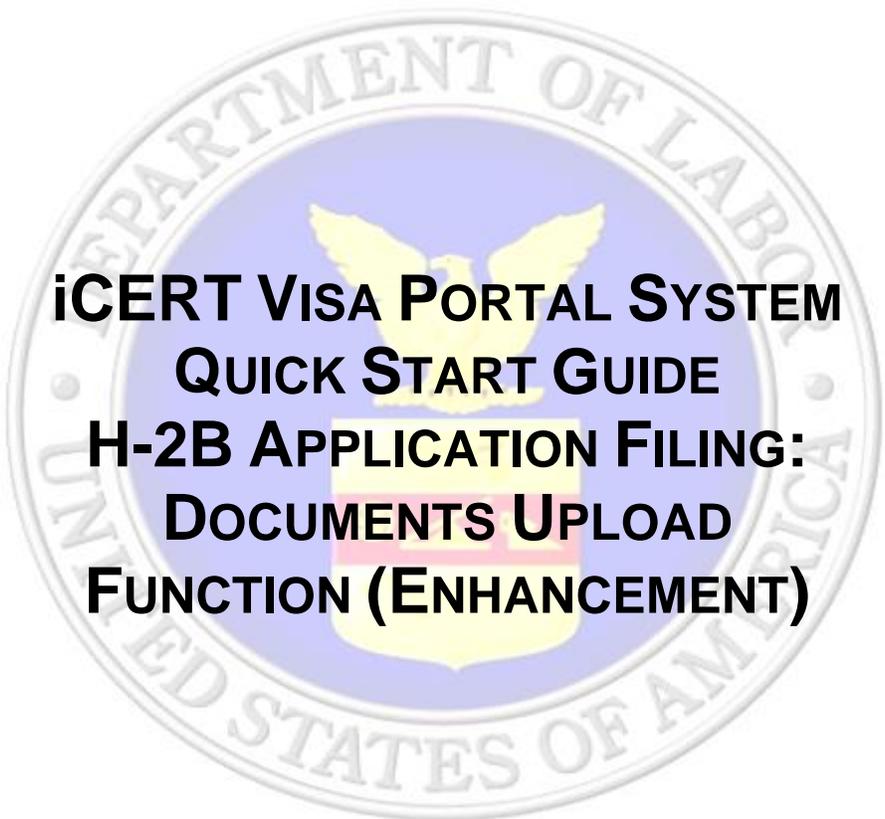




U.S. DEPARTMENT OF LABOR



iCERT VISA PORTAL SYSTEM QUICK START GUIDE H-2B APPLICATION FILING: DOCUMENTS UPLOAD FUNCTION (ENHANCEMENT)

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INTRODUCTION

Background

An employer seeking temporary labor certification under the H-2A or H-2B visa programs must submit an application and all required supporting documentation to the Office of Foreign Labor Certification (OFLC) either electronically using the iCERT System accessible at <http://icert.doleta.gov> or by U.S. mail. In circumstances where the application is filed using the traditional paper-based method, the OFLC staff manually enters the data and information contained on the paper application into the iCERT System's internal case management system for processing in a similar manner as those filed electronically.

Since 2013, the iCERT System has permitted employers or, if applicable, their authorized attorneys or agents to submit H-2A and H-2B applications online, electronically upload supporting documentation, and receive all communications during the processing of their applications via electronic mail (e-mail). OFLC's experience is that the submission of all required documentation, at the time of filing the application, facilitates a more efficient and consistent review of the employer's application, and reduces the incidence of the OFLC Certifying Officer returning the incomplete application without further review or issuing a Notice of Deficiency to request missing documentation.

The purpose of this Quick Start Guide is to help employers or, if applicable, their authorized attorneys or agents understand how to navigate the enhanced document upload function for preparing H-2B applications for temporary labor certification. This guide is not intended to replace other detailed iCERT User Guides that may be found under the "User Guides" tab of the main iCERT System Homepage.

Purpose and Benefits

In an effort to provide better customer service and ensure more complete H-2B applications are submitted for review, OFLC has released a new enhancement to the iCERT System's H-2B application filing module that will help employers or, if applicable, their authorized attorneys or agents identify and upload all required documentation supporting their applications. These new system enhancements provide easy-to-understand steps and instructions that customers will complete in order to submit more complete applications for processing. We believe this enhancement will serve to clarify regulatory filing requirements and improve the quality and consistency of H-2B applications received for processing. The major features of this new enhancement include the following:

Feature	Description
Step 1: Emergency Situations	Identifies whether the H-2B application is for an emergency situation and dynamically requires that a statement or other documents justifying the emergency be uploaded
Step 2: Prevailing Wage Determination Look-Up	Permits employers to retrieve a valid PWD from their account and associate it with the pending H-2B application <u>without the need to submit a copy of the Form ETA-9141</u> . In circumstances where the employer needs to use a 2 nd PWD to support the application, the external user can simply use the basic document upload feature to upload a copy of the 2 nd Form ETA-9141.
Step 3: Supporting Documentation and Information Upload	Dynamic document upload function that identifies the required mandatory documents needed in order for the pending H-2B application to be submitted for processing.



Feature	Description
User Interactivity and Related Material Retrieval	Permits employers to upload one or more supporting documentation and easy-to-view mandatory “checklist” feature to ensure all minimum document types have been uploaded.

H-2B APPLICATION FILING: ENHANCED ‘DOC’ UPLOAD STEP

The enhanced electronic document upload function (i.e., Step 12) of the H-2B Electronic Application Filing module is designed to help employers or, if applicable, their authorized attorneys or agents understand how to navigate the new mandatory documents upload function for preparing H-2B applications for temporary labor certification. This section highlights the key features of this new enhancement and how authorized iCERT Account Users interact with the functions.

Creating a New Form ETA-9142B

For more detailed information related to preparing an electronic Form ETA-9142B *Application for Temporary Employment Certification*, please consult the **H-2B External User Guide** available on the ICERT System Homepage. Authorized iCERT Account Users will perform the following basic steps to the final step of the H-2B application preparation process (i.e., Step 12 Document Upload):

1. Navigate to the iCERT Public Home Page at <https://icert.doleta.gov> and Log in using your account credentials
2. Navigate to the Portfolio Summary page by selecting the **H-2B Visa Classification** tab
3. Initiate an H-2B application by selecting the **Begin New Form ETA-9142B** button
4. Navigate Steps 2 – 11 and enter all required information for each section of the Form ETA-9142B.
5. Navigate to Step 12 and the ‘Doc’ Upload function

Document Upload (Case prep Step 12)

Upon reaching Step 12, the system will display a series of the 3 final sub-steps that will help you provide the minimally required information and documentation needed to submit your H-2B application for processing (see Figure 1 below).



ETA Home > iCERT Portal

Form 9142B - Create New Case

Case T-400-17240-182989 (INITIATED)

1 A-B 2 C 3 D 4 E 5 Fa 6 Fb 7 Fc 8 G 9 H 10 I-J 11 App. B 12 Doc

You Are Here

H-2B Application Documents

Since 2013, the iCERT System has permitted employers or, if applicable, their authorized attorneys or agents to electronically upload documentation and other information supporting an H-2B Application for Temporary Employment Certification for processing by the Department of Labor. The Department’s experience is that electronic submission of all required documentation, at the time of filing, facilitates a more efficient review of the employer’s H-2B application and reduces the incidence of incomplete applications being returned by the Certifying Officer without further review. 20 CFR 655.15.

Therefore, in order to ensure the Department receives a more complete H-2B application for review, please complete this section by uploading all minimally required documentation supporting your application. **All documents that require a signature and date must be scanned and uploaded in Adobe PDF format.**

Step 1: EMERGENCY SITUATION *

Is this application being filed with a request for a waiver of the regulatory filing timing period due to an emergency situation based on "good and substantial cause" under 20 CFR 655.17?

Yes No

STEP 2: PREVAILING WAGE DETERMINATION (Form ETA 9141) *

Please search and retrieve OR manually enter the valid PWD Tracking Number obtained for the job opportunity under this

Search For PWD Manually Enter PWD

Figure 1. Step 12 'Doc'

Application Documents Step 1: EMERGENCY SITUATION

The system will require the iCERT Account User to select from a “Yes or No” radio button indicating whether the filing is based on an emergency situation as described below. The default value for this field is set to “No”.

Step 1: EMERGENCY SITUATION *

Is this application being filed with a request for a waiver of the regulatory filing timing period due to an emergency situation based on "good and substantial cause" under 20 CFR 655.17?

Yes No

CLEAR

Figure 2. Step 1: Emergency Situation

Under 20 CFR 655.17, the OFLC Certifying Officer (CO) may waive the time period(s) for filing the Form ETA-9142B for employers that have good and substantial cause, provided that the CO has sufficient time to thoroughly test the domestic labor market on an expedited basis and to make a final determination. Good and substantial cause may include but is not limited to: the substantial loss of U.S. workers due to an Act of God, or a similar unforeseeable man-made catastrophic event



(such as an oil spill or controlled flooding) that is wholly outside the employer's control, unforeseeable changes in market conditions, or pandemic health issues.

IMPORTANT NOTES: If you select "YES", please remember the following:

- ✓ If you already have a valid prevailing wage determination (PWD), please proceed to Step 2 and provide the PWD Tracking Number from your Form ETA-9141.
- ✓ If you **did not** previously apply for a PWD or otherwise possess a valid PWD, you **must** use Step 3 below to upload a completed Form ETA-9141 requesting a PWD from the CO at the time of filing your Form ETA-9142B.
- ✓ For all emergency situations, you **must** use Step 3 below and upload a detailed statement or other documentation substantiating the good and substantial cause that has necessitated the waiver request.

Application Documents Step 2: PREVAILING WAGE DETERMINATION (FORM ETA-9141)

Except in emergency situations where the employer does not have a valid PWD, the system will require the iCERT Account User to provide a valid PWD Tracking Number to associate with the H-2B application. The system will provide the iCERT Account User with the option to "Search for PWD" or "Manually Enter PWD".

STEP 2: PREVAILING WAGE DETERMINATION (Form ETA 9141) S

Conditionally Required Step, if Step 1 is selected as 'Yes'

Please search and retrieve OR manually enter the valid PWD Tracking Number obtained for the job opportunity under this H-2B application, as required by 20 CFR 655.10.

Search For PWD ?

Manually Enter PWD

Valid PWD Tracking Number ?

Important Note: If you checked "Yes" as having an emergency situation and HAVE NOT obtained a valid PWD, you must use Step 3 to electronically upload a completed Form ETA 9141 to request a PWD.

Figure 3. Step 2: Prevailing Wage Determination

Under 20 CFR 655.10, the employer must request and receive a PWD from the OFLC National Prevailing Wage Center before filing the job order with the State Workforce Agency (SWA). The PWD must be valid on the date the job order is placed or posted with the SWA and filing the H-2B application with the OFLC CO, as required by 20 CFR 655.15.

Using the "Search for PWD" Function

If you already have a valid PWD for the occupational classification (SOC-O*NET) and location of the job opportunity, you can quickly lookup, retrieve, and associate the PWD Tracking Number associated with the H-2B application without having to submit a copy of the Form ETA-9141. To use the PWD lookup function, please perform the following steps:

1. Select 'Search for PWD' radio button to enable Search PWD button. Click the 'Search PWD' button to open 'PW Case Data Lookup' function (see Figure 2 below). The results list will **only** return PWDs that are complete (i.e., not still pending), still valid as of today's date (i.e., not currently expired), and owned by the iCERT Account User.



- If appropriate, use the basic search fields to narrow the results list of valid PWDs. It is highly recommended that you search using a PW Tracking Number by entering the tracking number, in whole or part. If you use the “State” drop down to narrow your results list, please remember that this will filter the results list based on the main or first worksite entered on the Form ETA-9141 only.
- Once you have located a valid PWD, please select the desired PW Case Number link in the first column and the system will pre-populate the PWD Tracking Number on the Step 2 field “Valid PWD Tracking Number”.

PW Case Data Lookup

PW Tracking Number:

State: Please Select A State Search Reset

FEIN	12-3456789
SOC Code	37-3011
SOC Title	Landscaping and Groundskeeping Workers

Case Number ▲	View 9	Employer Name	Job Title	Work Location	Expiration Date
P-400-15239-483825		BUSINESS	afgasdfa	DISTRICT OF COLUMBIA, DC	10/30/2017
P-400-16200-624454		BUSINESS	Painter	COFFEY, KS	10/30/2017
P-400-17146-919698		BUSINESS	Painter	FAIRFIELD (BROOKFIELD), CT	10/30/2017

⏪ ⏩ 1 / 1 ⏪ 10 ▼ 3 Row(s)

Figure 4. PW Case Data Lookup

Using the “Manually Enter PWD” Function

If you do not want to use the search function or are having difficulty locating your valid PWD, then you can use the manual function to enter the valid PWD Tracking Number.

- Click the **Manually Enter PWD** radio button to enable the “Valid PWD Tracking Number” field.
- Enter your PWD Tracking Number directly in the “Valid PWD Tracking Number” field.

IMPORTANT NOTES FOR STEP 2 – ENTERING PWDs:

- ✓ Make sure you double-check your selection for accuracy! You can view the Form ETA-9141 quickly by clicking on the Adobe PDF link. The system also displays the “Expiration Date” for each PWD Tracking Number on the far right column.



- ✓ If you identify your valid PWD using Step 2, you **DO NOT** need to include the PWD Tracking Number on the Form ETA-9142B, Section G, Field 3.
- ✓ If you selected the wrong PWD Tracking Number from the search function, you can go back and reuse the search function to over-write the PWD Tracking Number in Step 2.
- ✓ If you use the manual entry function, please make sure you enter a valid PWD Tracking Number. The iCERT System will perform a basic edit check to ensure your entry is a valid format and, if invalid, an error message will be displayed and the **Submit Form** button will remain disabled until your entry is in a valid format.
- ✓ For all PWD Tracking Numbers entered on the case preparation screen, the iCERT System is not checking to ensure the entire manual case number represents a valid PWD associated with your H-2B application. **That is entirely your responsibility!**
- ✓ If your H-2B application requires a 2nd valid PWD to cover all the worksites (e.g., itinerary for employers engaged in reforestation or traveling carnivals), please use Step 3 below to upload additional Form ETA-9141 PWDs in Adobe PDF format to cover all the worksites on the application.

Application Documents STEP 3: SUPPORTING DOCUMENTATION AND INFORMATION

Except as noted in this section, and once you have completed Steps 1 and 2, you are ready to electronically upload any other documentation information to support your H-2B application. Depending on the type and circumstances of your application, the iCERT System will provide a dynamic “checklist” of minimally required documentation in order for the iCERT Account User to click the **Submit Form** button.

The following table can be used to identify the minimum mandatory documentation that must be uploaded in order to submit your pending H-2B application for processing. **All documents requiring a signature and date must be scanned and uploaded in Adobe PDF format.**

INDIVIDUAL EMPLOYER

(Form ETA 9142B, Section C, Field 17 = “Individual Employer”)

Emergency Situation	Minimum Required Documents to Upload
NO	<ul style="list-style-type: none"> • Copy of Signed/Dated Form ETA-9142B, Appendix B • Copy of Job Order Placed with SWA
YES	<ul style="list-style-type: none"> • Copy of Signed/Dated Form ETA-9142B, Appendix B • Copy of Job Order Placed with SWA • Emergency Filing – Waiver Request Documentation • Completed Form ETA-9141 (<u>only</u> if Step 2 is not completed)

**JOB CONTRACTOR EMPLOYER**

(Form ETA 9142B, Section C, Field 17 = "H-2A Labor Contractor or Job Contractor")

Emergency Situation	Minimum Mandatory Documents to Upload
NO	<ul style="list-style-type: none"> • Copy of Signed/Dated Form ETA-9142B, Appendix B • Copy of Job Order Placed with SWA <p><u>Employer-Client Documentation</u></p> <ul style="list-style-type: none"> • Completed Form ETA-9142B Sections C and D, and Copy of Signed/Dated Form ETA-9142B, Appendix B for the Employer-Client • Temporary Need Documentation • Copy of Executed Work Contract(s)
YES	<ul style="list-style-type: none"> • Copy of Signed/Dated Form ETA-9142B, Appendix B • Copy of Job Order Placed with SWA • Emergency Filing – Waiver Request Documentation • Completed Form ETA-9141 (<u>only</u> if Step 2 is not completed) <p><u>Employer-Client Documentation</u></p> <ul style="list-style-type: none"> • Completed Form ETA-9142B Sections C and D, and Copy of Signed/Dated Form ETA-9142B, Appendix B for the Employer-Client • Temporary Need Documentation • Copy of Executed Work Contract(s)



DOCUMENTATION RELATED TO FOREIGN LABOR RECRUITERS

Pursuant to 20 CFR 655.9, an employer is required to submit a copy of all agreements with any agent or recruiter whom it engages or plans to engage in the international recruitment of H-2B workers under the Form ETA-9142B. These agreements must contain a contractual prohibition against charging fees, as set forth in 20 CFR 655.20(p). In addition, the employer and, if applicable, its authorized attorney or agent must also provide the identity and location of all persons and entities hired by or working for the recruiter or agent subject to the agreement(s), and any of the agents or employees of those persons and entities, to recruit prospective foreign workers for the H-2B job opportunities offered by the employer.

FOR EMPLOYERS USING FOREIGN LABOR RECRUITERS:

The iCERT Account User preparing the H-2B application for an employer who engages or plans to engage foreign labor recruiters can use the following document types to upload one or more documents to satisfy this regulatory requirement at the time of filing and **avoid receiving a Notice of Deficiency (NOD)**:

- Foreign Labor Recruiter Agreement(s)
- Foreign Recruiter Name(s) and Location(s)

Providing Certified English Translations: For agreement(s) written in a language other than English, please submit certified translations so that the CO can determine whether they contain the required contractual prohibition against charging workers fees. For any foreign language certified translation, the translator must certify that s/he is competent to translate and that the translation is accurate. The translation certification format should include the certifier's name, signature, address, and date of certification. A suggested format is:

Certification by Translator I [typed name], hereby attest that I am fluent (conversant) in the English and _____ languages, and that the above/attached document is an accurate translation of the document attached entitled _____.
Signature _____ Date Typed Name Address

FOR EMPLOYERS NOT USING FOREIGN LABOR RECRUITERS:

If the employer is NOT engaging or planning to engage foreign labor recruiters, you can either (1) use the document upload function and attach a statement indicating the employer not engaging or planning to engage with any person(s) or entities in the international recruitment of H-2B workers under this application, **OR (2) insert the following suggested standard phrase into the Form ETA-9142B, Section B, Field 9, Statement of Temporary Need:**

“Employer certifies that it is not engaging or planning to engage with any person(s) or entities in the international recruitment of H-2B workers under this application.”

1. Once you reach Step 3, review the types of documents identified on the ‘List of Mandatory Documents’ table. The system will initially display a red “X” beside each mandatory document type indicating that the system has not yet received an electronic upload (See Figure 5 below).



STEP 3: SUPPORTING DOCUMENTATION AND INFORMATION *

Based on the circumstances of your H-2B application, please make sure you upload an electronic document in each mandatory category presented in the "Document Type" dropdown below in order to Submit this application.

List of Mandatory Documents (✖ = Not Uploaded ✔ = Uploaded)

All mandatory documents are added

Mandatory Document Type	Uploaded
Form ETA-9142, Appendix B	✔
State Workforce Agency (SWA) Job Order	✔

Select a Mandatory Document type from the dropdown. Use Browse button to search for files. Click upload to complete uploading files.

Select Document Type

Select Browse to search for files. Click upload to complete uploading files.



Figure 5. Step 3: Mandatory Documents List and table

2. To upload a document, please select a document types from the **Document Type** dropdown function.
3. Then, select the **Browse** button, locate your file in either .pdf, .txt, or .doc/.docx format, and then select the file from your local/network desktop.
4. Click the **Upload** button to upload the file to the attached documents table (**note**: file attachment to the case is not complete until you fully **Submit** the H-2B application for processing).
5. (OPTIONAL) The system allows you to remove or delete any erroneous files by selecting a checkmark next to the filename in question, then click the **Delete Selected Attachments** button (see Figure 6 below).

For each document uploaded, the system will display a green "✔" beside each mandatory document type indicating that the system has temporarily received an electronic document associated with the pending H-2B application (See Figure 6 below).



STEP 3: SUPPORTING DOCUMENTATION AND INFORMATION *

Based on the circumstances of your H-2B application, please make sure you upload an electronic document in each mandatory category presented in the "Document Type" dropdown below in order to Submit this application.

List of Mandatory Documents (❌ = Not Uploaded ✅ = Uploaded)

All mandatory documents are added

Mandatory Document Type	Uploaded
Form ETA-9142, Appendix B	✅
State Workforce Agency (SWA) Job Order	✅

Select a Mandatory Document type from the dropdown. Use Browse button to search for files. Click upload to complete uploading files.

Select Browse to search for files. Click upload to complete uploading files.

?

Attachment(s)

<input type="checkbox"/>	File name	Document Type
<input type="checkbox"/>	SWAdocumentation-09222017-024226.txt	State Workforce Agency (SWA) Job Order
<input type="checkbox"/>	9142andB1-09222017-024125.txt	Form ETA-9142, Appendix B

Figure 6. Document Upload Feature

6. Once you have uploaded all the minimum mandatory documents, please make sure that you have uploaded all other necessary documentation to support your application in order **to avoid receiving a NOD**. Below are two examples in which additional documentation must be submitted with your H-2B application:

Agent Agreement: If the application is being filed on behalf of an employer by an agent, please use the document upload function to provide a copy of a valid agent agreement or other document demonstrating the agent’s authority to represent the employer.

MSPA Certificate of Registration: If applicable, where the employer and/or agent is required under the Migrant and Seasonal Agricultural Worker Protection Act (MSPA) to have a Certificate of Registration, please use the document upload function to provide a current copy of the certificate which identifies the specific farm labor contracting activities that the agent is authorized to perform.

IMPORTANT NOTE: A list of missing documents will be presented to you on the pre-submission page in the event any mandatory documents were not already uploaded (See Figure 7 below).



The following documents are required for Case Submission:

The documents below are mandatory to upload in order to submit this application. Please return to 'Doc' step to upload the remaining mandatory documents.

- Form ETA-9142, Appendix B
- State Workforce Agency (SWA) Job Order
- Please enter a valid PWD Tracking Number on the Doc Step.

[◀ Previous](#) [Submit Form ▶](#)

Figure 7. Pre-Submission page

7. After all electronic documents have been uploaded, you can select the **Next** button to navigate to the Pre-submission page.
8. Once you have reviewed your entire application package for accuracy, please select the **Submit Form** button to submit the application for processing.