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Foreign Labor Certification

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

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Calendar Year 2018

- **October 25, 2018. Published 60 Day Notice for Information Collection Related to the H-2A Program**

The Department of Labor published a 60-day notice in the [Federal Register](#) announcing its intent to revise application forms, instructions, and other information collected under the H-2A temporary agricultural visa program. The proposed revisions are designed to better align information collection requirements with the Department's H-2A regulations, provide greater clarity to employers on regulatory requirements, standardize and streamline information collection for employers preparing H-2A applications and job orders, and promote greater efficiency and transparency in the Office of Foreign Labor Certification's (OFLC) review and issuance of labor certification decisions. In part, the Department proposes revisions to the Forms ETA-9142A and ETA-790 to eliminate redundancy by collecting the material terms and conditions of the job opportunity in a significantly revised ETA-790 and ETA-790A with addenda and incorporating standardized language for required employer assurances. Any written comments must be submitted in accordance with the [Federal Register](#) notice instructions. Copies of the 60 day notice, Supporting Statement, and the proposed forms are provided below:

[Federal Register](#) Notice

- [60-Day Supporting Statement](#)
- [Proposed Form ETA-9142A](#)
- [Proposed Form ETA-9142A General Instructions](#)
- [Proposed Form ETA-9142A Appendix A](#)
- [Proposed Form ETA-9142A Final Determination - TLC Approval](#)
- [Proposed Form ETA-790](#)
- [Proposed Form ETA-790A Agricultural Clearance Order](#)
- [Proposed Form ETA-790A General Instructions](#)
- [Proposed Form ETA-790A Addendum A - Crops Wages](#)
- [Proposed Form ETA-790A Addendum B - Worksites-Housing](#)

- **October 24, 2018. ETA Announces an iCERT Enhancement to Streamline Processing in the H-2A and H-2B Visa Programs**

ETA has implemented a new enhancement to the iCERT system related to the submission of applications for temporary labor certification under the H-2A and H-2B visa programs. These enhancements are intended to reduce burdens on employers and streamline the processing of applications.

Beginning on and after Tuesday, October 30, 2018, the iCERT system will require employers submitting H-2A and H-2B applications to complete required data fields in accordance with form instructions. Applications that do not have these required data fields completed will be deemed incomplete, and employers will not be permitted to submit the application until corrected. Data fields that are mandatory will contain an asterisk (*) and must be completed. Data fields or items that contain a section symbol (§) are those where the response is conditional on previous form entries and must also be completed. The iCERT system will continue to issue system warnings on missing data fields and list any mandatory or conditionally mandatory fields which must be completed prior to submission at the final checks page.

The Department expects that this new feature will further streamline case processing by minimizing the submission of incomplete applications and by reducing the number of Notices of Deficiencies based on missing or incomplete data fields.

- **October 18, 2018. iCERT System Maintenance**

The iCERT system will be unavailable during the following time period for system maintenance: Thursday, October 18, 2018 from 8:00 pm ET to 11:00 pm ET.

- **October 16, 2018. FY 2018 Q4 Cumulative Disclosure Data**

The OFLC PERM, H-2A, H-2B, Prevailing Wage, and H-1B program disclosure data files for Quarter 4 of FY 2018 are now available. Access to the disclosure files and corresponding record layouts are available on the [OFLC Performance Data page](#).

- **October 16, 2018. FY 2018 Q4 Selected Statistics**

The Office of Foreign Labor Certification has posted updated program factsheets containing the Quarter 4 FY 2018 selected statistics for the [Permanent Labor Certification Program](#), [Prevailing Wage Determination Program](#), [H-1B Temporary Visa Program](#), [H-2A Temporary Agricultural Visa Program](#), and [H-2B Temporary Non-agricultural Visa Program](#). Reports are derived from program data as of 9/30/2018. The updated program factsheets may also be found on [OFLC's Performance Data page](#).

- **October 11, 2018. Hurricane Florence and Hurricane Michael Guidance**

Please click [here](#) for guidance regarding reasonable case-accommodations in light of the damage done by Hurricane Florence and Hurricane Michael.

- **September 21-23, 2018. iCERT and PERM System Maintenance**