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Industry](#)[Workforce
Professionals](#)[Grants &
Contracts](#)[TAA Program](#)[Foreign Labor
Certification](#)[Performance &
Results](#)[Regions &
States](#)

Foreign Labor Certification

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

News & Updates

[Archives](#)

Calendar Year 2020

- **July 2, 2020. OFLC Issues Technical Release Notes for the Occupational Employment Statistics Wage Data Update for Wage Year July 2020**

The Office of Foreign Labor Certification (OFLC) has published the latest prevailing wage data from the Occupational Employment Survey as generated by the Bureau of Labor Statistics (BLS) for July 2020 through June 2021. These updates include:

Geographic Changes: The Occupational Employment Statistics (OES) program added the Twins Fall, Idaho, metropolitan statistical area. OFLC also has wage data available for New Shoreham, Rhode Island.

- [View BLS information about the May 2019 Metropolitan and Nonmetropolitan Area definitions](#)

American Competitiveness and Workforce Improvement Act (ACWIA) - Education Industry Database: Updates with wages for additional ACWIA occupations are now available.

- [View the OES ACWIA wage data for additional occupations](#)

Explanation of OES 2019 Hybrid Structure: On June 23, 2020, OFLC published Round 2 of frequently asked questions explaining that OFLC will continue using the 2010 SOC occupations for the July 2020 wage year. OFLC will apply the OES 2019 Hybrid Structure wage estimates generated by BLS for these 2010 SOC occupations.

- [View the OES table for the July 2020 wage year](#)
- [View the technical release notes for OES 2019 Hybrid Structure](#)

- **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;

ALLA Doc. No. 20070103. (Posted 7/2/20)