

U.S. Department of Labor
Employment and Training Administration
OFFICE OF FOREIGN LABOR CERTIFICATION

2015 H-2B Interim Final Rule FAQs

Round 3: Electronic Filing under the 2015 H-2B Interim Final Rule

1. How do I establish an iCERT account to file an application on line?

In order to file an Application for Temporary Employment Certification, ETA Form 9142B, the employer must establish an iCERT System account. To establish an iCERT account, please visit the iCERT homepage at <http://icert.doleta.gov> and select "Create Your Portal Account Today." For more information, please refer to the iCERT Visa Portal System [Quick Start Guide](#).

2. How do I file the Application for Temporary Employment Certification, ETA Form 9142B electronically?

After establishing an iCERT Visa Portal System account, the employer should select the H-2B button on the Welcome Screen. This will direct the user to the H-2B Portfolio Summary Screen and the "Begin New ETA Form 9142B" button. After clicking on the button, the preparer should follow the prompts and helpful tips to move through the 12 steps of the application. For more information, please refer to the [H-2A and H-2B Electronic Filing Implementation page](#) for guides and other helpful resources.

3. Are there any circumstances under which mailing in an Application for Temporary Employment Certification, ETA Form 9142B, would prove more successful than electronically submitting the application through the iCERT System?

No. The Office of Foreign Labor Certification processes each application in the order in which it is received (i.e., first in, first out). In addition, all data from mailed-in applications will be entered into the electronic case management system and processed in essentially the same fashion as those applications that are electronically submitted. We encourage filers to continue to file their Applications for Temporary Employment Certification using the iCERT portal.

4. Will I need to make changes to my iCERT account based on the 2015 Interim Final Rule?

No. No changes have been made to the iCERT account creation process or to the existing iCERT accounts based on the regulatory changes.

5. How will the electronic ETA Form 9142B, *Application for Temporary Employment Certification*, be different under the 2015 Interim Final Rule?

Based on the 2015 Interim Final Rule (IFR), Section H of the application, "Recruitment Information" will no longer be fillable in iCERT because recruitment of U.S. workers will occur after instead of before filing.

6. If submitting my application electronically, will I have to mail the original signed and dated Appendix B of the ETA Form 9142B?

No. When filing electronically via the iCERT portal, you will retain the original signed and dated Appendix B of the ETA Form 9142B while the application is in process.

7. Can I use information I previously entered into iCERT to complete a new application?

Yes. An iCERT account holder can use its profile information to quickly pre-populate certain sections of the ETA Form 9142B and also reuse one or more sections of a previously submitted ETA Form 9142B to reduce preparation time.

8. When I file an application electronically, how do I submit supporting documentation required at the time of filing?

When filing electronically through iCERT, the preparer must upload all required supporting documentation in Step 12 of electronic ETA Form 9142B before submitting the application. Before navigating away from this step please read the Important Reminder(s) to ensure you have uploaded all required documentation.

9. Will I be required to submit a signed application bearing the original signature of the employer when filing under the H-2B program?

The H-2B regulations require that the ETA Form 9142B filed with the Chicago National Processing Center (NPC) must bear the original signature of the employer and that of the employer's authorized attorney or agent, if applicable. When filing an application electronically, the iCERT account holder must upload a scanned copy of the signed and dated Appendix B and retain the original in its file. The scanned copy with the employer's signature and, if applicable, that of its attorney or agent on the Appendix B, as appropriate, satisfies the original signature requirement. Where an application for temporary labor certification is granted, the employer and, if applicable, its attorney or agent will be required to sign and date the footer of the retained Appendix B.

Important Note for Job Contractors filing H-2B applications: For a job contractor filing under the H-2B program as a joint employer with its employer-client,

a separate attachment containing the employer-client's business and contact information (i.e., Sections C and D of the ETA Form 9142B) and a separate signed and dated Appendix B for the employer-client is still required and must be scanned and uploaded *prior* to electronically filing the application.

10. I submitted my application through iCERT. Can I access the supporting documentation I uploaded in connection with my application so that I can print it?

No. After you submit an Application for Temporary Employment Certification, ETA Form 9142B, through the iCERT System, you will be able to view a list of the documents submitted with the ETA Form 9142B; however, you will not be able to retrieve or print the documents.

11. Can I withdraw the application I submitted through my iCERT account?

Yes, an authorized user can withdraw an Application for Temporary Employment Certification, ETA Form 9142B, through an iCERT account at any time before the application is assigned to an analyst for review. Alternatively, or where the authorized user is unable to withdraw the application through his or her iCERT account, an employer wishing to withdraw its application may submit a written request for withdrawal directly to the Chicago National Processing Center (NPC). The employer may e-mail the request directly to the Chicago NPC using the address: tlc.chicago@dol.gov, with the words "H-2B Withdrawal Request" contained in the subject line of the e-mail.

Employers without internet access may send a written request by facsimile to (312) 353-8830 (ATTN: H-2B Withdrawal Request) or by U.S. mail to the following address:

U.S. Department of Labor
Employment and Training Administration
Office of Foreign Labor Certification
Chicago National Processing Center
11 West Quincy Court
Chicago, IL 60604-2105
ATTN: H-2B Withdrawal Request

12. Where can I direct my questions about the electronic filing process in the H-2B program?

There are two places where you may send your questions, depending upon the type of question:

If you have a technical question related to electronic filing (for example, if you forgot your username or password), please e-mail the iCERT Help Desk at OFLC.Portal@dol.gov.

If you have a program specific question (for example, when you should submit your recruitment report or newspaper advertisement content requirements), please e-mail the Chicago National Processing Center Help Desk at TLC.Chicago@dol.gov.