



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

- **June 26, 2020. H-2B Application Filing Timelines for Employers Seeking H-2B Workers for an October 1, 2020 Start Date**

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 October 1, 2020, or later, **will open on July 3, 2020, at 12:00 a.m. Eastern Time.**

Following OFLC's standard operating procedures, H-2B applications requesting an October 1, 2020, work start date **will be denied if they are filed before July 3, 2020, at 12:00 a.m. Eastern Time.** OFLC will randomly order for processing all H-2B applications requesting a work start date of October 1, 2020, that are filed during the initial three calendar days (July 3-5, 2020) using the [randomization procedures](#) published in the Federal Register on March 4, 2019.

IMPORTANT REMINDER: Employers are reminded that Foreign Labor Application Gateway (FLAG) System user accounts are solely for the use of the individual for whom they were created. Sharing the same user account is forbidden and is grounds for terminating FLAG access. Passwords or any other authentication mechanism should never be shared or stored in any place easily accessible. If stored, a password may not be stored in a clear-text or readable format.

- **June 23, 2020. OFLC Announces Release of Round 2 of National Prevailing Wage and Helpdesk Center FAQs.**

The Office of Foreign Labor Certification released Round 2 of frequently asked questions (FAQs) regarding questions related to occupations used for July 2020 Wage Data.

- [View the Round 2 FAQs regarding July 2020 Wage Data](#)

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

On March 24, 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.

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