



## H-2B Application for Temporary Employment Certification

ETA Form 9142B – Seafood Industry Attestation  
U.S. Department of Labor

**Attestation for Employers Seeking Staggered Border Crossings of H-2B Nonimmigrants Working in the Seafood Industry Under Section 113 of the Consolidated Appropriations Act, Public Law 113-76, 128 Stat. 5 (Jan. 17, 2014)**

By virtue of my signature below, I hereby certify that the following is true and correct:

- (A) I am an employer in the seafood industry. (Seafood is defined as fresh or saltwater finfish, crustaceans, other forms of aquatic animal life, including, but not limited to, alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin and the roe of such animals, and all mollusks.)
- (B) If I intend to bring H-2B nonimmigrants working in the seafood industry into the United States between 90 and 120 days after the start date of need contained on the **certified** Application for Temporary Employment Certification, ETA Form 9142B, and the **approved** Petition for a Nonimmigrant Worker, Form I-129, I will complete a new assessment of the labor market at least 45 days after the certified start date of need but before the 90th day after the certified start date of need, and offer the job to qualified U.S. workers, as follows:
1. I will list the job for which I seek to bring H-2B workers into the United States in local newspapers in the area of intended employment on 2 separate Sundays; and
  2. I will place new job orders for the job opportunity with the State Workforce Agency serving the area of intended employment and post the job opportunity at the place of employment for at least 10 days; and
  3. I will offer the job for which I seek to bring H-2B workers into the United States to any equally or better qualified U.S. workers who applies for the job and who indicates that they are be available at the time and place of need.
- (C) Workers seeking to enter the United States under the approved visa petition for my company have been provided with a copy of this attestation and instructed to present it upon request when seeking entry into the United States.

I hereby sign this under penalty of perjury:

Employer Name: \_\_\_\_\_

Employer Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Public Burden Statement (1205-0509):** Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. Public reporting burden for this collection of information is estimated to average 3.4 hours to complete and distribute the Attestation. Assuming an average of 15-20 ~~disclosures~~ workers per employer, this amounts to 10-15 minutes per response, It will take about 2 minutes per foreign worker to present the Attestation. Burden estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this data collection is mandatory required to obtain or retain a benefit (Immigration and Nationality Act, 8 U.S.C. 1101, et seq.). Please send comments regarding this burden estimate or any other aspect of this information collection to the Office of Foreign Labor Certification • U.S. Department of Labor • Room C4312 • 200 Constitution Ave., NW, • Washington, DC 20210. **Please do not send the completed form to this address.**