

U.S. Department of Labor Employment and Training Administration
Office of Foreign Labor Certification
Chicago National Processing Center
536 South Clark Street
9th Floor
Chicago, IL 60605



<Insert Date>

<Insert Employer and/or
Agent/Attorney Name>

Case Number: <Insert Case Number>

<Insert Employer and/or Agent/Attorney
Address>

<Insert City, State, Zip Code>

RE: <Insert Employer's Business Name>

Dear Sir/Madam:

Your application seeking temporary labor certification under the H-2A temporary agricultural program has been **certified**. On <Insert Date> this office accepted for consideration an application from you requesting H-2A temporary labor certification for <Insert Number> <job title>. Pursuant to 20 Code of Federal Regulations (CFR) 655, Subpart B, 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 opportunities for which certification has been requested and that employment of the H-2A workers will not adversely affect the wages and working conditions of workers in the U.S. similarly employed.

Therefore, the Department grants certification for <Insert Number> <job title> job opportunities. You must comply with all assurances, guarantees and other requirements contained in 20 CFR 655, Subpart B and 20 CFR 653, Subpart F.

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

Enclosed is a bill for fees assessed for the H-2A certification. Non-payment or untimely payment may be considered a substantial violation subject to the procedures in 20 CFR 655.182.

Important Reminders:

- Pursuant to the regulations at 20 CFR 655.120(b), if the prevailing hourly wage or piece rate is adjusted during a work contract, and is higher than the highest of the AEWR, the prevailing wage, the agreed-upon collective bargaining wage, or the Federal or State

minimum wage, in effect at the time the work is performed, the employer must pay that higher prevailing wage or piece rate upon notice to the employer by the Department. The Department posts all current prevailing hourly wages and piece rates to the Department of Labor's Agricultural On-Line Wage Library (AOWL). You are encouraged to visit the AOWL website at <http://www.foreignlaborcert.doleta.gov/aowl/cfm> for the updated wage rates.

- You must continue to cooperate with the State Workforce Agency (SWA) by accepting all referrals of eligible U.S. workers who apply (or on whose behalf an application is made) for the job opportunity until the end of the recruitment period as set forth in 20 CFR 655.135(d). 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 date the H-2A worker departed for the employer's place of business, which is assumed to be three days prior to the first date of need. However, if the H-2A worker will not depart for your place of employment three days prior to the first date of need, 20 CFR 655.135(c) requires you to inform the SWA in writing of the new expected departure date.
- You must update and maintain the recruitment report throughout the recruitment period including the 50 percent period as specified in 20 CFR 655.156(b). This supplement to the recruitment report must meet the requirements of 20 CFR 655.156(a)(1)-(4). The employer must sign and date this supplement to the recruitment report and retain it for a period of no less than three (3) years. The supplement to the recruitment report must be provided upon request.
- You are also reminded that pursuant to 20 CFR 655.122(n), the termination of workers for cause and abandonment of the job by workers are to be reported. You should report terminations and job abandonment to the Department of Labor's (DOL's) email address at H2A.Abandonment&Termination.Chicago@dol.gov and to the Department of Homeland Security (DHS) in writing within two (2) business days of the termination or discovering abandonment.
- Pursuant to regulations at 20 CFR 655.135(i), employers must inform H-2A workers of the requirement that they must leave the U.S. at the end of the period certified by the Department or separation from the employer, whichever is earlier, as required under 20 CFR 655.135(n), unless the H-2A worker is being sponsored by another subsequent employer.
- Pursuant to the regulations at 20 CFR 655.122(q), employers must provide to H-2A workers no later than the time at which the workers apply for the visa, or to workers in corresponding employment no later than on the day work commences, a copy of the work contract between the employer and the workers in a language understood by the worker as necessary or reasonable. For H-2A workers going from an H-2A employer to a subsequent H-2A employer, the copy must be provided no later than the time an offer of employment is made by the subsequent H-2A employer.

- Pursuant to the regulations at 20 CFR 655.135(l), employers must post and maintain in a conspicuous location at the place of employment, a poster provided by the Secretary of the Department of Labor in English, and to the extent necessary, any language common to a significant portion of the workers if they are not fluent in English, which sets out the rights and protections for workers. A copy of the poster is available at <http://www.dol.gov/whd/resources/posters.htm>.
- Pursuant to regulations at 20 CFR 655.145, employers may request to amend H-2A applications in writing, to the National Processing Center. Our office must approve in advance changes you may need to the period of employment, number of workers requested, or other minor modifications contained in your application. Requests for such changes must be submitted to our office in writing via electronic mail at H2a.amend&extend.chicago@dol.gov. Requests for changes in the period of employment lasting less than two (2) weeks can be directly filed with the USCIS California Service Center.

Sincerely,

William L. Carlson
Certifying Officer

Enclosures: Invoice for Certification; ETA Form 9142A

CC: Employer Name (if represented by Agent/Attorney)
State Workforce Agency

Public Burden Statement: OMB control number 1205-0466, expiration date 03/31/2013. 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 respond are mandatory (20 CFR 655.122, 655.135, 655.145, and 655.156). 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 any of the above listed notices to this address.**