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Foreign Labor Certification

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Calendar Year 2020

- **April 1, 2020. OFLC Releases Round 2 of COVID-19 Frequently Asked Questions Covering Issues Related to the H-2A Temporary Agricultural Labor Certification Program.**

The Office of Foreign Labor Certification released Round 2 of frequently asked questions (FAQs) regarding COVID-19. The Round 2 FAQs address potential issues regarding the H-2A temporary agricultural labor certification program.

- [View the Round 2 FAQs regarding COVID-19](#)

- **April 1, 2020. OFLC Temporarily Suspends Daily Mail Processing at Atlanta and Chicago National Processing Centers, Urges Employers to File Documents Electronically.**

On March 20, 2020, Illinois Governor JB Pritzker directed all individuals currently living in the State of Illinois to stay at home or at their place of residence, which currently extends through April 7, 2020. On March 23, 2020, City of Atlanta Mayor Keisha Lance Bottoms, directed all individuals living in the territorial jurisdictional limits of the city of Atlanta to stay at their place of residence, effective March 24, 2020.

The Office of Foreign Labor Certification has temporarily suspended daily mail processing at its Atlanta and Chicago National Processing Centers (NPCs) in order to protect the health and safety of its staff and help slow the spread of COVID-19. OFLC will monitor mail delivered to its NPCs once a week to ensure that time-sensitive documents are processed.

The Atlanta and Chicago NPCs continue to electronically process and issue labor certifications that meet all statutory and regulatory requirements under the federal government's maximum telework flexibilities operating status.

OFLC strongly encourages all employers (and their authorized attorneys or agents) to use the [Foreign Labor Application Gateway \(FLAG\)](#) and [PERM electronic filing systems for filing new applications and uploading responsive documents on applications currently under review](#). Alternatively, employers and their authorized attorneys or agents may file applications and responsive documentation using email at the following addresses: TLC.Chicago@dol.gov (Chicago NPC) and PLC.Atlanta@dol.gov (Atlanta NPC). See the [COVID-19 Frequently Asked Questions, Round 1](#), issued on March 20, 2020, for more information.

- **March 24, 2020. OFLC Announces Issuance of Electronic PERM Labor Certifications in Response to the Impact of the COVID-19 Pandemic**

Due to the impact of the COVID-19 pandemic, the Office of Foreign Labor Certification (OFLC) is making this public service announcement to alert employers and other interested stakeholders that, **beginning March 25, 2020, and through June 30, 2020**, the Atlanta National Processing Center (NPC) will issue PERM labor certification documents electronically to employers and their authorized attorneys or agents.

Department of Homeland Security (DHS) regulations provide that, in order to file a USCIS Form I-140, *Immigrant Petition for Alien Workers*, with United States Citizenship and Immigration Services (USCIS), for certain employment-based immigrant visas, an employer must concurrently submit an **original labor certification** issued by the Department of Labor (DOL), unless the original labor certification was already provided to USCIS in support of a different petition. Currently, when a permanent labor certification is granted, OFLC sends an original certified Form ETA-9089, *Application for Permanent Employment Certification*, and a Final Determination letter on security paper to the employer or, if applicable, the employer's authorized attorney or agent who submitted the application. To be valid, the certified Form ETA-9089 contains a completed:

- Section O, signed and dated by the OFLC Certifying Officer;
- Footer on each page identifying the validity period of the certification;
- 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

The employer or, if applicable, its authorized agent or attorney, then submits the original, signed paper Form ETA-9089, along with the USCIS Form I-140 and all other supporting documentation and appropriate fees, to USCIS.

Beginning March 25, 2020, and through June 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 Form ETA-9089 and Final Determination letter by email. In circumstances where employers or, if applicable, their authorized attorneys or agents, are not able to receive the certified Form ETA-9089 documents by email, OFLC will send the original security paper Form ETA-9089 and Final Determination letter using UPS regular delivery (i.e., approximately 2 to 8 days depending on delivery location).

Upon email receipt of an electronic copy of the certified Form ETA-9089, the form must be printed, and then signed and dated by each of the following prior to filing the Form I-140 with USCIS: the foreign worker, preparer (if applicable), and the 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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