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## Foreign Labor Certification

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

# News & Updates

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### Calendar Year 2020

- **February 4, 2020. Declaration of State of Emergency in the Commonwealth of the Northern Mariana Islands.**

On January 29, 2020, Governor Ralph DLG. Torres issued a *Declaration of a State of Significant Emergency* regarding matters of public health for travelers to the Commonwealth of the Northern Mariana Islands (CNMI).

The Office of Foreign Labor Certification reminds CNMI employers of regulatory provisions regarding the termination of work to be performed under a job order and/or work contracts with employees before the end date of work on the certification under the "contract impossibility" provisions in [20 CFR 655.20\(g\)](#) (H-2B) and [20 CFR 655.423\(g\)](#) (CW-1), and as discussed in the [Office of Foreign Labor Certification's frequently asked questions](#).

Impacted employers may also be eligible to use emergency filing procedures, as outlined at [20 CFR 655.17](#) (H-2B) and [20 CFR 655.422](#) (CW-1) to file their application closer to their start date of need than is normally permitted. Any requests will be assessed by the Certifying Officer and take into account the employer's reasons for such requests.

For information from U.S. Citizenship and Immigration Services (USCIS) regarding immigration relief measures that may help if you are affected by unforeseen circumstances, please [visit the USCIS website](#).

- **January 24, 2020. OFLC Announces Decommissioning Schedule for the iCERT System Labor Certification Registry.**

The Office of Foreign Labor Certification (OFLC) is making this public service announcement to alert employers and other interested stakeholders that the iCERT System Labor Certification Registry, which provides public access to labor certification decisions in the PERM, LCA, H-2A, and H-2B visa programs, will be decommissioned.

**Effective February 28, 2020**, members of the public interested in obtaining data on labor certification decisions will still be able to access it within the Disclosure Data section of the [OFLC Performance data page](#). This page provides the latest quarterly and annual disclosure data in easily accessible formats for public review and use. With the decommissioning of the iCERT System Labor Certification Registry, OFLC will be significantly expanding the scope of labor certification decision data available to the public through the Disclosure Data section in February 2020.

Members of the public interested in obtaining copies of labor certification records or other information maintained by OFLC may also request access under the Freedom of Information Act (FOIA). For more information on how to submit a FOIA request, please visit the [Department of Labor's FOIA webpage](#).

- **January 24, 2020. OFLC Announces Schedule for the Initial Phase of Decommissioning the iCERT System.**

As part of the Department's technology modernization initiative, the [Foreign Labor Application Gateway \(FLAG\) System](#) was developed to replace the legacy iCERT System, improve customer service, and modernize the administration of foreign labor certification programs.

The Office of Foreign Labor Certification (OFLC) is making this public service announcement to alert employers and other interested stakeholders that the iCERT System continues to be accessible, but will transition to a read-only mode as the Department initiates full decommissioning of the legacy system.

**Effective February 28, 2020**, iCERT System account users will no longer be able to take any actions on their applications (e.g., delete initiated applications, request redeterminations, request center director reviews, withdraw applications, and upload supporting documents) within the respective Prevailing Wage, LCA, H-2A, or H-2B program areas of the legacy iCERT System. However, iCERT System account users will retain the ability to access their accounts and view, download, or copy information related to their applications after the iCERT System is placed in a read-only mode.

Beginning February 28, 2020, iCERT System account users who need to request a specific case action on an application available in the iCERT System should contact the relevant [OFLC program helpdesk](#) for review and appropriate action.

- **January 22, 2020. OFLC Announces Technical Fixes and Enhancements to the Foreign Labor Application Gateway System.**

The Office of Foreign Labor Certification (OFLC) today implemented technical fixes and new enhancements to the [Foreign Labor Application Gateway \(FLAG\) System](#) related to the submission of applications. These enhancements are intended to improve customer service and increase the quality of applications submitted for processing, and includes, but is not limited to, the following:

### **H-2B Program**

- Users preparing Form ETA-9142B will see improvements to the display of responses entered in field F.b.11 on both the "Review" page and read-only view of the application in Adobe PDF. This is a resolution to the technical FAQ published on 12/20/2019.
- Users preparing Form ETA-9142B will see improvements to saving initiated applications that have data entered into Appendix C, Foreign Labor Recruiter Information. This is a resolution to the technical FAQ published on 12/20/2019.
- Users linking Form ETA-9141 to Form ETA-9142B will see improvements to searching for available Prevailing Wage applications within an account/network.
- Users will begin receiving courtesy email notifications after the submission of responses to a Notice of Deficiency, uploading a Recruitment Report, and uploading any ad hoc documentation supporting the application.