

Office of Foreign Labor Certification H-2B Employer Filing Tips

The following “filing tips” were developed to provide assistance in filing applications under the current H-2B Program regulations. Additional detailed information on the H-2B program, including Frequently Asked Questions (FAQs) is available at: <http://www.foreignlaborcert.doleta.gov/faqsanswers.cfm#h2b>.

Pre-Filing

- ✓ Remember to **first** obtain a prevailing wage determination (PWD) issued by the National Prevailing Wage Center (NPWC) for the occupation in the area of intended employment by submitting an Application for Prevailing Wage Determination ([ETA Form 9141](#)). The ETA Form 9141 may be submitted either electronically through the iCERT Portal System at <http://icert.doleta.gov> or by mail to:

Attn: PWD Request
U.S. Department of Labor
Employment and Training Administration
Office of Foreign Labor Certification
National Prevailing Wage Center
1341 G Street, NW
Suite 201
Washington, DC 20005-3105

- ✓ Submit your job order to the State Workforce Agency (SWA) serving the area of intended employment no more than 120 calendar days before your date of need.
- ✓ Publish two print ads (one of which must be on a Sunday) during the period of time the job order is open and available for recruitment purposes (minimum of 10 days).
- ✓ If party to a Collective Bargaining Agreement contact the local union as a recruitment source for able, willing, qualified, and available U.S. workers.

Filing Procedures

- ✓ Submit your application package to the Chicago National Processing Center (NPC) after you have completed all pre-filing recruitment requirements. A complete application package consists of:
 - Application for Temporary Employment Certification ([ETA Form 9142](#))
 - ETA Form 9142 – APPENDIX B.1
 - A valid PWD from the NPWC

- A completed recruitment report
 - All other supporting documentation such as copies of work contracts or required Migrant and Seasonal Agricultural Worker Protection Act (MSPA) registrations as may be required for reforestation employers.
 - Provide written justification for meeting one of the following regulatory standards of temporary need: a seasonal need; a peakload need; or an intermittent need or a temporary need based on a one-time occurrence.
- ✓ Keep in mind that except where your need is based on a one-time occurrence, seasonal, peakload, and intermittent needs are limited to 10 months or less. A one-time occurrence is limited to 3 years under the Department of Homeland Security regulations at 8 CFR § 214.2(h)(6)(ii)(B)
- ✓ Employers may now submit their H-2B application either electronically OR via mail. **The employer must choose only one method of submission.** Duplicate applications, where the employer or authorized representative files electronically and submits that same application via U.S. mail, will be rejected.

Electronic Filing

- ✓ Employers may submit their H-2B application electronically via the Department's iCERT Portal System at <http://icert.doleta.gov/>. It is important to read the [H-2B iCert Quick Start Guide](#) and [H-2B iCERT User Manual](#) before completing and submitting an H-2B application. The online help provides step-by-step instructions for completing and submitting the H-2B application electronically. For more resources and information, please visit the iCERT implementation web page at http://www.foreignlaborcert.doleta.gov/h2ah2b_icert_rollout.cfm.
- ✓ Be certain to upload all your supporting documents before you submit your ETA Form 9142.

Mail Filing

- ✓ Applications may be mailed to the Chicago NPC's new address:

Attn: H-2B Application
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

Forms

- ✓ Make sure you use the correct forms when preparing your application package. Current versions of the forms ETA Form 9142, ETA Form 9142 Appendix B.1, and ETA Form 9141(PWD), can be found in fillable format at: <http://www.foreignlaborcert.doleta.gov/form.cfm>.
- ✓ Limit cross outs and ink changes on the application and do not use white-out correction fluid or tape. Where information cannot legibly be written on the face of the form, begin entering the information on the form and indicate "See attached." Then, clearly label all applicable attachments, reflecting the proper Item number(s) to which they correspond.
- ✓ Make sure that the application is dated and that it contains the employer's (and its attorney or agent's, if applicable) original signature(s).
- ✓ Please include, if possible, an e-mail address to help with faster communication. If one is not available, ensure that the mailing address on the ETA Form 9142 is correct for receiving overnight delivery of parcels.

Important Reminders

- ✓ Be certain to interview and hire all able, willing, and qualified U.S. workers who apply or are referred to the job opportunity.
- ✓ Make sure the employer prepares signs and dates the recruitment report, not the agent or attorney.
- ✓ Retain all pre-filing recruitment documentation for a period of no less than 3 years from the date of certification.
- ✓ Respond within the required timeframes to Request(s) for Further Information and Notice(s) of Audit Examination.

Questions?

If you have additional questions, please contact the Chicago National Processing Center Help Desk at (312) 886-8000 or by email at TLC.chicago@dol.gov and include the words "H-2B Program Questions" in the subject line of the e-mail.

Employers without Internet access may also contact the Chicago NPC by fax at (312) 886-1688, ATTN: H-2B Certifying Officer.