

Announcements

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Calendar Year 2020

- January 7, 2021. OFLC Publishes List of Randomized H-2B Applications Submitted January 1-3 for Employers Seeking H-2B Workers Starting April 1, 2021**

To keep the public informed regarding the submission and assignment of H-2B applications for review, the Office of Foreign Labor Certification (OFLC) published the assignment group(s) for 5,377 H-2B applications covering 96,641 worker positions with the start date of work of April 1, 2021.

Following the [randomization procedures](#) published in the Federal Register on March 4, 2019, OFLC completed the randomization process on January 5 and assigned to National Processing Center analysts all H-2B applications placed in Assignment Group A for issuance of Notices of Deficiency or Acceptance. Group

ATLA Doc. No. 21010434. (Posted 1/7/21)

A includes enough worker positions to reach the H-2B semi-annual visa allotment of 33,000. Four additional Assignment Groups (Groups B-E) were created for the remaining applications, each of which includes no more than 20,000 worker positions.

On January 5, 2021, OFLC provided written notice to each employer (and the employer's authorized attorney or agent) informing them about the Assignment Group for their application(s).

- [View the Assignment Groups for H-2B Applications Submitted January 1-3, 2021](#)

- **January 5, 2021. OFLC Conducts Randomization Process on H-2B Applications Submitted Requesting an April 1, 2021, Work Start Date**

The Office of Foreign Labor Certification has completed the [randomization process](#) to randomly assign all H-2B applications submitted during the initial three-day filing window, January 1-3, 2021, requesting an April 1, 2021, work start date for the second half of the Fiscal Year 2021 H-2B statutory visa cap.

OFLC received a total of 5,377 H-2B applications requesting 96,641 worker positions during this filing period.

OFLC will be providing written notification to employers (and the employer's authorized attorney or agent) with their H-2B Assignment Group. On January 7, 2021, OFLC will also publish on its website the list of the H-2B applications assigned to each Assignment Group.

- **December 24, 2020. OFLC Announces Updates to Implementation of the H-2A Adverse Effect Wage Rate Methodology for Non-Range Occupations Final Rule; Compliance with District Court Order**

On December 23, 2020, the U.S. District Court for the Eastern District of California issued an order in *United Farm Workers, et al. v. DOL, et al.*, No. 20-cv-01690, enjoining the Department of Labor from implementing the Final Rule, *Adverse Effect Wage Rate Methodology for the Temporary Employment of H-2A Nonimmigrants in Non-Range Occupations in the United States* (H-2A AEWR FR), 85 FR 70445 (Nov. 5, 2020). The court's order prevents the Department from further implementing the H-2A AEWR FR, which took effect on December 21, 2020, and ordered the Department to use the methodology established by the Department's 2010 H-2A regulation to establish the hourly AEWRs for all non-range occupations.

Effective immediately, and until further notice, H-2A job orders filed with the State Workforce Agency serving the area of intended employment, as set forth in [20 CFR 655.121](#), on or after December 21, 2020, including job orders filed concurrently with an *Application for Temporary Employment Certification* to the OFLC National Processing Center for emergency situations under [20 CFR 655.134](#), must use the AEWRs in effect on December 20, 2020.

- **December 16, 2020. OFLC Announces H-2B Application Filing Timelines for 2021 Peak Filing Season**

The Office of Foreign Labor Certification (OFLC) reminds employers and other interested stakeholders that the filing window to submit an H-2B *Application for Temporary Employment Certification* (Form ETA-9142B and appendices) requesting work start dates of April 1, 2021, or later, **will open on January 1, 2021, at 12:00 a.m. Eastern Time.**

Following OFLC's standard operating procedures, H-2B applications requesting