

U.S. Department Labor Employment and Training Administration
Chicago Processing Center
844 N. Rush Street
12th Floor
Chicago, IL 60611

[DATE]

[NAME OF EMPLOYER]
[ADDRESS OF EMPLOYER]

Case Number: []

Dear Sir/Madam:

On [DATE], this office accepted for consideration an application from you requesting H-2A temporary alien labor certification for [NUMBER] job opportunity(ies). Pursuant to 20 CFR 655.106, it has been determined that a sufficient number of able, willing and qualified U.S. workers have not been identified as being available at the time and place needed to fill all of the job opportunity for which certification has been requested. We are, therefore, granting certification for [NUMBER] job opportunity(ies).

Certification Granted:

- A. Number/Title of job opportunities certified: []
- B. Crop and Activity: []
- C. Area of Employment: []
- D. Period covered by certification: []

We hereby certify that the employment of the H-2A temporary alien agricultural workers in such labor or services will not adversely affect the wages and working conditions of workers in the United States similarly employed.

As provided by 20 CFR 655.106(c)(1), this certification is granted subject to the conditions and assurances made during the application process and the provisions of 20 CFR 655.106(e).

Consistent with the latter regulation, you must consider for employment all U.S. workers who are referred and will not refuse to hire any available worker for other than lawful job-related reasons until 50% of the contract period has elapsed.

The end date of your obligation to consider all referrals under the 50% rule is calculated by the State Workforce Agency (SWA) based on the first date of need stated on your application. However, if the H-2A worker will not depart for your place of employment by the first date of need, 20 CFR 655.106(e)(1)(ii)(A) requires you to inform the SWA in writing (or orally and followed up in writing) as soon as you learn of the failure to depart, but no later than the first date of need, and you must provide the SWA with a new expected departure date. If the worker

fails to depart by the new date or if you failed to inform the SWA of a new departure date as required under 20 CFR 655.106(e)(1)(ii)(A), you must inform the SWA in writing (or orally and confirmed in writing) as soon as you learn of the failure to depart or sooner if you learn that the new date of expected departure you provided previously to the SWA cannot be met. In your correspondence to the SWA you must inform them of the failure to depart and propose a new date of departure as provided under 20 CFR 655.106(e)(1)(ii)(B).

You are reminded that 20 CFR 655.102(b) (11) stipulates that terminations of workers for cause and abandonment of the job by workers are to be reported. You should report terminations and job abandonment to the State Workforce Agency in writing within two (2) business days of the termination or, in the case of abandonment, within two (2) business days of discovering abandonment.

Enclosed is the bill for fees assessed for the H-2A certification. **Include your case number on any correspondence sent to the National Processing Center.**

Upon receipt of this notification, you will need to submit to the US Citizenship and Immigration Service (USCIS) the I-129 Form that is required in conjunction with an H-2A temporary labor certification application. The USCIS application form can be obtained at <http://www.uscis.gov>.

Sincerely,

Robert Myers, II
Certifying Officer

Enclosure: Invoice for Certifications

CC: SUPERVISOR, AGRICULTURE EMPLOYMENT SERVICES
[STATE] EMPLOYMENT SECURITY COMMISSION

Paperwork Reduction Project OMB control number 1205-0404, expiration date 11/30/2008. This reporting instruction has been approved under the Paperwork Reduction Act of 1995. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. Obligations to reply are mandatory (20 CFR 655.106(e)(1)(ii)(A) and (B)). Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time to review instructions, search existing data sources, gather and maintain the data needed, and complete and review the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Labor, Room C-4312, 200 Constitution Ave., NW, Washington, DC 20210. **Do NOT send the failure to depart notices to this address.**