

# OFLC to Issue Electronic PERM Labor Certifications in Response to COVID-19

📅 June 17, 2020

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**Beginning March 25, 2020, and through September 30, 2020**, the Department of Labor Office of Foreign Labor Certification will send approved permanent labor certifications by email, in response to the COVID-19 pandemic. After receiving the certified Form ETA-9089 by email, the form must be printed, and then signed and dated by each of the following prior to filing the Form I-140 with USCIS: the foreign worker, preparer (if applicable), and the employer. USCIS may consider this printed Form ETA-9089, containing all signatures, as satisfying the requirement that petitioners provide evidence of an original labor certification issued by DOL.

OFLC posted the following news item [on its website](#):

## June 16, 2020. OFLC Announces Extension of Issuance of Electronic PERM Labor Certifications Through September 30, 2020.

On March 25, 2020, the Office of Foreign Labor Certification (OFLC) informed stakeholders that the Atlanta National Processing Center (NPC) will issue PERM labor certification documents electronically to employers (and their authorized attorneys or agents) through June 30, 2020. Due to the ongoing impact of the COVID-19 pandemic, OFLC is extending the period during which the Atlanta NPC will issue PERM labor certification documents electronically to employers (and their authorized attorneys or agents) **through September 30, 2020**.

U.S. Department of Homeland Security (DHS) regulations require that—in order to file a USCIS Form I-140, *Immigrant Petition for Alien Workers*, with U.S. Citizenship and Immigration Services (USCIS), for certain employment—based immigrant visas—employers must concurrently submit an original labor certification issued by the U.S. Department of Labor (DOL), unless the **original labor certification** was already provided to USCIS in support of a different petition.

Normally, when a permanent labor certification is granted, OFLC sends an original certified ETA Form 9089, *Application for Permanent Employment Certification*, and a Final Determination letter on security paper to the employer (or the employer's authorized attorney or agent who submitted the application). To be valid, the certified ETA Form 9089 contains a completed:

- Section O – Signed and dated by the OFLC Certifying Officer;
- Section L – Signed and dated by the foreign worker;
- Section M – Signed and dated by the form preparer, if applicable; and
- Section N – Signed and dated by the employer; and
- Footer on each page identifying the validity period of the certification.

The employer (or its authorized agent or attorney) then submits the original, signed paper ETA Form 9089, along with the USCIS Form I-140 and all other supporting documentation and appropriate fees, to USCIS.

**Through September 30, 2020**, employers (or their authorized attorneys/agents) who file the application and are granted a permanent labor certification by OFLC will receive the certified ETA Form 9089 and Final Determination letter by email. In circumstances where employers (or their authorized attorneys or agents) are not able to receive the certified ETA Form 9089 documents by email, OFLC will send the original security paper ETA Form 9089 and Final Determination letter using UPS regular delivery (i.e., approximately 2 to 8 days depending on delivery location).

Before filing Form I-140 with USCIS, the electronic copy of the certified ETA Form 9089 must be printed, and then signed and dated by the:

- Foreign worker;
- Preparer (if applicable); and
- Employer.

USCIS may consider this printed Form ETA-9089, containing all signatures, as satisfying the requirement that petitioners provide evidence of an original labor certification issued by DOL.

**Important Reminder:** To ensure proper receipt of electronic permanent labor certification documents and all other correspondence from the Atlanta NPC, OFLC reminds stakeholders to add [plc.atlanta@dol.gov](mailto:plc.atlanta@dol.gov) to their address book or "safe list" within email system(s) to avoid being filtered as spam.

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