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Foreign Labor Certification



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Announcements

June 16

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.

AILA Doc. No. 20032435. (Posted 6/16/20)

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 to their address book or "safe list" within email system(s) to avoid being filtered as spam.

June
3

June 3, 2020. OFLC Releases Round 4 of COVID-19 Frequently Asked Questions Regarding Further Extensions.

The Office of Foreign Labor Certification released Round 4 of frequently asked questions (FAQs) regarding COVID-19. COVID-19 Round 4 rescinds and replaces Question 3 of the COVID-19 Round 1 FAQs, published on March 20, 2020. All other COVID-19 FAQs remain in full effect, with an extension of the accommodations set forth in Questions 7 and 8 of the COVID-19 Round 2 FAQs from May 12, 2020, until stay-at-home orders are lifted for the City of Chicago and Cook County, Illinois, and the processing center can resume daily mail processing operations.

- [View the Round 4 FAQs regarding COVID-19](#)

June
3

June 3, 2020. OFLC Announces Migration of Website to New Domain.

Please be advised that the Office of Foreign Labor Certification (OFLC) is in the process of migrating our website from <https://www.foreignlaborcert.doleta.gov/> to <https://www.dol.gov/agencies/eta/foreign-labor-certification>.

We expect the new website to go live in mid-July, following the July H-2B peak filing period.

The changes will offer a new design and layout as part of the U.S. Department of Labor's OneWeb@DOL initiative. The design changes include enhancements for users on mobile devices and accessibility for individuals with disabilities.

Once the new website is launched, the old URLs for webpages and files on <https://www.foreignlaborcert.doleta.gov/> will be redirected to the corresponding links at <https://www.dol.gov/agencies/eta/foreign-labor-certification>. Users with bookmarked webpages or who use a search engine will be seamlessly redirected to the new website location. We encourage users to update their bookmarks and documentation with the new URLs to ensure that they can continue to access information on OFLC's website.

Important Note: The migration to the new OFLC website domain will not impact the Foreign Labor Application Gateway (<https://flag.dol.gov>), Permanent Online Filing (<https://www.plc.doleta.gov>), and SeasonalJobs.dol.gov (<https://seasonaljobs.dol.gov>) websites. Users of these websites should encounter no service disruptions.

May
22

May 22, 2020. Final Rule: Rules Concerning Discretionary Review by the Secretary

On May 20, 2020, the Office of the Secretary issued a final rule, [Rules Concerning Discretionary Review by the Secretary](#) to establish a system of discretionary secretarial review over cases pending before or decided by the Board of Alien Labor Certification Appeals (BALCA) and to make technical changes to regulations governing the timing and finality of decisions of the Administrative Review Board and BALCA. The effective date of the rule is June 19, 2020. The rule also provides that the Secretary will not exercise his new review authority until at least 30 days after the rule goes into effect.

May
21

May 21, 2020. OFLC Reminds Stakeholders on Tips for Uploading PERM Documents

The Office of Foreign Labor Certification reminds stakeholders that information and directions on uploading documents into the Permanent (PERM) Online System is available under the PERM webinars link located on the Permanent Labor Certification Program web page.

- [View slides providing information on uploading PERM documents](#)

Apr
15

April 15, 2020. OFLC Releases the H-2B Foreign Labor Recruiter List for First Half of Fiscal Year 2020.

The Office of Foreign Labor Certification (OFLC) has published an updated list of the names of foreign labor recruiters for the H-2B program as required by [20 CFR 655.9\(c\)](#).

The list contains the name and location of persons or entities identified on Appendix C of the Form ETA-9142B that were 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 H-2B application.

The H-2B Foreign Labor Recruiter List includes only those names and locations associated with H-2B applications that were processed or issued a final decision during the October 1, 2019, through March 31, 2020, reporting period of FY 2020.

By publishing the foreign labor recruiter list, OFLC is ensuring greater transparency for the H-2B worker recruitment process and facilitating information sharing between the U.S. Department of Labor and other agencies.

- [View the foreign labor recruiter list](#)
- [View FAQs regarding the foreign labor recruiting list](#)

Apr
15

April 15, 2020. OFLC Releases Public Disclosure Data and Selected Program Statistics for First Half of Fiscal Year 2020.

The Office of Foreign Labor Certification (OFLC) has released a comprehensive set of public disclosure data for the first half of fiscal year 2020 drawn from employer applications requesting prevailing wage determinations and labor certifications for the PERM, H-1B, H-1B1, E-3, H-2A, H-2B, CW-1, and Prevailing Wage programs.

The public disclosure files include all final determinations OFLC issued for these programs during the October, 1, 2019, through March 31, 2020, reporting period of FY 2020—including a more expansive set of data elements based on new application forms processed through the Foreign Labor Application Gateway (FLAG) system.

OFLC has also released updated selected program statistics for the first half of fiscal year 2020 for the PERM, H-1B, H-1B1, E-3, H-2A, H-2B, CW-1, and Prevailing Wage programs.

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