

# **iCERT Visa Portal System**Implementation of Electronic Filing in the H-2A Program

#### December 2012

Office of Foreign Labor Certification Employment and Training Administration U.S. Department of Labor



## **Electronic Filing in the H-2A Program**



- iCERT Visa Portal System
  - Background
  - Major benefits and features
  - Impact on H-2A process
  - Implementation schedule and helpful resources
- Technical Demonstration

#### Part I

#### Part II

- Creating an iCERT Account
- Managing Sub-Account Users
- Modifying Account Profiles
- Preparing the ETA Form 9142
- Uploading Scanned Documents
- Final Submission Steps
- Understanding Your Visa Portfolio Post Submission Functions













- As part of the Department's E-Government initiative, OFLC implemented the iCERT System on April 15, 2009
- The iCERT System is web-based and designed as an integrated business solution for filing and tracking applications across all OFLC administered programs
  - Receives and processes more than 450,000 customer applications annually
- On September 28<sup>th</sup>, the Department published a Federal Register Notice announcing the availability of electronic filing for H-2B and H-2A visa programs through the iCERT System
- On October 15<sup>th</sup>, the Department implemented electronic filing in the H-2B program
- Electronic filing in the H-2A program is scheduled for December 10<sup>th</sup>









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## Major Panafita and Factures

Major Benefits and Features



- The iCERT System is a "Government-to-Business (G<sup>2</sup>B)" solution designed to offer the following benefits:
  - 1. Enhance accessibility and quality of visa program services
  - 2. Reduce data collection and reporting burden on employers
  - 3. Facilitate more streamlined business processes
  - 4. Establish a greater level of transparency in the adjudicatory decisions issued by the OFLC



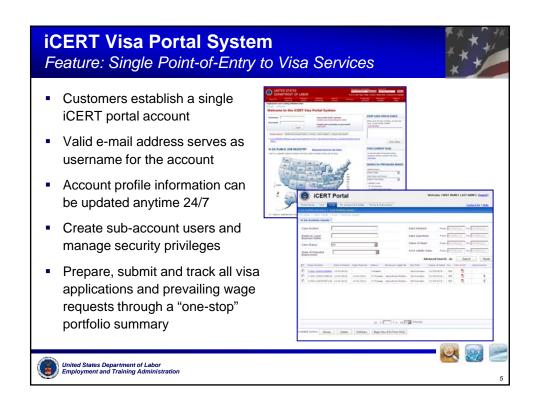
MOVE TO ... An Electronic, Account-Based, Responsive H-2A Certification Process

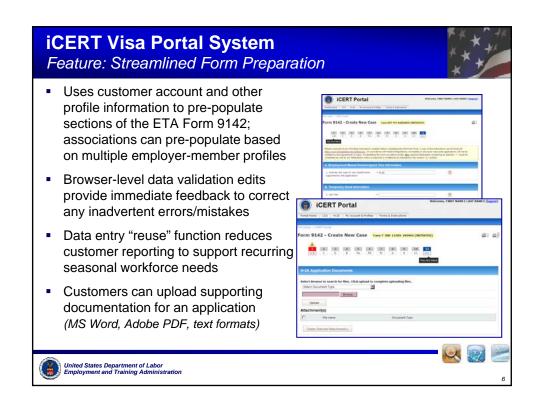






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- iCERT Account tracks the status of all customer applications
- E-mail notifications are sent to the customer at different points in the business process (e.g., submission of application)
- OFLC's Chicago National Processing Center (NPC) can communicate with customers via e-mail or letter correspondence to ensure timely notification and case processing
- When a request is submitted from an Attorney/Agent account, iCERT sends a notification to all employer accounts matching the Federal Employer Identification Number (FEIN) on the ETA Form 9142
- Customers can check the status of applications anytime by accessing their iCERT accounts or using the "iCERT Case Status Check" function on the public iCERT home page









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### iCERT Visa Portal System Impact on H-2A Process





 ETA Form 9142 bearing original signature(s) is no longer required for electronically filed applications

- Regulatory timeframes for filing remain unchanged

- Employers or their authorized representatives must upload a copy of the signed and dated Appendix A.2 and job order (ETA Form 790), submitted to the SWA serving the area of intended employment, prior to submission (using
- Employers filing less than 45 days before the date of need must also upload a statement justifying a waiver of the filing time period requirement

#### **Important Note(s):**

- Employers or their authorized representatives electing to NOT file electronically must file using the traditional paper-based method
- Data from paper applications will be fully entered into the internal iCERT System by the Chicago NPC and processed electronically









Impact on H-2A Process



- Supporting Documentation
  - Employers are still required to provide all necessary documentation supporting the H-2A application at the time of filing
  - Prior to submission, the iCERT System accepts electronic documentation in Adobe PDF, Microsoft Word, or Text file formats
  - Once the application is submitted, no additional documents can be uploaded by the external iCERT account holder
  - All documents requiring signature and dating must be scanned and uploaded using Adobe PDF (e.g., Appendix A.2, ETA 790)

#### **Important Note(s):**

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✓ Additional information or documentation required by the Chicago NPC during case processing (e.g., proof of workers compensation) should be submitted in a manner identified by the Chicago NPC, which may include mail, e-mail or fax







## iCERT Visa Portal System

Impact on H-2A Process



- Special Requirements for H-2ALCs
  - Other Supporting Documents
  - Upload documentation required by 20 C.F.R. 655.132 (e.g., names and work locations of all fixed-site agricultural businesses, copies of fully executed work contracts with each fixed-site agricultural business, FLC/FLCE Certificates of Registration, etc.)

#### Surety Bond

- Requirement to submit an original surety bond specific to the H-2A application remains unchanged
- Employer may (not required) upload a copy of the original surety bond prior to submitting the application
- However, the employer must send the original surety bond by mail or commercial courier to the Chicago NPC before a labor certification decision can be issued









Impact on H-2A Process



#### **IMPORTANT REMINDERS!**

- Prior to electronic submission, preview all data entered on the ETA Form 9142, and uploaded supporting documents, for completeness and accuracy
- Duplicate applications, where the employer or authorized representative files electronically and submits that same application via U.S. mail, will be rejected
- The Chicago NPC will <u>only</u> process the first application received and return the second application to the employer or authorized representative
- For electronically filed applications, please keep a copy of the iCERT confirmation message and/or e-mail received from the Department as proof of submission





ICERT Visa Portal

Welcome, FIRST NAME 5 IMPLOYEE 5 Closed

Form 91-12 Form Review - Case in 300-12224-512133 (STATUS)

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Impact on H-2A Process



- Receiving an Approved Temporary Labor Certification
  - For all H-2A applications received on or after December 10, 2012, the Chicago NPC will send an original certified ETA Form 9142 and Appendix A.2 on special security paper from the Treasury
  - Upon receipt, the employer and, if applicable, the authorized representative must sign and date the Appendix A.2 and provide the ETA Form 9142 in original directly to USCIS
  - A certified ETA Form 9142 is valid when it contains . . .
    - o A completed Section K
    - o Bears the electronic signature of the OFLC Administrator (William L. Carlson)
    - o A completed "For Department of Labor Use Only" footer on each page identifying the iCERT case number, determination status, and validity period

#### Important Note

 Final determinations will continue to be issued in accordance with statutory/regulatory timeframes, i.e. no later than 30 calendar days before the date of need except for H-2A applications that required modification or otherwise did not meet the criteria for certification







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## iCERT Visa Portal System

Implementation Schedule

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- iCERT H-2A Module will be implemented on December 10, 2012
  - Employers, including agricultural associations, or authorized representatives with iCERT accounts will be able to prepare and submit H-2A applications electronically on this date
  - Applications submitted <u>before</u> December 10, 2012
    - Will be received and processed by the Chicago NPC using the current paper-based method
    - Will receive a certified ETA Form 9142 and Appendix A.2 in the currently established manner where the granting of temporary labor certification is issued







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Helpful Resources



 For more resources and information, please visit our iCERT electronic filing implementation web page at:

http://www.foreignlaborcert.doleta.gov/h2ah2b\_icert\_rollout.cfm

Helpdesk Resources:

Please send H-2A program-related questions to the Chicago NPC Help Desk Team at TLC.Chicago@dol.gov

Please send technical problems or other issues related to the creation and maintenance of iCERT System accounts and electronic filing to the iCERT System Help Desk Team at <a href="mailto:oflc.portal@dol.gov">oflc.portal@dol.gov</a>









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