the H-2A Visa Program, the Department of Labor (Department) has published a Handbook for the Herding or Production of Livestock on the Range. This Handbook assists U.S. employers with Departmental standards and procedures for the employment of temporary H-2A agricultural workers in herding or production of livestock on the range occupations. To access the Handbook directly please click [here](#).

- **December 17, 2015. H-2B IFR FAQs**

The Department of Labor has published Frequently Asked Questions (FAQs) related to Prevailing Wage Determinations and Emergency Filings under the 2015 H-2B Interim Final Rule. The FAQs are posted as Round 13 on the H-2B page. To directly access the new FAQs, please click [here](#).

- **December 14, 2015. H-2B Forms Update**

All of the forms for the H-2B program, except the employer provided survey attestations (Form ETA-9165), have been extended for three years until December 31, 2018. The Form ETA-9165 is still being extended in monthly increments until receipt of a three year extension. However, if employers have already filled out and signed the forms with an expiration date of 12/31/2015 in anticipation of filing them in the first weeks of January, the Department will accept forms with the expiration date of 12/31/2015 through January 31, 2016. Also, as a reminder, the Form ETA-9155 and the registration process are not operational at this time. OFLC will announce the implementation of the registration process in the Federal Register and on this website.

- **December 11, 2015. H-2B IFR FAQs**

The Department of Labor has published Frequently Asked Questions (FAQs) related to Emergency Filings and Post Certification Amendments under the 2015 H-2B Interim Final Rule. The FAQs are posted as Round 12 on the H-2B page. To directly access the new FAQs, please click [here](#).

- **December 8, 2015. H-2B IFR FAQs and Job Order Checklist**

The Department of Labor has published Frequently Asked Questions (FAQs) related to Job Order Content, Recruitment and Amendments under the 2015 H-2B Interim Final Rule. The FAQs are posted as Round 11 on the H-2B page. To directly access the new FAQs, please click [here](#).

The Department also published a Job Order Checklist to help employers ensure they include required disclosures in their H-2B job orders. To read the job order checklist, please click [here](#).

- **November 30, 2015. H-2A Productivity Standards FAQs**

The Department of Labor published Frequently Asked Questions (FAQs) on October 30, 2015 on productivity standards for the H-2A program. The FAQs are posted as Round 9: October 2015 on the H-2A program page. To directly access the new FAQs, please click [here](#).

- **November 19, 2015. USDA Release of 2015 Farm Labor Survey**

On November 19, 2015, the United States Department of Agriculture (USDA) issued the Farm Labor Survey (FLS) report in which it established the average annual wage rates, by region and the United States, for field and livestock workers. The Department of Labor (Department) relies on the average annual combined hourly wage for field and livestock workers in order to establish the Adverse Effect Wage Rates (AEWRs) in the H-2A program. The AEWRs are the minimum hourly wage rates the Department has determined must be offered and paid by employers to H-2A workers and workers in corresponding employment, so that the wages of workers similarly employed in the United States will not be adversely affected.

The Department is reviewing the USDA FLS average annual wage rates for 2015 and will soon publish a notice in the Federal Register announcing new Adverse Effect Wage Rates (AEWRs) for each state at which time the rates will become immediately effective. To obtain more information on NASS surveys and reports, please call the NASS Agricultural Statistics Hotline at (800) 727-9540, 7:30 a.m. to 4:00 p.m. ET, or e-mail: [nass@nass.usda.gov](mailto:nass@nass.usda.gov). To obtain a copy of the latest USDA FLS report, please click [here](#).

- **November 19, 2015. Change of Address for the Office of Foreign Labor Certification National Office.**

The Department of Labor (Department) is providing notice that the Office of Foreign Labor Certification (OFLC) National Office currently located in the Frances Perkins Building at 200 Constitution Ave., NW is relocating within Washington, DC effective on Monday, November 23, 2015. The address for OFLC's new location is:

U.S. Department of Labor  
Employment and Training Administration  
Office of Foreign Labor Certification  
375 E Street, SW  
Patriot Plaza II, Suite 12-200  
Washington, DC 20024  
Telephone: (202) 513-7350

However, mail for the OFLC National Office should continue to be sent to the Frances B. Perkins building at:

Office of Foreign Labor Certification  
Employment and Training Administration  
Department of Labor  
200 Constitution Avenue, NW  
Box# 12-200  
Washington DC 20210

A daily courier service will deliver mail to the new location.

- **November 17, 2015. New 2016 Herder H-2A Adverse Effect Wage Rates (AEWRs)**

November 16, 2015, the Employment and Training Administration (ETA) of the Department of Labor (Department) is issuing this notice to announce the new Adverse Effect Wage Rate (AEWR) for the employment of temporary or seasonal nonimmigrant foreign workers (H-2A workers) to perform herding or production of livestock on the range. AEWRs are the minimum wage rates the Department has determined must be offered and paid by employers to H-2A workers and workers in corresponding employment so that the wages of similarly employed U.S. workers will not be adversely affected. To read the Federal Register notice please click [here](#).

- **October 30, 2015. H-2B Forms Extended.**

The forms for the H-2B program have been extended temporarily until November 30, 2015 while OFLC awaits approval of its request for a three year extension under review with the Office of Management and Budget (OMB). OFLC will continue to extend the forms in one month increments until approved by OMB. A second comment period, as required by the Paperwork Reduction Act, ends November 30, 2015. For complete details see the Federal Register notice for OMB control number 1205-0509 [here](#) and [here](#).

- **October 29, 2015. H-2A Final Rule: Range Herding or Production of Livestock in the United States**

The Department will host two public webinars to educate stakeholders, program users, and other interested members of the public on the changes to the Temporary Agricultural Employment of H-2A Foreign Workers in the Range Herding or Production of Livestock in the United States made by the 2015 H-2A Herder Final Rule, which published on October 16, 2015 with an effective date of November 16, 2015. The Final Rule may be found [here](#).

The webinar briefings are scheduled for November 10, 2015 and November 17, 2015. Each webinar will be from 2:00 PM until 3:30 PM Eastern time. There is no pre-registration for the public webinar. The webinar will be accessible to the public on a first-come, first-served basis on the each webinar day. Please read the instructions for accessing the Department's webinars for the 2015 H-2A Herder Final Rule [here](#).

- **October 29, 2015. H-2A Herder Rule FAQs**

The Department of Labor is making available Frequently Asked Questions (FAQs) that address job order and application filing, processing, and wage rate under the new regulation governing the Temporary Agricultural Employment of H-2A Foreign Workers in the Herding or Production of Livestock on the Range in the United States (H-2A Herder Final Rule). This rule will be effective on November 16, 2015. To read the new FAQs, please click [here](#). To read a short description of the H-2A Herder Rule and FAQs addressing implementation and major provisions of the H-2A Herder Rule, please click [here](#).

- **October 21, 2015**

FY 2015 Q4 Cumulative Disclosure Data The OFLC PERM, H-2A, H-2B, Prevailing Wage, and H-1B program disclosure data files for Quarter 4 of FY 2015 are now available. Click [here](#) to access the disclosure files and corresponding record layouts.

- **October 21, 2015**

The Office of Foreign Labor Certification has posted updated program factsheets containing the FY 2015 Quarter 4 Selected Statistics for the [Permanent Labor Certification Program](#), [Prevailing Wage Determination Program](#), [H-1B Temporary Visa Program](#), [H-2A Temporary Agricultural Visa Program](#), and [H-2B Temporary Non-agricultural Visa Program](#). Reports are derived from program data as of 9/30/2015. The updated program factsheets may also be found on OFLC's Performance Data [page](#).

- **October 16, 2015**

On October 16, 2015, the Department of Labor (Department) published a new regulation governing the Temporary Agricultural Employment of H-2A Foreign Workers in the Herding or Production of Livestock on the Range (H-2A Herder Final Rule) in the United States. This Final Rule amends the current regulations governing the labor certification process and standards to cover H-2A foreign workers in herder occupations, codified at 20 CFR part 655, and enforcement of employer obligations under the H-2A program. In the coming weeks, the Department's Office of Foreign Labor Certification will publish additional technical implementation materials on its website for the new H-2A Herder Final Rule and will alert stakeholders as those materials becomes available. To read the full text of the Final Rule, please click [here](#).

To read a short description of the Final Rule and FAQs regarding the Final Rule, please click [here](#).

- **October 13, 2015**

On October 13, 2015, the Office of the Federal Register (OFR) placed on public inspection the Final Rule, Temporary Agricultural Employment of H-2A Foreign Workers in the Herding or Production of Livestock on the Range in the United States. The OFR made minor technical edits to the Final Rule posted on our website earlier the same day, but the substance of the Final Rule remains the same. Only the version published in the Federal Register is the official regulation. To view the Final Rule on the OFR's public inspection site, please click [here](#).

- **October 13, 2015**

On October 13, 2015, the U.S. Department of Labor announced the H-2A Herder Final Rule regarding the employment of foreign workers in jobs related to the herding of livestock on the range, including the herding of sheep and goats. To read the News Release regarding this regulation, click [here](#).

- **October 2, 2015**

The following public data has been updated due to data defects. Duplicated & voided cases removed; missing records restored in the following:

- H-1B - FY 2010
- H-2A - FY 2008, 2009, 2010
- H-2B - FY 2008, 2009

- **September 22, 2015**

The H-1B program disclosure data file has been updated to include records through June 30, 2015 for Quarter 3 of FY 2015. Click [here](#) to access the disclosure files and corresponding record layouts.

- **September 16, 2015. H-2B 2015 Final Wage Rule Webinar Recording.**

The recording of the H-2B 2015 Final Wage Rule webinar briefing, hosted on August 21, 2015, has been posted under the Prevailing Wage Information section on the Office of Foreign Labor Certification's H-2B 2015 Interim Final Rule web page. To access the page, please click [here](#). To access the recording directly, please click [here](#).

- **September 14, 2015. Submission of some PERM Applications.**

On Tuesday, September 1, 2015, the Department implemented software updates to the Permanent Labor Certification Case Management System (CMS). An unexpected programming glitch occurred which impacted a small number of applications and resulted in the prohibition of certain information being entered onto the ETA Form 9089. The Department is working to correct this issue.

Until the revisions become operational, an employer who cannot complete and file an ETA Form 9089 online should mail in their application to the Atlanta National Processing Center at the following address:

U.S. Department of Labor  
Employment and Training Administration  
Office of Foreign Labor Certification  
Atlanta National Processing Center  
Harris Tower, Suite 410  
233 Peachtree Street  
Atlanta, Georgia 30303

Employers, who attempted to submit an online application between Tuesday, September 1, 2015, and Friday, September 11, 2015, only, are authorized to provide documentation establishing that information in their ETA Form 9089 was impacted.

If you elect to provide documentation with the ETA Form 9089, please include a cover page containing the words "September 2015, CMS Technical Issue" in the center of the page in large letters. All documentation in response to this letter must be submitted by September 30, 2015, to the following:

U.S. Department of Labor  
Employment and Training Administration  
Office of Foreign Labor Certification  
Attn: CMS Technical Issue Team  
Atlanta National Processing Center  
Harris Tower, Suite 410  
233 Peachtree Street  
Atlanta, Georgia 30303

- **September 1, 2015. H-2B 2015 Final Wage Rule Webinar Presentation.**

The presentation for the H-2B 2015 Final Wage Rule webinar briefing, hosted on August 21, 2015 has been posted under the Prevailing Wage Information section on the Office of Foreign Labor Certification's H-2B 2015 Interim Final Rule web page. To access the page, please click [here](#). To access the presentation directly, please click [here](#).

- **August 26, 2015. iCERT System E-mails Regarding the H-2B Prevailing Wage Determination Appeal Request Process.**

Due to delays in updating the Office of Foreign Labor Certification's iCERT System, Prevailing Wage Determination Module, employers are currently receiving automatic e-mails with the previous regulatory requirements regarding the appeal request process for H-2B prevailing wage determinations (PWDs). While we are working to update the iCERT System, in the interim, employers of H-2B PWDs will receive a secondary e-mail with the appropriate appeal request process in accordance with the H-2B 2015 Final Wage Rule, effective April 29, 2015. Specifically, the secondary e-mail will indicate employers may submit a request for Center Director Review within 7 days of the issuance of the PWD in accordance with the Department's regulations at 20 CFR § 655.13(a); or submit a new ETA Form 9141, Application for Prevailing Wage Determination.

- **August 13, 2015. H-2B 2015 Final Wage Rule Webinar.**

The Department will host a public webinar to educate stakeholders, program users, and other interested members of the public on the changes to the H-2B program made by the H-2B 2015 Final Wage Rule, in effect as of April 29, 2015. The webinar briefing is scheduled for August 21, 2015, from 1:00 PM until 2:30 PM Eastern Daylight time. There is no pre-registration for the public webinar. The webinar will be accessible to the public on a first-come, first-served basis on the date specified. Please read the instructions for accessing the Department's H-2B Final Wage Rule public webinar [here](#).

- **August 4, 2015**

The Office of Foreign Labor Certification has posted new and updated Labor Condition Application (LCA/ ETA Form 9035/9035E) Frequently Asked Questions (FAQs) for the H-1B, H-1B1 and E-3 programs. The new FAQs may be found [here](#).

- **July 31, 2015.**

**IMPORTANT NOTICE:** Change in signature on approved labor certification applications.

The Office of Foreign Labor Certification (OFLC) today has implemented a change in the official signature on approved labor certification applications. Specifically, OFLC determinations to grant permanent and temporary labor certification will no longer display the electronic signature of the OFLC Acting Administrator, William W. Thompson, II. Beginning July 31, 2015, the electronic signature on approved applications under the permanent (ETA Forms 9089, 750) and temporary (ETA Forms 9035E, 9142A, 9142B, 9033) visa programs will be shown as "Certifying Officer."

This change demonstrates increased transparency and more accurately reflects the operational decision making process across the organization. The OFLC has consulted with the Department of Homeland Security's United State Citizenship and Immigration Services on this change for purposes of accepting employer-filed I-129 and I-140 petitions.

- **July 22, 2015.**

The Office of Foreign Labor Certification has posted updated program factsheets containing the FY 2015 Quarter 3 Selected Statistics for the [Permanent Labor Certification Program](#), [Prevailing Wage Determination Program](#), [H-1B Temporary Visa Program](#), [H-2A Temporary Agricultural Visa Program](#), and [H-2B Temporary Non-agricultural Visa Program](#). Reports are derived from program data as of 6/30/2015. The updated program factsheets may also be found on OFLC's Performance Data [page](#).

- **July 21, 2015. H-2B 2015 IFR FAQs: Integrity Measures.**

The Department of Labor is making available Frequently Asked Questions (FAQs) that address post certification program integrity measures under the H-2B 2015 Interim Final Rule. To read the FAQs click [here](#) or visit the [H-2B Program Page](#).

- **July 17, 2015. Processing of H-2B Labor Certifications Granted under the 2008 Final Rule.**

The Department of Labor has posted an update regarding the processing of H-2B labor certifications granted under the 2008 Final Rule. To read the update, please visit the [H-2B Program Page](#).

- **July 17, 2015. ETA-9142B and ETA-9165 Extension Requests.**

The Department has published two notices in the Federal Register announcing 60-day comment periods on its forms used in the H-2B program, which include the Form ETA-9142B, Application for Temporary Employment Certification, Appendix B, and the new Form ETA-9165, Employer-Provided Survey Attestations to Accompany H-2B Prevailing Wage Determination Request Based on a Non-OES Survey. To read the notices, please click [here](#) for the ETA-9142B and [here](#) for the ETA-9165. To obtain a copy of the forms and the supporting documentation please submit your request to [ETA.OFLC.Forms@dol.gov](mailto:ETA.OFLC.Forms@dol.gov), subject line: Form ETA-9142B or Form ETA-9165. The forms were approved by the Office of Management and Budget in conjunction with the H-2B rulemaking under the emergency procedures of the Paperwork Reduction Act. The Department now seeks to extend the forms for three years.

- **July 15, 2015. H-2B 2015 IFR FAQs: Appeals and Seafood Industry Staggered Crossings.**

The Department of Labor is making available additional 2015 Interim Final Rule Frequently Asked Questions (FAQs): 1. [Appeal Procedures](#) and 2. [Staggered Crossing of H-2B Nonimmigrants Working in the Seafood Industry](#). The FAQs may also be found on the [H-2B Program page](#) under the "Frequently Asked Questions" dropdown menu.

- **July 15, 2015**

July 15, 2015. FY 2015 Q3 Cumulative Disclosure Data The OFLC PERM, H-2A, H-2B, Prevailing Wage, and H-1B program disclosure data files for Quarter 3 of FY 2015 are now available. Click [here](#) to access the disclosure files and corresponding record layouts.

- **July 9, 2015.**

The H-2B RFI mailbox at the Chicago National Processing Center ([RFLH2B.Chicago@dol.gov](mailto:RFLH2B.Chicago@dol.gov)) will cease to be monitored July 13, 2015, and will no longer accept messages starting September 30, 2015. All stakeholders should use [TLC.Chicago@dol.gov](mailto:TLC.Chicago@dol.gov) for all communications concerning the H-2A and H-2B Temporary Labor Certification programs.

- **July 8, 2015.**

The Office of Foreign Labor Certification has updated the following H-2B forms: 1) Form 9142B – General Instructions; 2) Appendix B; 3) Form 9142B, Job Contractor Requirements under the 2015 H-2B Interim Final Rule. To access the forms, please click [here](#).

- **June 11, 2015. Additional H-2B 2015 IFR FAQs: Recruitment of U.S. Workers.**

The Department of Labor is making available Frequently Asked Questions (FAQs) addressing the recruitment requirements of the H-2B 2015 Interim Final Rule. The guidance contained in the FAQs applies to employers with start dates of need on or after October 1, 2105. The FAQs may be found on the [H-2B Interim Final Rule Web page](#) or directly [here](#).

- **June 9, 2015. H-2B 2015 Interim Final Rule Webinar Resources.**

On May 27, 2015, the Department of Labor hosted a public webinar to educate stakeholders, program users, and other interested members of the public on the changes to the H-2B program made by the H-2B 2015 Interim Final Rule, which became effective on April 29, 2015. To learn more, you may now access the webinar recording and presentation slides on the H-2B 2015 Interim Final Rule Page, under Additional Resources [here](#).

- **June 1, 2015. H-2B 2015 Final Wage Rule Webinar Recording.**

The recording of the H-2B 2015 Final Wage Rule webinar briefing, hosted on May 15, 2015, has been posted under the Prevailing Wage Information section on the Office of Foreign Labor Certification's H-2B 2015 Interim Final Rule web page. To access the page, please click [here](#). To access the recording directly, please click [here](#).

- **May 22, 2015.**

On April 15, 2015, the Department of Labor (Department) published in the Federal Register a Notice of Proposed Rulemaking: Temporary Agricultural Employment of H-2A Foreign Workers in the Herding or Production of Livestock on the Open Range in the United States (NPRM) (80 FR 20300). The NPRM provided for the submission of public comments through May 15, 2015. In response to public requests to extend the comment period, the Department published a subsequent notice in the Federal Register to extend the comment period by 15 days, through June 1, 2015 (80 FR 25633). After the publication of the notice announcing the extension, the Department received additional requests to extend the comment period. However, the Department is required by court order to publish

a final rule no later than November 1, 2015, *Mendoza v. Perez*, No. 11-1790 (D.D.C Oct. 31, 2014), and any further extension of the comment period would significantly impair our ability to meet this court-ordered deadline. As a result, we have not further extended the comment period beyond June 1, 2015.

- **May 20, 2015. Announcing the H-2B 2015 Interim Final Rule Webinar.**

On May 27, 2015 at 2pm Eastern Daylight Time, the Department of Labor will host a public webinar to educate stakeholders, program users, and other interested members of the public on the changes to the H-2B program made by the H-2B 2015 Interim Final Rule, which became effective on April 29, 2015. Please note that this webinar is limited to 300 participants and will be accessible to the public on a first-come, first-served basis. To learn more, including how to access the Department's H-2B 2015 Interim Final Rule public webinar, please click [here](#).

- **May 18, 2015. H-2B 2015 Final Wage Rule Webinar Recording.**

The recording of the H-2B 2015 Final Wage Rule webinar briefing, hosted on May 13, 2015, has been posted under the Prevailing Wage Information section on the Office of Foreign Labor Certification's H-2B 2015 Interim Final Rule web page. To access the page, please click [here](#). To access the recording directly, please click [here](#).

- **May 14, 2015. H-2B 2015 Final Wage Rule Webinar Presentation.**

The presentation for the H-2B 2015 Final Wage Rule webinar briefings, hosted on May 13, 2015 and May 15, 2015, has been posted under the Prevailing Wage Information section on the Office of Foreign Labor Certification's H-2B 2015 Interim Final Rule web page. To access the page, please click [here](#). To access the presentation directly, please click [here](#).

- **H-2B 2015 Final Wage Rule Webinar.**

The Department will host two public webinars to educate stakeholders, program users, and other interested members of the public on the changes to the H-2B program made by the H-2B 2015 Final Wage Rule, in effect as of April 29, 2015. The webinar briefings are scheduled for May 13, 2015 and May 15, 2015, from 1:00 PM until 2:30 PM Eastern Daylight time. There is no pre-registration for the public webinars. Each will be accessible to the public on a first-come, first-served basis on the dates specified. Please read the instructions for accessing the Department's H-2B Final Wage Rule public webinars [here](#).

- **May 5, 2015. DOL Extends the Comment Period for the H-2A Open Range Notice of Proposed Rulemaking to and including June 1, 2015.**

On April 15, 2015, the Department of Labor (Department) published in the Federal Register a Notice of Proposed Rulemaking: Temporary Agricultural Employment of H-2A Foreign Workers in the Herding or Production of Livestock on the Open Range in the United States (H-2A Open Range NPRM), 80 FR 20300 (Apr. 15, 2015). The Notice provided for the submission of public comments through May 15, 2015. In order to provide the public with additional time to submit comments, the Department published a subsequent notice in the Federal Register to extend this comment period. To read the notice extending the comment period by 15 days, to and including June 1, 2015, please click [here](#).

- **May 1, 2015. H-2B 2015 Interim Final Rule Web Page.**

The Office of Foreign Labor Certification has created a dedicated web page for the H-2B 2015 Interim Final Rule to provide assistance to stakeholders. The web page contains program details with links to Frequently Asked Questions, the iCERT System for electronic filing, the Forms page and more. To access the page, please click [here](#).

- **April 29, 2015. New H-2B Program Regulations.**

On April 29, 2015, the Departments of Labor and Homeland Security jointly published new regulations governing the H-2B Temporary Non-agricultural Labor Certification Program. The new regulations are effective immediately.

- The Department of Labor's news release discussing the two regulations may be accessed [here](#).
- To read the Temporary Non-Agricultural Employment of H-2B Aliens in the United States, Interim Final Rule and learn how to submit comments during the 60-day open comment period, please click [here](#).
- To read the Wage Methodology for the Temporary Non-Agricultural employment H-2B Program, Final Rule please click [here](#).
- For compliance assistance with H-2B program obligations, you may access the Department's Wage and Hour Division Web site [here](#).
- In addition, the Department's Office of Foreign Labor Certification will soon launch a dedicated technical implementation Web page for the new H-2B regulations and will alert stakeholders when it becomes available.

- **April 24, 2015. H-2B Processing Continuing**

In an effort to increase the transparency of foreign labor certification application processing, the Office of Foreign Labor Certification has expanded the data fields displayed in the PERM, H-1B, H-2A and H-2B [Disclosure Data](#). The 2nd quarter disclosure data now includes additional information that better coincides with the majority of data fields displayed located on the [Labor Certification Registry](#). A power point presentation has been posted [here](#) to provide details of the additional fields included in the new tables.

- **April 16, 2015. H-2B Processing Continuing**

On April 15, 2015, the federal district court for the Northern District of Florida issued a further order in *Perez v. Perez*, No 3:14-cv-682 (N.D. Fla., March 4, 2015) that permits DOL to continue its processing of H-2B applications and requests for prevailing wages through May 15, 2015 unless otherwise lifted by the court. Therefore, DOL is continuing to process H-2B applications and requests for prevailing wage.

- **April 15, 2015.**

On April 15, 2015, the Department published in the Federal Register a Notice of Proposed Rulemaking: Temporary Agricultural Employment of H-2A Foreign Workers in the Herding or Production of Livestock on the Open Range in the United States (H-2A Open Range NPRM). 80 FR 20300 (Apr. 15, 2015). The Department invites public comments on the H-2A Open Range NPRM during the 30-day comment period ending on May 15, 2015. To read the H-2A Open Range NPRM and learn how to submit comments, please click [here](#).

- **April 14, 2015.**

The Office of Foreign Labor Certification has posted updated program factsheets containing the Quarter 2 FY 2015 selected statistics for the [Permanent Labor Certification Program](#), [Prevailing Wage Determination Program](#), [H-1B Temporary Visa Program](#), [H-2A Temporary Agricultural Visa Program](#), and [H-2B Temporary Non-agricultural Visa Program](#). Reports are derived from program data as of 3/30/2015. The updated program factsheets may also be found on OFLC's Performance Data [page](#).

- **March 20, 2015. FAQs regarding Temporary Stay of the Court's Vacatur of 2008 Final Rule**

The Department of Labor is making available Frequently Asked Questions (FAQs) regarding its implementation of the Northern District of Florida's March 18, 2015 decision to temporarily stay its earlier judgment in *Perez v. Perez*, No. 3:14-cv-682 (N.D. Florida, Mar. 4, 2015). As a result of this stay, the Department has temporarily resumed processing of requests for H-2B prevailing wage determinations and applications for H-2B temporary non-agricultural labor certification until April 15, 2015. The FAQs can be accessed [here](#).

- **March 16, 2015. Joint Statement from DOL and DHS on Next Steps for the H-2B Program**

On March 4, 2015, the federal district court in the Northern District of Florida vacated the Department of Labor's (DOL) 2008 H-2B regulations on the ground that DOL lacks authority under the Immigration and Nationality Act to issue regulations in the H-2B program. *Perez v. Perez*, No. 3:14-cv-682 (N.D. Fla., Mar. 4, 2015). Because this decision vacated the rule and permanently enjoined DOL from enforcing it, DOL was forced to immediately discontinue the processing of applications for temporary labor certification in the H-2B program.

To rectify the regulatory gap that the vacatur has caused, DOL and DHS are working expeditiously to issue a joint Interim Final Rule (IFR). It is the two Departments' intention to promulgate this rule by April 30, 2015. In addition, DOL will seek to determine whether relief from the Court's decision may be obtained such that processing can continue during the period of time before an IFR is promulgated.

DOL and DHS recognize the hardship that has resulted from the Court's decision. That is why the Departments are moving as quickly as possible to issue new regulations that would be consistent with the decision. In so doing, the Departments must be mindful of other court decisions that have invalidated past subregulatory actions in the H-2B and related programs, including the issuance of guidance in the absence of rulemaking.

- **March 4, 2015. FAQs regarding CATA v. Perez and employer-provided surveys in the H-2B program**

On March 4, 2015, the federal district court in the Northern District of Florida vacated the Department of Labor's (DOL) 2008 H-2B regulations on the ground that DOL lacks authority under the Immigration and Nationality Act to issue regulations in the H-2B program. *Perez v. Perez*, No. 3:14-cv-682 (N.D. Florida, Mar. 4, 2015). Because of this decision, effective immediately, DOL can no longer accept or process requests for prevailing wage determinations or applications for labor certification in the H-2B program. DOL is considering its options in light of the court's decision.

- **March 2, 2015. FAQs regarding CATA v. Perez and employer-provided surveys in the H-2B program**

The Department is making available Frequently Asked Questions (FAQs) regarding its implementation of the court's decision in *Comite de Apoyo a los Trabajadores Agrícolas (CATA) v. Perez*, 774 F.3d 173, 191 (3d Cir. 2014). Following the court's decision, the Department ceased issuing prevailing wage determinations in the H-2B program based on employer-provided wage surveys. In addition, the Department can no longer issue H-2B temporary employment certifications based on employer-provided wage surveys. The FAQs may be accessed [here](#).

- **February 23, 2015. Federal Register Notice Announcing the 2015 Allowable Charges for Agricultural Workers' Meals and Travel Subsistence Reimbursement, Including Lodging for the H-2A Program.**

The Department of Labor has published a Notice in the Federal Register to announce the allowable charges for 2015 that employers seeking H-2A workers may charge their workers when the employer provides three meals a day, and the maximum travel subsistence meal reimbursement that a worker with receipts may claim in 2015. The Notice also includes a reminder regarding employers' obligations with respect to overnight lodging costs as part of required subsistence for the H-2A program. To read the Notice, please click [here](#).

- **January 27, 2015. Additional Guidance regarding CATA v. Perez and Employers' H-2B Temporary Employment Certifications That Are Based on Employer-Provided Surveys.**

On Dec. 23, 2014, the Department announced procedures to implement the Court's decision in *Comite de Apoyo a los Trabajadores Agrícolas et al v. Perez*, No. 14-3557 (3rd Cir. Dec. 5, 2014), which were applicable to (1) employers with pending prevailing wage requests based on an employer-provided survey and (2) employers who had received a prevailing wage determination based on an employer-provided survey but whose H-2B application had not yet been certified. In the latter case, the Department is issuing supplemental prevailing wage determinations (SPWDs) based on the OES mean. For employers who already received an H-2B temporary labor certification based on an employer-provided survey as of the date of the issuance of the Court's order on December 5, 2014, the Department will hold in abeyance the issuance of any SPWDs pending the conclusion of the adjudicatory proceeding initiated by the Secretary of Labor's Notice of Intent to Issue a Declaratory Order, 79 Fed. Reg. 75179 (Dec. 17, 2014).

- **January 22, 2015. FY 2015 Q1 Cumulative Disclosure Data**

The OFLC PERM, H-2A, H-2B, Prevailing Wage, and H-1B program disclosure data files for Quarter 1 of FY 2015 are now available. Click [here](#) to access the disclosure files and corresponding record layouts.

- **January 16, 2015. DOL has Extended the Comment Period for the H-2B Notice of Intent to Issue Declaratory Order**

On December 17, 2014, the Department of Labor (Department) published in the Federal Register a Notice of Intent to Issue Declaratory Order, Request for Comment, 79 Fed. Reg. 75179 (Notice). The Notice provided for the submission of public comments through January 16, 2015. On January 16, 2015 the Department published in the Federal Register a subsequent notice extending this comment period by 15 days, until February 2, 2015 in order to provide the public with additional time to submit comments. To read the notice extending the comment period, please click [here](#). To read the Notice and learn how to submit comments, please click [here](#).

- **January 16, 2015. The Office of Foreign Labor Certification (OFLC) Implements Search FAQs feature on Frequently Asked Questions and Answers page.**

The Office of Foreign Labor Certification (OFLC) has updated the FAQ page of its official website with a new keyword search function, Search FAQs. Users may now search the FAQ page by using a single keyword or exact phrase to identify items in the FAQ database that correspond to keywords or characters specified by the user. A Tip sheet has been developed to assist with use of the Search FAQs tool. To access the FAQs page and Search FAQs Tip Sheet, click [here](#).

## Calendar Year 2014

- **January 13, 2014. DOL is Extending the Comment Period for the H-2B Notice of Intent to Issue Declaratory Order.**

On December 17, 2014, the Department of Labor (Department) published in the Federal Register a Notice of Intent to Issue Declaratory Order, Request for Comment, 79 Fed. Reg. 75179 (Notice). The Notice provided for the submission of public comments through January 16, 2015. The Department will publish in the Federal Register a notice extending this comment period by 15 days, until February 2, 2015 in order to provide the public with additional time to submit comments. To read the Notice and learn how to submit comments, please click [here](#).

- **January 8, 2014. Permanent Labor Certification Program: Listening Session.**

On Thursday, January 22nd, 2015 from 4:30pm until 5:30pm EST, the Department of Labor (Department) will host a stakeholder listening session regarding the Permanent Labor Certification Program (PERM) via conference call. The session will be led by the Department's Deputy Chief of Staff, Seema Nanda and the Assistant Secretary for Employment and Training, Portia Wu.

The Department is interested in beginning a dialogue and receiving feedback from you regarding the PERM program's role in employment-based immigration, its current regulatory framework and any general areas of concern to the stakeholder community. To learn more, please read the Department's [factsheet](#).

To participate in the listening session **please RSVP no later than January 19th** by clicking on the following link <http://webapps.dol.gov/DOLEvents/Event/View/347/PERM-Public-Listening-Session> and completing the registration form **for the individual who will represent your organization**.

Once an RSVP is received, your organization's representative will receive a confirmation e-mail with additional details.

If you have questions, please feel free to contact the Department's Office of Public Engagement at [PublicEngagement@dol.gov](mailto:PublicEngagement@dol.gov).

**We look forward to engaging with you on this important issue.**

- **December 23, 2014.**

In response to inquiries from our stakeholders, the Department is elaborating on the procedures that will be utilized in implementing the decision in *Comite de Apoyo a los Trabajadores Agricolas et al v. Solis*, No. 14-3557 (3rd Cir.), as stated below. Additional guidance may also be posted here.

Employers with pending prevailing wage request: Employers who have a prevailing wage determination request pending that is based on an employer-provided survey may modify that request to utilize a Service Contract Act (SCA) or Davis Bacon Act (DBA) wage determination or a wage based on a Collective Bargaining Agreement (CBA). That request will not be treated as a new filing and the request will be processed based on the original filing date. Employers are reminded that the request must specify precisely which SCA or DBA wage determination is being used or provide a copy of the Collective Bargaining Agreement. In the absence of such a request, the NPWC will issue the prevailing wage determination based on the OES mean for the occupation.

Employers who have received a prevailing wage determination: Employers who have already received a prevailing wage determination based on an employer-provided survey but who have not yet filed their application with the Chicago National Processing Center (NPC) may request a redetermination from the National Prevailing Wage Center irrespective of the time limits set forth in 20 CFR 655.10(g). An employer who has received a prevailing wage determination based on an employer-provided survey may use the survey-based wage rate in its recruiting. Employers who have filed their application with the NPC, and whose applications are adjudicated favorably, will receive a supplemental prevailing wage determination (SPWD) based on the OES mean for the occupation, along with the certification. The SPWD will provide the opportunity to seek a redetermination under 20 CFR 655.10(g). If, upon redetermination, the use of an alternative wage source (SCA, DBA, or CBA) is approved, the employer should return the original certification to the NPC and a new certification will be issued.

- **December 19, 2014. New 2015 H-2A Adverse Effect Wage Rates (AEWRs).**

The Department has published a notice in the Federal Register announcing new Adverse Effect Wage Rates (AEWRs) for each state, based on the Farm Labor Survey conducted by the U.S. Department of Agriculture. The AEWRs are the minimum hourly wage rates the Department has determined must be offered and paid by employers to H-2A workers and workers in corresponding employment for a particular agricultural job and area, so that the wages of similarly employed U.S. workers will not be adversely affected. To read the Federal Register notice please click [here](#).

- **December 17, 2014. Federal Register Notice of Intent to Issue Declaratory Order; Request for Comment within 30 Days.**

The Department of Labor has published in the Federal Register a Notice of Intent to Issue a Declaratory Order applicable to the Temporary Non-agricultural Employment H-2B Program. To read the Notice, please click [here](#).

- **December 9, 2014**

Effective December 8, 2014, the Department is no longer issuing prevailing wage determinations in the H-2B program based on employer provided wage surveys. This action is in response to the Court order entered December 5, 2014 in *Comite de Apoyo a los Trabajadores Agricolas et al v. Solis*, No. 14-3557 (3rd Cir.). The Court's order vacated the portion of the H-2B wage rule (20 CFR § 655.10(f)) and 2009 Wage Guidance permitting the use of such surveys. Therefore, Prevailing Wage Determination Requests currently pending with the National Prevailing Wage Center that seek to utilize employer provided surveys will be given the appropriate Occupational Employment Statistics (OES) wage for the occupation. Employers who wish to utilize a Service Contract Act or Davis Bacon Act wage determination or a wage based on a Collective Bargaining Agreement may request redetermination under 20 CFR § 655.10(g). Employers whose prevailing wage determination was based on an employer provided wage survey, but whose H-2B Applications for Temporary Employment Certification have not yet resulted in a final determination by the Chicago NPC, will be notified of their new wage obligation along with their certification letters.

- **November 25, 2014.**

**November 20, 2014. USDA Release of 2014 Farm Labor Survey**

On November 20, 2014, the United States Department of Agriculture (USDA) issued the Farm Labor Survey (FLS) report in which it established the average annual wage rates, by region and the United States, for field and livestock workers. The Department of Labor (Department) relies on the average annual combined hourly wage for field and livestock workers in order to establish the Adverse Effect Wage Rates (AEWRs) in the H-2A program. The AEWRs are the minimum hourly wage rates the Department has determined must be offered and paid by employers to H-2A workers and workers in corresponding employment, so that the wages of workers similarly employed in the United States will not be adversely affected.

The Department is reviewing the USDA FLS average annual wage rates for 2014 and will soon publish a notice in the Federal Register announcing new Adverse Effect Wage Rates (AEWRs) for each state at which time the rates will become immediately effective. To obtain more information on NASS surveys and reports, please call the NASS Agricultural Statistics Hotline at (800) 727-9540, 7:30 a.m. to 4:00 p.m. ET, or e-mail: [nass@nass.usda.gov](mailto:nass@nass.usda.gov). To obtain a copy of the latest USDA FLS report, please click [here](#).

- **October 23, 2014.**

As of October 27, 2014, the Atlanta National Processing Center has changed its process and will no longer automatically forward to BALCA all PERM case Requests for Reconsideration where the original case decision was upheld. Rather, a Notice of Decision will be issued when the case is upheld, and the employer must affirmatively request review before BALCA no later than 30 calendar days after the date the Notice of Decision is issued. [FAQs now reflect this change in process.](#)

- **October 23, 2014.**

The Office of Foreign Labor Certification has posted updated program factsheets containing the Quarter 4 FY 2014 selected statistics for the [Permanent Labor Certification Program](#), [Prevailing Wage Determination Program](#), [H-1B Temporary Visa Program](#), [H-2A Temporary Agricultural Visa Program](#), and [H-2B Temporary Non-agricultural Visa Program](#). Reports are derived from program data as of 9/30/2014. The updated program factsheets may also be found on OFLC's Performance Data [page](#).

- **October 17, 2014.**

**H-1B Legacy records no longer available**

On July 8, 2013, the National Archives and Records Administration (NARA) approved OFLC's revised retention schedule following a 30-day period of public notice and review. As part of its review and approval process, NARA determined employer applications for labor certification and supporting documentation, whether retained in paper and electronic form, are temporary records and subject to destruction in accordance with an approved disposition schedule. The OFLC-approved disposition schedule authorizes the retention of records for a period of 5 years following the date a final determination letter is issued or final action occurs, such as a withdrawn application, subject to an active investigation or litigation hold.

The records NARA identified as permanent records are the annual disclosure data files currently located on the FLC Data Center at <http://www.flcdatacenter.com>, as well as the quarterly disclosure data files and the OFLC Annual Reports located on the OFLC Performance page at <http://www.foreignlaborcert.doleta.gov/performance.cfm>.

Labor Condition Applications (LCA) retained in the LCA Online System are all beyond the retention period of 5 years from a date of final determination or final action. Therefore, effective October 17, 2014, the LCA Online System located at <http://www.lca.doleta.gov> has been decommissioned.

The OFLC will no longer respond to inquiries to search for records in response to FOIA requests, or provide information for requests for duplicate certifications for LCA applications processed in the LCA Online System, in keeping with the OFLC records schedule.

- **October 7, 2014.**

**Staggered Crossing of Seafood Industry extended through December 11, 2014**

On January 17, 2014, the President signed into law the Consolidated Appropriations Act of 2014 (the "2014 Appropriations Act"), Pub. L. 113-76, which included a provision permitting staggered entry of H-2B workers employed by employers in the seafood industry under certain conditions. Following passage of the Continuing Appropriations Resolution, 2015, Pub. L. 113-164, this provision now expires on December 11, 2014; accordingly, no staggered entry of H-2B workers after December 11, 2014 will be permitted absent further legislative extensions.

In order to use the "staggered crossing" provision established by the 2014 Appropriations Act, seafood industry employers must download, complete and sign the [official attestation](#), and provide it to the H-2B nonimmigrant worker for presentation, upon request, to the Department of State's Consular Officers and/or the Department of Homeland Security's Customs and Border Protection officers. The Frequently Asked Questions (FAQs) may be accessed [here](#).

- **September 16, 2014.**

The Office of Foreign Labor Certification has posted updated program factsheets containing the FY 2014 Q4 TD selected statistics for the [Permanent Labor Certification Program](#), [Prevailing Wage Determination Program](#), [H-1B Temporary Visa Program](#), [H-2A Temporary Agricultural Visa Program](#), and [H-2B Temporary Non-agricultural Visa Program](#). Reports are derived from program data as of 8/31/2014. The updated program factsheets may also be found on OFLC's Performance Data [page](#).

- **September 10, 2014.**

The Office of Foreign Labor Certification has posted updated program factsheets containing the FY 2014 Q4 TD selected statistics for the [Permanent Labor Certification Program](#), [Prevailing Wage Determination Program](#), [H-1B Temporary Visa Program](#), [H-2A Temporary Agricultural Visa Program](#), and [H-2B Temporary Non-agricultural Visa Program](#). Reports are derived from program data as of 8/31/2014. The updated program factsheets may also be found on OFLC's Performance Data [page](#).

- **August 22, 2014.**

IMPORTANT! The iCERT and PERM Systems will be unavailable during the following dates/times as the Department upgrades the databases to Oracle 11g:

Starting Friday, August 22 at 7:00 pm EST  
Ending Monday, August 25 at 6:00 am EST

We apologize for any inconvenience this may cause. In the event that the Department's upgrade is delayed or canceled, we will post a revised or new technical announcement. We anticipate all systems returning to normal operations after 6:00 am EST on Monday, August 25.

- **August 19, 2014.**

The Office of Foreign Labor Certification has posted an updated program factsheet containing the Quarter 3 FY 2014 selected statistics for the [Prevailing Wage Determination Program](#), reflecting the correct number of Prevailing wage determinations FYTD. Reports are derived from program data as of 6/30/2014. The updated program factsheets may also be found on OFLC's Performance Data [page](#).

- **August 19, 2014.**

OFLC has posted updated versions of the PERM and Prevailing Wage Disclosure Datasets titled "PERM\_FY14\_Q3.xlsx" and "PWD\_FY14\_Q3.xlsx." These updated datasets include cumulative data covering October 1, 2013 through June 30, 2014. Click [here](#) to access the disclosure files and corresponding record layouts.

- **July 31, 2014.**

FY 2014 Q3 Cumulative Disclosure Data

The OFLC PERM, H-2A, H-2B, Prevailing Wage, and H-1B program disclosure data files for Quarter 3 of FY 2014 are now available. Click [here](#) to access the disclosure files and corresponding record layouts.

- **July 21, 2014**

The Office of Foreign Labor Certification has posted updated program factsheets containing the Quarter 3 FY 2014 selected statistics for the [Permanent Labor Certification Program](#), [Prevailing Wage Determination Program](#), [H-1B Temporary Visa Program](#), [H-2A Temporary Agricultural Visa Program](#), and [H-2B Temporary Non-agricultural Visa Program](#). Reports are derived from program data as of 6/30/2014. The updated program factsheets may also be found on OFLC's Performance Data [page](#).

- **July 1, 2014**

On July 1, 2014, OFLC uploaded the newest prevailing wage data from the Occupational Employment Survey as generated by the Bureau of Labor Statistics for the year from July 2014 - June 2015. The effective date is July 1, 2014. Prevailing wages issued from the National Prevailing Wage Center will reflect the new data.

- **June 9, 2014**

OFLC has become aware of an anomaly in the published LCA Disclosure dataset titled "H1B\_FY2014\_Q2". The error is with respect to the listing of the "PW\_SOURCE\_1" and "PW\_SOURCE\_2" data. The dataset erroneously listed a numeric code associated with a wage source; it has been corrected to display the actual wage source.

- **June 5, 2014**

The Office of Foreign Labor Certification has posted updated program factsheets containing the Quarter 3 TD FY 2014 selected statistics for the [Permanent Labor Certification Program](#), [Prevailing Wage Determination Program](#), [H-1B Temporary Visa Program](#), [H-2A Temporary Agricultural Visa Program](#), and [H-2B Temporary Non-agricultural Visa Program](#). Reports are derived from program data as of 5/24/2014. The updated program factsheets may also be found on [OFLC's Performance Data page](#).

- **June 2, 2014**

OFLC has become aware of an anomaly in the published Prevailing Wage Disclosure datasets titled "PWD\_FY 2013.xlsx" and "PWD\_FY 2014\_Q2.xlsx". The error is with respect to the listing of wage levels (Level I-IV) under the column "PwD\_Wage\_Level" for all H-2B wage determinations issued on or after April 24, 2013. Effective April 24, 2013 wage levels I-IV were no longer issued for all H-2B wages, and the wage level listed on the disclosure dataset is inaccurate. H-2B OES Wages were and are issued at the OES mean wage.

- **April 21, 2014.**

The Office of Foreign Labor Certification has posted a [Disclosure Data User Guide](#) on the Disclosure Data tab of the Performance Data section of their website that provides an example of how, using Microsoft Excel, the OFLC Disclosure Data files can be filtered or sorted to provide relevant information specific to your needs.

- **April 17, 2014. Records Notice of Employer Applications Retained in the LCA Online System for H-1B, H-1B1 and E-3 Applications Eligible for Destruction**

On July 8, 2013, the National Archives and Records Administration (NARA) approved OFLC's revised retention schedule following a 30-day period of public notice and review. As part of its review and approval process, NARA determined employer applications for labor certification and supporting documentation, whether retained in paper and electronic form, are temporary records and subject to destruction in accordance with an approved disposition schedule. The OFLC-approved disposition schedule authorizes the retention of records for a period of 5 years following the date a final determination letter is issued or final action occurs, such as a withdrawn application, subject to an active investigation or litigation hold.

The records NARA identified as permanent records are the annual disclosure data files currently located on the FLC Data Center at <http://www.flcdatacenter.com>, as well as the quarterly disclosure data files and the OFLC Annual Reports located on the OFLC Performance page at <http://www.foreignlaborcert.doleta.gov/performancecfm>.

Labor Condition Applications (LCA) retained in the LCA Online System: As of Thursday, April 17, 2014, the OFLC no longer has access to employer H-1B, H-1B1 or E-3 application records that are beyond the retention period of 5 years from a date of final determination or final action, and stored in the LCA Online System which is located at: <http://www.lca.doleta.gov>. The records have been destroyed in accordance with OFLC's Record Schedule DAA-0369-2013-0002. Prior to the destruction of the records, any records within the 5 year retention period, part of an active investigation, Freedom of Information Act requests, or mandatory litigation hold have been identified and were not destroyed.

Employers will still be able to access applications processed in 2009. The OFLC will no longer respond to inquiries to search for records in response to FOIA requests, or provide information for requests for duplicate certifications for LCA applications with a final determination issued in 2008 or earlier, in keeping with the OFLC records schedule.

- **April 16, 2014. Staggered Crossing of Seafood Industry (through September 30, 2014)**

On January 17, 2014, the President signed into law the Consolidated Appropriations Act of 2014 (the "2014 Appropriations Act"), Pub. L. 113-76, which includes a provision permitting staggered entry of H-2B workers employed by employers in the seafood industry under certain conditions. This provision expires on September 30, 2014; accordingly, no staggered entry of H-2B workers after September 30, 2014 will be permitted.

In order to use the "staggered crossing" provision established by the 2014 Appropriations Act, seafood industry employers must download, complete and sign the [official attestation](#), and provide it to the H-2B nonimmigrant worker for presentation, upon request, to the Department of State's Consular Officers and/or the Department of Homeland Security's Customs and Border Protection officers. The Frequently Asked Questions (FAQs) may be accessed [here](#).

- **April 15, 2014**

April 15, 2014 The iCERT System and the PERM Case Management System (CMS) will both be unavailable on Saturday, May 3, 2014, from 6:00 am until approximately 8:00 pm Eastern Time for required scheduled maintenance. While we do not at this time anticipate problems once the maintenance has been performed, filers may experience delays and/or continued unavailability immediately following the scheduled maintenance, and the Department will do everything possible to avoid or minimize any service issues. We apologize for the inconvenience.

- **April 14, 2014. Staggered Crossing of Seafood Industry (through September 30, 2014)**

On January 17, 2014, the President signed into law the Consolidated Appropriations Act of 2014 (the "2014 Appropriations Act"), Pub. L. 113-76, which includes a provision permitting staggered entry of H-2B workers employed by employers in the seafood industry under certain conditions. This provision expires on September 30, 2014; accordingly, no staggered entry of H-2B workers after September 30, 2014 will be permitted.

In order to use the "staggered crossing" provision established by the 2014 Appropriations Act, seafood industry employers must download, complete and sign the official attestation, and provide it to the H-2B nonimmigrant worker for presentation, upon request, to the Department of State's Consular Officers and/or the Department of Homeland Security's Customs and Border Protection officers. The Frequently Asked Questions (FAQs) may be accessed [here](#).

- **April 11, 2014.**

The following case disclosure files cover determinations issued between January 1, 2014 through March 31, 2014. A small percentage of determinations are subject to change in subsequent quarterly releases due to appeal or redetermination decisions on employer applications.

<http://www.foreignlaborcert.doleta.gov/performancecdm>

- **April 11, 2014.**

The Office of Foreign Labor Certification has posted updated program factsheets containing the Quarter 2 FY 2014 selected statistics for the [Permanent Labor Certification Program](#), [Prevailing Wage Determination Program](#), [H-1B Temporary Visa Program](#), [H-2A Temporary Agricultural Visa Program](#), and [H-2B Temporary Non-agricultural Visa Program](#). The updated program factsheets may also be found on OFLC's [Performance Data page](#).

- **March 25, 2014. Customer Reminder Regarding iCERT Compatibility with Internet Explorer.**

This announcement is an important reminder that our iCERT System Web site at <http://icert.doleta.gov> is best viewed and optimized to work on Microsoft Internet Explorer 8 (IE). Although the iCERT System is functional using other versions of IE or alternative browsers such as Firefox, Chrome, or Safari, please be aware that you may experience technical issues with screen navigation or other certain "pop-up" windows (e.g., occupation or industry code pop-up functions) appearing within the iCERT System, especially in the Prevailing Wage, H-2A and H-2B modules.

Until we release an upgrade to the iCERT System in the coming months, customers with IE 9, IE 10, or higher installed on their computers can fix these screen navigation or other technical issues by performing the following minor adjustments to their browser:

- Step 1: Under the "Tools" option at the top of your IE browser, choose the "F12 developer tools" function
- Step 2: When the function bar is displayed, click on the "Browser Mode: IE# Compat View" option
- Step 3: From the drop down menu, choose "Internet Explorer 8"

Once you completed these basic steps, your browser will be compatible with IE 8 and the iCERT System technical issues should be resolved. Please do not hesitate to contact the iCERT System Help Desk at [oflc.portal@dol.gov](mailto:oflc.portal@dol.gov) if you are continuing to have difficulties accessing the system. Thank you.

- **March 25, 2014.**

LCAs Approved, But Email Notifications Not Always Getting to Submitter: Please be advised that OFLC's iCERT system is experiencing an IT glitch with respect to the issuance of confirmation emails for Labor Condition Applications (LCAs). OFLC is working to resolve this issue. We strongly recommend that submitters continue to check their iCERT accounts to confirm LCA status and to retrieve and print certified LCAs.

- **March 14, 2014. Federal Register Notice Announcing Notification of Status of the 2011 H-2B Wage Rule.**

The Department of Labor has published a Notification in the Federal Register to provide notice to the regulated community of the status of the Wage Methodology for the Temporary Non-agricultural Employment H-2B Program, published January 19, 2011, (2011 Wage Rule) in the Federal Register. To read the Notice, please click [here](#).

- **March 5, 2014. Federal Register Notice Announcing the 2014 Allowable Charges for Agricultural Workers' Meals and Travel Subsistence Reimbursement, Including Lodging for the H-2A Program.**

The Department of Labor has published a Notice in the Federal Register to announce the allowable charges for 2014 that employers seeking H-2A workers may charge their workers when the employer provides three meals a day, and the maximum travel subsistence meal reimbursement that a worker with receipts may claim in 2014. The Notice also includes a reminder regarding employers' obligations with respect to overnight lodging costs as part of required subsistence for the H-2A program. To read the Notice, please click [here](#).

- **February 24, 2014.**

The Office of Foreign Labor Certification has replaced an incorrect link previously located on the OFLC's Performance Data Page, Disclosure Data Tab. The Fiscal Year 2012 PW\_Case\_Data\_FY2012 link has been updated and now directs users to the correct FY 2012 Prevailing Wage Disclosure Data File.

- **February 21, 2014. New FAQ regarding notification and consideration of laid-off U.S. workers for PERM applications.**

New Frequently Asked Question (FAQ). This FAQ addresses how an employer is to demonstrate that it notified and considered laid-off U.S. workers for the job opportunity listed on the ETA Form 9089. To read the FAQ, please click [here](#) and scroll to the PERM / Recruitment Report subheading.

- **February 18, 2014.**

The Office of Foreign Labor Certification has posted updated program factsheets containing the Quarter 1 FY 2014 selected statistics for the [Permanent Labor Certification Program](#), [Prevailing Wage Determination Program](#), [H-1B Temporary Visa Program](#), [H-2A Temporary Agricultural Visa Program](#), and [H-2B Temporary Non-agricultural Visa Program](#). The updated program factsheets may also be found on OFLC's Performance Data [page](#).

The OFLC PERM, H-2A, H-2B, Prevailing Wage, and H-1B program disclosure data files for Quarter 1 of FY 2014 are now available. Click [here](#) to access the disclosure files and corresponding record layouts.

- **February 4, 2014. Deactivation of Select H-2A and H-2B Mailboxes.**

In order to implement the Department's IT modernization initiative and new cloud computing requirements, the OFLC Chicago National Processing Center (NPC) deactivated the following email boxes on February 3, 2014:

- H2A.Amend-Extend.Chicago@dol.gov
- H2A.Abandonment-Termination.Chicago@dol.gov
- H-2B.Amend-Extend.Chicago@dol.gov
- H2B.Abandonment-Termination.Chicago@dol.gov

Accordingly, H-2A and H-2B employers who need to request amendments/extensions or submit notices of worker abandonments and terminations must use the TLC.Chicago@dol.gov mailbox. Please remember to include "Amend and Extend" or "Abandonment and Termination", as applicable, in the "Subject" line of your e-mail.

Employers may also continue to submit these requests via fax on (312) 886-1688 or U.S. mail at the following address:

U.S. Department of Labor  
Office of Foreign Labor Certification  
Chicago National Processing Center  
11 West Quincy Court Chicago, IL 60604-2105  
Attention: H-2A Program Unit

- **January 31, 2014. Maintaining Integrity in PERM: Program Compliance and Audits.**

Section 212(a)(5)(A) of the Immigration and Nationality Act requires the Secretary to certify the admissibility of a foreign national for employment only when the Secretary can certify that the employment of that foreign worker will not adversely impact the wages and working conditions of US workers similarly employed, and that there is a job opportunity for which a US worker is unavailable. As the regulated community knows, the Department of Labor's Office of Foreign Labor Certification (OFLC) is responsible for maintaining the integrity and compliance of the primarily attestation-based PERM Program through the use of certain measures, including audit and supervised recruitment, under a broad integrity review authority. At the time of PERM's implementation, the Department stated that OFLC would select certain applications for audit, employing "auditing techniques that can be adjusted as necessary to maintain program integrity", as well as for quality control. 69 Fed. Reg. 77326, 77328 (Dec. 27, 2004). The Department noted at the time the need for changing audit criteria to focus integrity efforts on program abuse and adjust the audit mechanism as necessary as we gained program experience. 69 Fed. Reg. 77359. Finally, the Department reserved the process of supervised recruitment for a broad application "in any case in which the C[ertifying] O[fficer] deems it appropriate" as a reasonable quality control mechanism. 69 Fed. Reg. 77360, 77362.

In response to a recent Freedom of Information Act (FOIA) request, we are releasing and making available to all of the regulated community the following documentation regarding the areas in the PERM Program that have in the past warranted this closer examination. Click [here](#) to view the OFLC Audit Plan. These areas were deliberately chosen to ensure we are carrying out our statutory responsibilities while also recognizing the evolving nature of program integrity and quality control.

We hope the publication of this information assists filers, especially first-time filers, comply with the PERM Program's various requirements.

- **January 24, 2014. The Department has released its Foreign Labor Certification Annual Report for FY 2012.**

The 2012 Annual Report presents information on the Prevailing Wage Determination Process, Permanent Labor Certification, and Temporary Nonimmigrant Labor Certification for FY 2012. The report also contains State Employment-Based Labor Certification Profiles, information on STEM-related occupations in the labor certification programs, H-2A Agricultural Certification Statistics, and top Country Employment-Based Immigration Profiles. Click [here](#) to view the 2012 Annual Report.

- **January 3, 2014. New 2014 H-2A Adverse Effect Wage Rates (AEWRs).**

The Department has published a notice in the Federal Register announcing new Adverse Effect Wage Rates (AEWRs) for each state, based on the Farm Labor Survey conducted by the U.S. Department of Agriculture. The AEWRs are the minimum hourly wage rates the Department has determined must be offered and paid by employers to H-2A workers and workers in corresponding employment for a particular agricultural job and area, so that the wages of similarly employed U.S. workers will not be adversely affected. To read the Federal Register notice please click [here](#).

## Calendar Year 2013

- **December 20, 2013, Island Holdings**

On December 3, 2013, The Board of Alien Labor Certification Appeals (BALCA) issued an en banc decision in The Matter of Island Holdings LLC (2013-PWD-00002). That decision vacated the supplemental prevailing wage determinations issued in light of the Department's Interim Final H-2B Wage Rule (78 Fed. Reg. 24047, April 24, 2013). A class action complaint has been filed in the district court in the Eastern District of Pennsylvania, challenging the Island Holdings decision, CATA v. Perez, 13-CV-07213. After a full review of the Island Holdings decision and the district court complaint, the Department has decided to postpone action on the Island Holdings decision pending judicial review, as permitted by the Administrative Procedure Act, 5 U.S.C. § 705. This action is in the interest of justice, given the confusion and substantial disruption that would be created if the Department implemented the decision and it was subsequently overturned by the district court. Accordingly, all OFLC actions related to the resolution of appeals in the supplemental prevailing wage decisions will be stayed, pending the resolution of the district court action. Please continue to check back on this site for additional information.

- **December 4, 2013, The Office of Foreign Labor Certification's National Prevailing Wage Center (NPWC) will accept wage source changes to PWD requests in H-2Bs**

The NPWC is experiencing an unprecedented number of prevailing wage determination requests (PWDRs) for H-2B labor certifications, many of which include surveys. The lingering effect of the government shutdown, coupled with the complexity of reviewing new surveys, has resulted in increasing wait times for PWDs with survey requests. Employers' needs may not be able to accommodate the longer processing times, although the NPWC is working to reduce the processing time of these surveys as quickly as possible. Accordingly, for a limited time, an employer wishing to abandon the survey request made at the time of submitting the PWDR and accept in its place a prevailing wage based on the OES may do so without losing the receipt date of the original PWDR. To take advantage of this, the requestor must email the NPWC Helpdesk at [FLC.PWD@dol.gov](mailto:FLC.PWD@dol.gov). The email should be titled "REQUEST TO CHANGE H-2B SURVEY REQUEST" and must include the following information: the PWD request number, the name of the requestor, the name of the employer, the occupation, and the statement "By submitting this request I give the NPWC permission to modify the 9141 and I understand and accept the requirement to pay the OES prevailing wage to be provided to me, in accordance with H-2B regulations." Such requests will be accepted only until December 31, 2013. Once the request has been made, an employer may not revert to the survey request by requesting its use in a Redetermination or Center Director Review on that determination.

- **November 20, 2013: Selected Statistics Update.**

The Office of Foreign Labor Certification has posted revised program factsheets containing the FY 2013 selected statistics for the Permanent Labor Certification Program, and the FY 2013 H-2A Temporary Agricultural Labor Certification Program. The revised program factsheets may be found on OFLC's Performance Data page.

- **November 20, 2013: The Department published three final rules eliminating OFLC regulations that have been made obsolete by statutory or regulatory changes.**

The H-1A nursing visa (20 CFR 655 subparts D and E) and the F-1 student off-campus work permit (20 CFR 655 subparts J and K) regulations were based on statutes that sunset September 30, 1997 and September 30, 1996, respectively; the programs sunset at later dates and have now been completed. The logging provisions in 20 CFR subpart C were incorporated into the H-2A regulations published in the Department of Labor's final rule, Temporary Agricultural Employment of H-2A Aliens in the United States, 75 FR 6884 (Feb. 12, 2010). To see the H-1A rule, click [here](#). To see the F-1 rule, click [here](#). To see the logging rule, click [here](#).

- **November 14, 2013: USDA Postpones Release of 2014 H-2A AEWR Wage Data.**

On October 17, 2013, the United States Department of Agriculture (USDA) announced a change in the schedule for the release of certain reports due to the lapse in Federal appropriations resulting in the Government shutdown. Among the affected reports is the Farm Labor Survey (FLS) report upon which the Department relies in order to establish the Adverse Effect Wage Rates in the H-2A program. The new release date for the FLS report will be December 5, 2013. To learn more, please read the [USDA News Release](#).

- **November 13, 2013:**

The Office of Foreign Labor Certification has posted updated program factsheets containing the Quarter 4 FY 2013 selected statistics for the Permanent Labor Certification Program, Prevailing Wage Determination Program, H-1B Temporary Visa Program, H-2A Temporary Agricultural Visa Program, and H-2B Temporary Non-agricultural Visa Program. The updated program factsheets may also be found on OFLC's Performance Data page.

- **OFLC Stakeholder Notice regarding handling of applications and responses after government shutdown**

OFLC appreciates the challenges the regulated community has experienced as a result of the lapse in appropriations, which resulted in the cessation of the operation of OFLC's electronic systems, and further resulted in a backlog of documents submitted to OFLC during that period by mail, hand-delivery, or email. As a result of the government shutdown, OFLC is implementing the following temporary changes to its standard procedures related to document timeliness:

**Submissions mailed, couriered, or emailed to OFLC and received between October 1 and October 18:**

Submissions are applications that the National Processing Centers (Chicago, Atlanta, or Prevailing Wage Center) could not receive electronically through the iCERT system during the shutdown, and were mailed, delivered by private courier (Federal Express, etc.) or emailed to OFLC. These include Applications for Permanent Employment Certification (PERM, ETA 9089), Applications for Temporary Employment Certification (H-2B, H-2A ETA 9142), and Applications for Prevailing Wage Determinations (ETA 9141).

Because of the backlog in submissions that were mailed, delivered or emailed to OFLC for shutdown-related reasons or otherwise, **all submissions received by OFLC between October 1 and October 18 will be considered received on October 18**. For example, a PERM application mailed to the Atlanta National Processing Center on October 5 will be given a receipt date of October 18, 2013. If an October 18 receipt date on an application would otherwise render out-of-date the recruitment or prevailing wage determination used for the application, the application will be deemed to have been timely filed for the purpose of the recruitment or the prevailing wage determination.

If an applicant transmitted an application or response by mail, hand-delivery or email between October 1 and October 18, 2013, and the employer has not received notice that the transmission was undeliverable, the employer should **NOT** re-submit it.

Employers are reminded that if they view a PERM application as erroneously denied during this period based on out-of-date recruitment, they may submit the request for reconsideration to the attention of the government error queue.

None of the temporary procedures established in this notice apply to appeals to the BALCA. Employers are encouraged to contact the BALCA for information related to deadlines applicable to appeals.

- **Records Notice of Employer Applications Retained in Permanent Backlog System (PBLs) Eligible for Destruction**

On July 8, 2013, the National Archives and Records Administration (NARA) approved OFLC's revised retention schedule following a 30-day period of public notice and review. As part of its review and approval process, NARA determined employer applications for labor certification and supporting documentation, whether retained in paper and electronic form, are temporary records and subject to destruction in accordance with an approved disposition schedule. The OFLC-approved disposition schedule authorizes the retention of records for a period of 5 years following the date a final determination letter is issued, subject to an active investigation or litigation hold.

The records NARA identified as permanent records are the annual disclosure data files currently located on the FLC Data Center at <http://www.flcdatacenter.com>, as well as the quarterly disclosure data files and the OFLC Annual Reports located on the OFLC Performance page at <http://www.foreignlaborcert.doleta.gov/performancepage.cfm>.

Permanent program applications retained in the OFLC Permanent Backlog System (PBLs): As of October 25, 2013 the OFLC no longer has access to employer application records that are beyond the retention period of 5 years from the date a final determination was issued and stored in the PBLs system. The PBLs system, which was previously used by the OFLC Backlog Processing Centers, has now been destroyed in accordance with OFLC Records Schedule Number DAA-0369-2013-0002. Prior to destruction of the PBLs system software and database, any records within the 5-year retention period, active investigation, Freedom of Information Act requests, or mandatory litigation hold have been identified and were not destroyed.

The OFLC will no longer respond to inquiries to confirm priority dates, search for records in response to FOIA requests, or provide information for requests for duplicate certifications for permanent labor certification applications with a final determination issued in 2008 or earlier, in keeping with the OFLC records schedule.

- **October 28, 2013: Notice to H-2A Stakeholders: Accommodation PDFs will Continue Through November 18th**

On October 21st, OFLC announced, as a temporary accommodation not to exceed 30 days, it would send an Adobe PDF of an approved certification to H-2A employers and authorized representatives. That accommodation will be continued through November 18, 2013.

- **October 28, 2013: Revised ETA Forms 232 and 232A for the H-2A Program**

The Department has revised the ETA Form 232, Domestic Agricultural In-Season Wage Report and ETA Form 232-A, Wage Survey Interview Record which are used by State Workforce Agencies (SWA) to collect wage information from agricultural employers for the H-2A program. This enhanced survey and reporting mechanism will allow for a more accurate data collection by the SWAs in support of the direct administration of the foreign labor certification programs. As of the date of this announcement, State Workforce Agencies should use the new forms for future H-2A program wage reporting to the Office of Foreign Labor Certification. To access the revised forms please click [here](#).

- **USCIS Announces Temporary Accommodation for Form I-129 H-2A Petitions**  
**On October 23, 2013, USCIS issued the following alert:**

With the reopening of the federal government, USCIS has been informed that the Department of Labor's (DOL) Office of Foreign Labor Certification is once again accepting and processing applications, including Temporary Labor Certifications (TLCs).

On Oct. 21, 2013, DOL issued an [announcement](#) to H-2A stakeholders stating that once the TLC is certified, the Chicago National Processing Center will send an email to the employer and its authorized representative containing an Adobe PDF of the labor certification. The employer would need to print, sign and date the PDF version for submission to USCIS with the Form I-129, Petition for Nonimmigrant Worker.

USCIS usually requires that a petitioner submit the certified TLC on blue security paper with original signatures. Beginning today, USCIS in consultation with DOL, has determined that USCIS will temporarily accept Form I-129 H-2A petitions that are filed with a copy of the certified TLC. During this temporary accommodation, the signatures on the TLC submitted to USCIS do not need to be original. This temporary accommodation is being implemented because of the unique time sensitivities associated with agricultural work.

H-2A petitioners must submit the original Form I-129 petition, all required fees, and supporting documentation with a copy of the signed, certified TLC. DOL has indicated that this accommodation should last no longer than 30 days. USCIS will provide further guidance on when this accommodation will expire. At that time, H-2A petitioners will once again be required to submit the signed original of the certified TLC with their H-2A petition.

- **October 21, 2013: Notice to Stakeholders Regarding H-2A Certifications.**

As a result of the unique perishable nature of agricultural commodities in the H-2A program, OFLC will temporarily (for a period not to exceed 30 days) implement the following mailing procedure:

Upon certification of an H-2A application, the Chicago National Processing Center will send the employer and its authorized representative an Adobe PDF of the labor certification via e-mail. The employer would need to print, sign and date the PDF version for submission to USCIS with the I-129 Petition for Nonimmigrant Worker(s).

The original (secure) H-2A labor certification will be delivered overnight to the employer or its authorized representative in line with normal OFLC practices.

- **September 30, 2013: Notice to Stakeholders Regarding Lapse in Appropriations**

The Administration is working very hard to avoid a government shutdown and believes there is sufficient time to avoid such an occurrence; however, prudent management requires the Department to plan for the possibility that it may need to suspend operations should Congress be unable to pass a funding bill by midnight on Monday, September 30, 2013.

OFLC functions are not "excepted" from a shutdown and its employees would be placed in furlough status should a lapse in appropriated funds occur. Consequently, in the event of a government shutdown, OFLC will neither accept nor process any applications or related materials (such as audit responses) it receives, including Labor Condition Applications, Applications for Prevailing Wage Determination, Applications for Temporary Employment Certification, or Applications for Permanent Employment Certification. OFLC's web site, including the iCERT Visa Portal System, would become static and unable to process any requests or allow authorized users to access their online accounts.

The Department has posted to its website information on the potential shutdown that can be accessed [here](#).

- **September 26, 2013: Records Notice of Employer applications retained in Paradox database**

On July 8, 2013, the National Archives and Records Administration (NARA) approved OFLC's revised retention schedule following a 30-day period of public notice and review. As part of its review and approval process, NARA determined employer applications for labor certification and supporting documentation, whether retained in paper and electronic form, are temporary records and subject to destruction in accordance with an approved disposition schedule. The OFLC-approved disposition schedule authorizes the retention of records for a period of 5 years following the date a final determination letter is issued, subject to an active investigation or litigation hold.

The records NARA identified as permanent records are the annual disclosure data files currently located on the FLC Data Center at <http://www.flcdatacenter.com>, as well as the quarterly disclosure data files and the OFLC Annual Reports located on the OFLC Performance page at <http://www.foreignlaborcert.doleta.gov/performance/cfm>.

Permanent program applications retained in Paradox Database – As of September 26, 2013, the OFLC no longer has access to employer application records or screen shots of such records filed in 2002 or earlier stored in the Paradox database. The Paradox database, which was the system used by the ETA Regional Offices and which is no longer used in the administration of the Permanent Program, was destroyed. This database contained information related to employer applications (screenshots of text) filed in 2002 or earlier where the records have been destroyed. In accordance with OFLC Records Schedule Number DAA-0369-2013-0002, the Paradox database and information contained in this database was destroyed on September 26, 2013. Prior to destruction of this database, the OFLC completed searches related to these records in response to Freedom of Information Act requests that were pending within the office. Any records subject to an active investigation or litigation hold have been identified and were not destroyed. The OFLC is no longer able to respond to inquiries to confirm priority dates, search for records in response to FOIA requests, or provide information for requests for duplicate certifications.

- **September 24, 2013: The Office of Foreign Labor Certification (OFLC) updates its records retention schedule to include case management systems and electronic records**

On July 8, 2013, the National Archives and Records Administration (NARA) approved OFLC's revised record retention schedule following a 30-day period of public notice and review. During its review and approval process, NARA determined employer application files and supporting documentation, whether retained in paper or electronic form, to be temporary records and subject to destruction in accordance with an approved disposition schedule. The OFLC approved disposition schedule authorizes retention of records for a period of 5 years following the date a final determination letter is issued, subject to an active investigation or litigation hold. Employer applications that are part of an active investigation or pending litigation are exempted from the approved disposition schedule and will be retained until the investigation and/or litigation matters are closed. This approved disposition schedule limits retention of both paper and electronic records to a 5-year period. Records retained by the OFLC beyond the 5-year period will be destroyed on at least an annual schedule or as determined by the OFLC.

Furthermore, this approved disposition schedule authorizes the destruction of case management systems and software as they become obsolete and are no longer needed to administer the program(s). For example, the Paradox database, formerly used by the ETA Regional Offices, and which is no longer needed in the administration of the Permanent Program, will be destroyed by September 26, 2013. This database contains texts of information related to employer applications filed in 2002 or earlier where the records have been destroyed. The text is called screenshots. As the OFLC implements its approved disposition schedule, we will provide notice to the public identifying the records and, where applicable, the associating case management systems and software being destroyed.

The records NARA identified as permanent records are the annual disclosure data files currently located on the FLC Data Center at <http://www.flcdatacenter.com>; as well as the quarterly disclosure data files and the OFLC Annual Reports located on the OFLC Performance page at <http://www.foreignlaborcert.doleta.gov/performance/cfm>.

- **September 18, 2013: H-2A and H-2B Ombudsman Customer Service On-line Survey**

The OFLC Ombudsman is pleased to announce a new on-line survey intended to encourage stakeholder feedback on their experience with Ombudsman Program. Survey questions are designed to promote the enhancement of customer service and overall satisfaction with the Program. The survey is located on both the H-2A and H-2B Ombudsman webpages: [H-2A Ombudsman Webpage](#) [H-2B Ombudsman Webpage](#).

- **August 29, 2013: Final Rule in H-2B Program**

On August 30, 2013, the Department of Labor (Department) will publish in the Federal Register a final rule to delay indefinitely the effective date of the Wage Methodology for the Temporary Non-Agricultural Employment H-2B Program final rule (2011 Wage Rule), which was published on January 19, 2011, 76 FR 3452. This final rule is being published in order to comply with recurrent legislation that prohibits the Department from using any funds to implement the 2011 Wage Rule, and also to permit time for consideration of the public comments that were sought in conjunction with a separate H-2B wage interim final rule (IFR) published April 24, 2013, 78 FR 24047. This final rule does not affect the IFR, which establishes the current prevailing wage methodology for the H-2B program; that rule remains in effect. To see the final rule, please click [here](#).

- **August 12, 2013: ETA-9033 and ETA-9033A Proposed Changes.**

The Department has published a Notice in the Federal Register announcing a 60-day comment period on its proposed changes to the form ETA-9033, Attestation by Employers Using Alien Crewmembers for Longshore Activities in U.S. Ports and ETA-9033A, Attestation by Employers Using Alien Crewmembers for Longshore Activities in the State of Alaska. To read the Notice, please click [here](#). To obtain a copy of the forms with proposed changes and the supporting documentation please submit your request to [ETA.OFLC.Forms@dol.gov](mailto:ETA.OFLC.Forms@dol.gov), subject line: Revised Form ETA-9033. Comments to the package must be submitted on or before October 7, 2013.

- **July 18, 2013. Notice of Proposed Rulemaking in H-2B Program:**

The Department of Labor (Department) is issuing a Notice of Proposed Rulemaking (NPRM) to delay indefinitely the effective date of the 2011 H-2B Wage Rule. The NPRM is being published in order to comply with recurrent legislation that prohibits the Department from using any funds to implement the 2011 H-2B Wage Rule, and also to permit time for consideration of the public comments that were sought in conjunction with a separate H-2B wage interim final rule published April 24, 2013, 78 FR 24047. Comments are being accepted on the NPRM until August 9, 2013. To see the NPRM please click [here](#).

- **DOL Open Government Initiative: Labor Certification Registry Goes Live!**

The Department is pleased to announce the implementation of the Labor Certification Registry (LCR) on the Office of Foreign Labor Certification's (OFLC) iCERT Visa Portal System web site. The LCR provides the public with access to appropriately redacted copies of H-1B, H-1B1, E-3, H-2A, H-2B and permanent labor certification documents issued by OFLC, as well as quarterly and annual case disclosure data. To learn more about the LCR, please read the Department's Federal Register [notice](#). To access the LCR, please click [here](#).

- **June 27, 2013. Q3 FY 2013 Selected Statistics by Program**

The Office of Foreign Labor Certification has posted updated program factsheets containing the Quarter 3 FY 2013 selected statistics as of June 15, 2013, for the [Permanent Labor Certification Program](#), [Prevailing Wage Determination Program](#), [H-1B Temporary Visa Program](#), [H-2A Temporary Agricultural Visa Program](#), and [H-2B Temporary Non-agricultural Visa Program](#). The updated program factsheets may also be found on OFLC's Performance Data [page](#).

- **May 30, 2013. USCIS Publishes a Revised Version of Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative.**

The U.S. Citizenship and Immigration Services (USCIS) announced that it will no longer accept prior versions of Form G-28 after May 26, 2013. The new version of the Form G-28 and its instructions, which were published on March 28, 2013, can be accessed by clicking [here](#). All fields of the Form G-28 must be completed and signed by both the client and the attorney or accredited representative. Each individual application or petition must be accompanied by a separate, completed and signed Form G-28.

- **April 25, 2013. USCIS Resumes Adjudication of All H-2B Petitions Following Publication of Interim Final Rule.**

As announced by USCIS on April 25, 2013, USCIS has resumed processing of all Form I-129, H-2B petitions for temporary non-agricultural workers. Read the USCIS [Alert](#).

- **April 25, 2013. H-2B Wage Methodology Interim Final Rule and Frequently Asked Questions.**

On April 24, 2013, the Department of Labor and the Department of Homeland Security published in the Federal Register a joint Interim Final Rule, Wage Methodology for the Temporary Non-Agricultural Employment H-2B Program, Part 2. The joint Interim Final Rule, revises the prevailing wage methodology used by the Department of Labor to calculate certain prevailing wages paid to H-2B workers and U.S. workers recruited in connection with an H-2B Application for Temporary Employment Certification, and has been published in response to a court order issued by the U.S. District Court for the Eastern District of Pennsylvania on March 21, 2013, in *Comite de Apoyo a los Trabajadores Agricolas et al v. Solis*, 09-cv-00240 (E.D. Pa). The court order vacated a portion of the 2008 wage methodology rule dealing with the way the Department of Labor determines the prevailing wage when relying on the Bureau of Labor Statistics' Occupational Employment Statistics (OES) survey, and provided the Department of Labor with 30 days to come into compliance.

On April 24, 2013, the effective date of the Interim Final Rule, the Department of Labor also resumed processing both pending H-2B prevailing wage requests and H-2B applications for temporary labor certification based on the OES wage survey data, in accordance with standards set in the Interim Final Rule. To learn more about the revised H-2B prevailing wage methodology, please read the [Interim Final Rule](#).

In addition, the Department of Labor is making available Frequently Asked Questions (FAQs) to assist filers with complying with the requirements of the joint Interim Final Rule. The FAQs address the applicability of the new prevailing wage methodology, employer wage obligations, requests for review and the processing of pending H-2B prevailing wage requests and H-2B applications for temporary labor certification. To learn more, please read the [FAQs](#). **Important Note:** These FAQs have been updated as of April 25, 2013.

We encourage stakeholders to sign up to receive e-mail alerts to ensure receipt of most recent updates affecting the H-2B Temporary Non-agricultural Visa Program. Instructions for signing up for e-mail updates are provided below.

**E-Mail Update Instructions:** On the home page of the OFLC web site, under the E-mail Updates heading, enter your e-mail address and then click the "Subscribe" button. You will be directed to the Department's E-mail Subscription Service page. On that page, under the Employment and Training Administration heading, please select a checkbox next to "Foreign Labor Certification Website" and then click the "Submit" button.

- **April 11, 2013. Quarter 2 FY 2013 Selected Statistics by Program.**

The Office of Foreign Labor Certification has posted updated program factsheets containing the Quarter 2 FY 2013 selected statistics for the [Permanent Labor Certification Program](#), [Prevailing Wage Determination Program](#), [H-1B Temporary Visa Program](#), [H-2A Temporary Agricultural Visa Program](#), and [H-2B Temporary Non-agricultural Visa Program](#). The updated program factsheets may also be found on OFLC's Performance Data [page](#).

- **April 4, 2013. Update on Suspension of Adjudication of Most H-2B Petitions Following Court Order.**

As announced by USCIS on April 2, 2013, USCIS has temporarily suspended adjudication of certain Form I-129 H-2B petitions for temporary non-agricultural workers.

For more complete information, please visit <http://go.usa.gov/2uRT>.

- **April 2, 2013. USCIS Suspends Adjudication of H-2B Petitions.**

Effective March 22, U.S. Citizenship and Immigration Services (USCIS) is temporarily suspending adjudication of most Form I-129 H-2B petitions for temporary non-agricultural workers while the government considers appropriate action in response to the Court order entered March 21, 2013 in *Comite de Apoyo a los Trabajadores Agrícolas et al v. Solis*, 2:09-cv-00240-LDD (E.D. Pa). That order granted a permanent injunction against the operation of the portion of the Department of Labor's (DOL) 2008 wage rule related to certain prevailing wage determinations and gave DOL 30 days to come into compliance with the Court order. Read [the alert](#).

- **April 1, 2013.**

Effective March 22, the Department is holding in abeyance the issuance of final determinations on most pending H-2B applications for temporary labor certification and those it received after March 22, while it considers appropriate action in response to the Court order entered March 21, 2013 in *Comite de Apoyo a los Trabajadores Agrícolas et al v. Solis*, 2:09-cv-00240-LDD (E.D. Pa). That order granted a permanent injunction against the operation of the portion of the 2008 wage rule related to certain prevailing wage determinations and gave the Department 30 days to come into compliance with the Court order.

The Department will, however, continue to process and issue final determinations on H-2B applications for temporary labor certification where the employer's wage offer is based upon a prevailing wage not enjoined by the court order: those utilizing applicable Collective Bargaining Agreements, acceptable private wage surveys or Service Contract Act or Davis Bacon Act wage determinations. The Department intends to promulgate a revised wage rule within 30 days of the date of the Court order. This will allow the Department to resume providing employers with both prevailing wage determinations and final determinations on their H-2B applications for temporary labor certification.

We encourage stakeholders to sign up to receive e-mail updates through the Department's Office of Foreign Labor Certification (OFLC) web site. Instructions for signing up for e-mail updates are provided below.

**E-Mail Update Instructions:** On the home page of the OFLC web site, under the E-mail Updates heading, enter your e-mail address and then click the "Subscribe" button. You will be directed to the Department's E-mail Subscription Service page. On that page, under the Employment and Training Administration heading, please select a checkbox next to "Foreign Labor Certification Website" and then click the "Submit" button.

- **March 29, 2013. H-2B Wage Final Rule Update: Delay of Effective Date.**

The Department of Labor has published a notice in the Federal Register delaying the effective date of the Wage Methodology for the Temporary Non-agricultural Employment H-2B Program final rule (2011 Wage Final Rule), which was published on January 19, 2011, 76 FR 3452. In light of the enactment of the Consolidated and Further Continuing Appropriations Act, 2013, Pub. L. 113-6, which establishes the Department's appropriations through September 30, 2013, and also continues the prohibition of the expenditure of the Department's appropriated funds to implement, administer, and enforce the 2011 Wage Final Rule, the Department is delaying the effective date of the 2011 Wage Final Rule. To read the Final Rule please click [here](#).

- **March 28, 2013. H-2A Program: Prevailing Wage Rates for Certain Occupations Processed under H-2A Special Procedures, Correction/Rescission Notice.**

The Department has published in the Federal Register a notice correcting certain prevailing wage rates established by the January 8, 2013 notice for H-2A workers and workers in corresponding employment engaged in the open range production of livestock in Texas, Wyoming, Idaho, Montana, North Dakota, South Dakota, and Oklahoma. In addition, this notice rescinds prevailing wage rates established by the January 8, 2013 notice for H-2A workers and workers in corresponding employment engaged in sheepherding and goatherding occupations in Arizona, Nevada, Oregon and Washington. In the absence of the January 8 prevailing wage rates for sheepherding and goatherding, the Department is reverting to previously established prevailing wage rates for these occupations. To learn more, please read the Federal Register [notice](#).

- **March 28, 2013.**

Effective March 22, the Department is holding in abeyance most pending H-2B prevailing wage requests and those it received after March 22, while it considers appropriate action in response to the Court order entered March 21, 2013 in *Comite de Apoyo a los Trabajadores Agrícolas et al v. Solis*, 2:09-cv-00240-LDD (E.D. Pa). That order granted a permanent injunction against the operation of the portion of the 2008 wage rule related to prevailing wage determinations and gave the Department 30 days to come into compliance with the Court order. The result is that the Department can no longer make prevailing wage determinations based on the Occupational Employment Statistics (OES) survey four tier wage system. The Department will, however, continue to process prevailing wage requests not enjoined by the court order: those utilizing applicable Collective Bargaining Agreements, acceptable private wage surveys or Service Contract Act or Davis Bacon Act wage determinations. The Department intends to comply with the Court order within 30 days by promulgating a revised wage rule. This will allow the Department to resume providing employers with prevailing wage determinations.

We encourage stakeholders to sign up to receive e-mail updates through the Department's Office of Foreign Labor Certification (OFLC) web site. Instructions for signing up for e-mail updates are provided below.

**E-Mail Update Instructions:** On the home page of the OFLC web site, under the E-mail Updates heading, enter your e-mail address and then click the "Subscribe" button. You will be directed to the Department's E-mail Subscription Service page. On that page, under the Employment and Training Administration heading, please select a checkbox next to "Foreign Labor Certification Website" and then click the "Submit" button.

- **March 12, 2013. H-2A Program: 2013 Allowable Meal Charges and Travel Subsistence.**

The Department has published in the Federal Register a notice establishing the 2013 allowable meal charges and maximum travel subsistence reimbursement amounts. The 2013 allowable charge for providing three meals a day is set at \$11.42 per day, although employers may petition the Chicago National Processing Center for a higher charge if justified by documentation of actual costs. Similarly, the 2013 minimum subsistence charge for meals during travel is set at \$11.42 a day. The maximum travel subsistence for meals will remain set at \$46.00 per day again this year for those workers who submit receipts substantiating a higher expense. Workers may claim up to \$34.50 with receipts for travel subsistence when traveling less than a full day. The new 2013 amounts are effective upon publication in the Federal Register. To learn more, please read the Federal Register [notice](#).

- **March 1, 2013. H-2A Program: 2013 Allowable Meal Charges and Travel Subsistence.**

The Department expects to publish within a week a notice in the Federal Register establishing the 2013 allowable meal charges and maximum travel subsistence reimbursement amounts. The new 2013 amounts will become effective upon publication in the Federal Register, which the Department will announce on this website.

- **February 13, 2013. H-2A Program Frequently Asked Questions, Round 8.**

The Department of Labor has posted new FAQs for the H-2A program. Topics include custom combine activities, housing inspections, filing an application, rates of pay, reimbursable costs, surety bonds, and recruitment. These FAQs are available [here](#) and on the FAQs page of the OFLC website under the H-

2A heading.

- February 4, 2013. H-2A Program Frequently Asked Questions, Round 7.

The Department of Labor has posted new FAQs for the H-2A program. Topics include signatures, job preferences, and fees. These FAQs are available [here](#) and on the FAQs page of the OFLC website under the H-2A heading.

- February 1, 2013. H-2A Prevailing Wage Rates for the Shepherding/Goatherding and the Open Range Production of Livestock Occupations: UPDATE.

On January 8, 2013, the Department published a notice in the Federal Register establishing new 2013 prevailing wage rates for certain occupations processed under H-2A special procedures, including for shepherding/goatherding and open range production of livestock occupations which became effective immediately. See, 78 FR 1260 (Jan. 8, 2013). The Department is hereby updating prevailing wage rates for these occupations that must be offered and paid in certain states effective as of January 8, 2013. To access these prevailing wage rates please click [here](#).

- January 24, 2013. Open Government Initiative: iCERT Labor Certification Registry.

The Department has published in the Federal Register a notice announcing the implementation on July 1, 2013 of the latest component of the Department's Open Government Initiative - the iCERT Labor Certification Registry (LCR). The LCR is intended to enhance transparency of the labor certification process by making generally available appropriately redacted copies of labor certification documents issued by the Department's Office of Foreign Labor Certification in the H-1B, H-1B1, E-3, H-2A, H-2B and the Permanent labor certification programs. To learn more about the Labor Certification Registry, please read the Federal Register [notice](#).

- January 8, 2013. New 2013 H-2A Adverse Effect Wage Rates (AEWRs).

The Department has published a notice in the Federal Register announcing new Adverse Effect Wage Rates (AEWRs) for each state based on the Farm Labor Survey conducted by the U.S. Department of Agriculture. The AEWRs are the minimum hourly wage rates the Department has determined must be offered and paid by employers to H-2A workers and workers in corresponding employment for a particular agricultural job and area so that the wages of similarly employed U.S. workers will not be adversely affected. To read the Federal Register notice please click [here](#).

**Important Note:** The Department will publish a separate Federal Register Notice to announce the allowable charges for 2013 that employers seeking H-2A workers may charge for meals as well as the maximum travel subsistence reimbursement that a worker can claim. Until that Federal Register Notice is published, employers should continue to use the current meal charges and maximum travel subsistence which may be accessed [here](#).

- January 8, 2013. New Prevailing Wage Rates for Certain Occupations Processed Under H-2A Special Procedures.

The Department has published a notice in the Federal Register establishing new prevailing wage rates for certain occupations processed under H-2A special procedures. The wage rates established by this Federal Register notice apply only to the following activities: open range production of livestock, itinerant animal shearing, shepherding and goatherding, and custom combine operations. To read the Federal Register notice please click [here](#).

#### Calendar Year 2012

- December 17, 2012. The Department has released its Foreign Labor Certification Annual Report for FY 2011.

The 2011 Annual Report presents information on the Prevailing Wage Determination Process, Permanent Labor Certification and Temporary Nonimmigrant Labor Certification for FY 2011. The report also contains State Employment-Based Labor Certification Profiles, information on STEM-related occupations in the labor certification programs, H-2A Agricultural Certification Statistics, and Country Employment-Based Immigration Profiles. Click the [here](#) to view the Annual Report.

- December 3, 2012. Implementation of Electronic Filing in H-2B and H-2A Programs Frequently Asked Questions.

The Department has posted the first round of Frequently Asked Questions (FAQs) addressing the implementation of electronic filing in the H-2B and H-2A labor certification programs through the Department's iCERT Visa Portal System. The FAQs are largely based on questions received from participants in the four webinar training sessions conducted by the Office of Foreign Labor Certification, and are published to assist program users in navigating electronic filing in the H-2B and H-2A programs. To read the FAQs please click [here](#). To learn more about the implementation of electronic filing, please click [here](#).

- November 15, 2012. FY 2012 Q4 Disclosure Files.

The OFLC PERM, H-2A, H-2B, Prevailing Wage, and H-1B program disclosure data files for Quarter 4 of FY 2012 are now available in CSV format. Click [here](#) to access the disclosure files and corresponding record layouts. Historical OFLC program disclosure files for prior fiscal years prior to 2008 are available on our Foreign Labor Certification Data Center website at [www.flcdatacenter.com](http://www.flcdatacenter.com).

- November 9, 2012. Hurricane Sandy Extension Requests.

Please click [here](#) for questions regarding extensions or other reasonable case-accommodations in light of the damage done by Hurricane Sandy.

- September 28, 2012. Prevailing Wage Update for H-2B:

The Department, in anticipation of the enactment of H.J.Res 117, which prohibits the Department from expending funds to implement the 2011 H-2B Wage Rule for the duration of that Continuing Resolution, will publish in the Federal Register a Final Rule extending the effective date of the 2011 Wage Rule to March 27, 2013. The Final Rule is posted on the Federal Register's web site September 28, 2012 and it is accessible [here](#).

- September 26, 2012. FY 2012 Selected Statistics by Program.

The Office of Foreign Labor Certification has posted updated program factsheets containing the FY 2012 selected statistics for the:

- [Permanent Labor Certification Program](#)
- [Prevailing Wage Determination Program;](#)
- [H-1B Temporary Visa Program;](#)
- [H-2A Temporary Agricultural Visa Program;](#)
- [H-2B Temporary Non-agricultural Visa Program.](#)

The program information included in the factsheets is for the 2012 Fiscal Year to date (September 16, 2012). The updated program factsheets may also be found on OFLC's Performance Data [page](#).

- September 26, 2012. Implementation of Electronic Filing in the H-2A and H-2B Programs.

The Department has made available for public inspection a Federal Register notice formally announcing the implementation of electronic filing in the H-2A and H-2B visa programs through the Department's iCERT Visa Portal System. As indicated in the notice, electronic filing in the H-2B program will begin on October 15, 2012. Electronic filing in the H-2A program will begin on December 10, 2012. In advance of these implementation dates, the Department will conduct four webinar training sessions to orient the public to electronic filing in the H-2A and H-2B programs. To read the Federal Register notice please click [here](#). To learn more about the implementation of electronic filing, including how to participate in the upcoming webinar training sessions, please click [here](#).

- September 25, 2012

The Department is announcing the implementation of electronic filing in the H-2A and H-2B visa programs through the Department's iCERT Visa Portal System. We believe this new electronic filing capability will enhance the accessibility and quality of labor certification services, reduce the data collection and reporting burden on small employers, facilitate more streamlined business processes, and establish greater transparency in the Department's decisions.

Electronic filing in the H-2B program will begin on October 15, 2012. Electronic filing in the H-2A program will begin on December 10, 2012. In advance of these implementation dates, the Department will publish a Federal Register notice formally announcing implementation of electronic filing, and then conduct four webinar training sessions to orient the public to electronic filing in the H-2A and H-2B programs. To learn more about the implementation of electronic filing, including how to participate in the upcoming webinar training sessions, please click [here](#).

- August 16, 2012.

The OFLC PERM, H-2A, H-2B, Prevailing Wage, and H-1B program disclosure data files for Quarter 3 of FY 2012 are now available in CSV format. Click [here](#) to access the disclosure files and corresponding record layouts. Historical OFLC program disclosure files for prior fiscal years are available on our Foreign Labor Certification Data Center website at [www.flcdatcenter.com](http://www.flcdatcenter.com).

- August 15, 2012.

A Federal Register notice was published today soliciting comment from the public regarding the merger of two Information Collection Requests (ICR) and the creation of two additional ICRs. OMB control number 1205-0466 contains ETA Form 9141, Application for Prevailing Wage Determination, and ETA Form 9142, Application for Temporary Employment Certification. These forms are set to expire on October 31, 2012. OMB control number 1205-0404 contains the H-2A Certification Letter. This information collection is also set to expire on October 31, 2012. The Department is proposing to separate out the three different ICRs that were formerly all contained in 1205-0466 as well as discontinue 1205-0404 by merging it into the new 1205-0466. Obtain a copy of the notice [here](#). Comments are due by October 15, 2012.

- August 3, 2012. The Chicago National Processing Center has moved!

The Chicago National Processing Center (CNPC) has a new address. Beginning on August 2, 2012, please direct your hard copy filings for the D-1, H-2A and H-2B programs to the CNPC's new addresses provided below. Please note that the CNPC move does not affect the electronic filing of LCAs but any employer with permission to file by hard copy should direct its LCA filing(s) to the new address.

Please also remember to direct your payments of H-2A labor certification fees to the new P.O. Box address (also listed below).

For application filings:

U.S. Department of Labor  
Employment and Training Administration  
Office of Foreign Labor Certification  
Chicago National Processing Center  
11 West Quincy Court  
Chicago, IL 60604-2105

P.O. Box Address for the Receipt of H-2A Related Filing Fees:

U.S. Department of Labor  
Employment and Training Administration  
Office of Foreign Labor Certification  
Chicago National Processing Center  
PO Box A3804  
Chicago, IL 60690-3804

Note: Archived H-2A Program News is available at [here](#).