*Office of Communications*

U.S. Citizenship and Immigration Services

# USCIS Update

November 5, 2009

**WASHINGTON**—U.S. Citizenship and Immigration Services (USCIS) is announcing a 120-day period in which it will temporarily accept H-1B petitions filed without Labor Condition Applications (LCAs) that have been certified by the Department of Labor (DOL).

USCIS has received requests from the public to accept H-1B petition filings that include LCAs that have been filed with DOL but that DOL has not yet certified. Processing delays arising from DOL's recently implemented "iCERT" system have resulted in increased processing times (beyond 7 days) for certain LCA certifications. Affected employers and beneficiaries have reported being negatively impacted by DOL's increased processing times which currently delays their ability to file H-1B petitions with USCIS. DOL expects that the current increase in LCA processing times is temporary.

As a public accommodation, USCIS will begin to accept H-1B petitions filed with uncertified LCAs for a 120-day period, commencing November 5, 2009 and through March 4, 2010. However, USCIS will only accept such H-1B petitions if they are filed at least 7 calendar days after the LCAs were filed with DOL and include evidence of these filings. The only acceptable evidence of filing is a copy of DOL's email giving notice of receipt of the LCA.

Petitioners who seek to take advantage of this temporary flexibility in the normal filing procedures for H-1B petitions must wait until they receive a request for evidence (RFE) before they submit the DOL-certified LCA to USCIS in support of the H-1B petition. USCIS will give petitioners a period of 30 calendar days within which they must send in a DOL certified LCA in response to the RFE. USCIS will only approve H-1B petitions that include certified LCAs.

For more information on USCIS and its programs, visit www.uscis.gov.

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