

Employment and Training Administration

Announcements

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- May 25, 2021. The Departments of Labor and Homeland Security Publish Rule Increasing the Number of H-2B Visas Available in the Second Half of Fiscal Year 2021

The U.S. Departments of Labor and Homeland Security have published a temporary rule increasing the numerical limitation on H-2B nonimmigrant visas to authorize the issuance of no more than 22,000 additional visas through the end of the second half of Fiscal Year (FY) 2021 to employers likely to suffer irreparable harm. The FY 2021 allocation of 22,000 visas consists of up to 16,000 visas for returning workers and up to 6,000 visas for nationals of Guatemala, El Salvador, and Honduras. The rule provides additional protections for U.S. workers, flexibility for foreign workers, and additional recruitment requirements for certain employers.

AILA Doc. No. 21052531. (Posted 5/25/21)

- [View the Temporary Rule, *Exercise of Time-Limited Authority to Increase the Fiscal Year 2021 Numerical Limitation for the H-2B Temporary Nonagricultural Worker Program and Portability Flexibility for H-2B Workers Seeking to Change Employers*](#)

In support of this rule, the Office of Foreign Labor Certification (OFLC) has posted the new Form ETA-9142-B-CAA-4 and the accompanying instructions. The temporary rule requires an employer to attest, among others, to the fact that it will likely suffer irreparable harm if it cannot employ the requested H-2B workers. 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 FY 2021. The attestation is also available on the Forms page of the OFLC website found at: www.dol.gov/agencies/eta/foreign-labor/forms.

- **May 19, 2021. OFLC Announces 60-Day Public Comment Period on Proposed Revision to the CW-1 Application for Temporary Employment Certification**

The Employment and Training Administration (ETA) published a 60-day notice in the *Federal Register* announcing its intent to revise this information collection, by amending the Form ETA-9141C, *Application for Prevailing Wage Determination*, and its instructions, to make sure this form, which is specific to the CW-1 program, conforms to the information collected through the general Form ETA-9141, *Application for Prevailing Wage Determination* (Form ETA-9141C), which is generally used by employers in connection with prevailing wage requests for other labor certification application programs and for labor condition applications. The information collected through the Form ETA-9142C, *CW-1 Application for Temporary Employment Certification* (Form ETA-9142C), and its instructions, remain unchanged. The *Federal Register* notice informs the

public of the Department's request to seek an extension of the validity of this information collection while also revising the Form-9141C, and its instructions, and invites comments from the public for 60 days.

Written comments must be submitted in accordance with the *Federal Register* notice instructions. The deadline to submit comments is Monday, July 19.

- [View Federal Register Notice](#)
- [View Supporting Statement](#)
- [View Form ETA-9141C](#)
- [View Form ETA-9141C Instructions](#)
- [View Form ETA-9142C](#)
- [View Form ETA-9142C Instructions](#)
- [View Form ETA-9142C, Appendix A](#)
- [View Form ETA-9142C, Appendix B](#)
- [View Form ETA-9142C, Appendix C](#)

- **May 13, 2021. The Department of Labor Announces an 18-Month Delay in Effective Date of Final Rule Affecting Wages for H-1B and PERM Workers**

The Department of Labor (Department) has published a final rule delaying the effective date of the [Final Rule, *Strengthening Wage Protections for the Temporary and Permanent Employment of Certain Aliens in the United States*](#), published on January 14, 2021, 86 FR 3608, for a period of eighteen months.

This action, which includes corresponding delays to the Final Rule's transition