

U.S. Department of Labor
Employment and Training Administration
OFFICE OF FOREIGN LABOR CERTIFICATION
2019 iCERT System FAQs – Round 1
January 4, 2019

QUESTION: Will the Department do what it can to prevent robots or automated scripts from submitting applications in the iCERT system?

ANSWER: The Department shares concerns regarding the use of robots or automated scripts accessing and submitting applications in the iCERT system. To help reduce the potential impact of automated programs, the Department has instituted the “CAPTCHA” feature at the iCERT login stage to protect the security and performance of the iCERT System and ensure individuals are interacting with the system.

QUESTION: When electronic filing services through the iCERT system are restored at 2:00 p.m. EST, January 7, 2019, will the Department accept H-2B applications submitted on the Form ETA-9142B containing the old expiration date of December 31, 2018?

ANSWER: Yes. Although the Department has updated the monthly expiration date for the Adobe PDF version of the Form ETA-9142B to January 31, 2019, on the Office of Foreign Labor Certification website at www.foreignlaborcert.doleta.gov, we will continue to accept for processing H-2B applications, including the Appendix B, containing the older expiration date of December 31, 2018.

QUESTION: Will the Department continue to record the submission of H-2B applications using date and timestamp to the millisecond?

ANSWER: Yes.

QUESTION: What happens if I submit an H-2B application electronically and then that same H-2B application by mail to the Chicago NPC?

ANSWER: As noted in the FAQ published in December 2012, submitting identical applications through two different means is not recommended as it may delay processing. Where the Chicago NPC receives an application by mail, that application is data-entered into the iCERT System and assigned to an analyst for processing. Where the Chicago NPC identifies two identical applications, one submitted electronically and one mailed-in, the Chicago NPC will return or void the second submission (i.e., containing an older date and timestamp) and continue processing the one it received first.

See FAQ Question #15

https://www.foreignlaborcert.doleta.gov/pdf/icert_implement_round1.pdf

QUESTION: During the conference call on Friday, January 4, 2019, the Department mentioned several helpful tips that system users could follow to reduce stress on the iCERT system. What are those tips?

ANSWER: In order to facilitate an efficient submission of your H-2B application and keep the system running smoothly, please consider the following:

- Please do not use your browser's "back" button to go back during your session in the iCERT system;
- Please do not use your browser's "refresh" or "reload" button during your session in the iCERT system;
- Once you have taken an action in the system, such as logging in, navigating to the next page, or submitting your application, please wait for the system to load the next page; and
- If, for whatever reason, you get an error message or the system becomes unresponsive, **at this point only** should you refresh your screen.

QUESTION: Can employers seeking to file H-2B applications access their information before services are restored at 2:00 p.m. EST, January 7, 2019, for review?

ANSWER: Based on the Department's current deployment plan, the iCERT system will not be accessible until 2:00 p.m. EST, January 7, 2019.

QUESTION: When services are restored at 2:00 p.m. EST, January 7, 2019, will previously initiated H-2B applications, including attachments, still be saved in the system as they were before the service interruption on January 1, 2019? Is there any risk that entries on the form or uploaded attachments will no longer be there?

ANSWER: All information entered on a pending H-2B application is saved in the iCERT system as it was before the service interruption occurred on January 1, 2019.

QUESTION: Can the Department confirm that the information on the user accounts remain exactly as it was just prior to the service interruption that occurred on January 1, 2019?

ANSWER: All user account information is as it was before the service interruption.

QUESTION: According to the Department's regulations at 20 CFR 655.15(a), the employer must submit a copy of the job order being submitted concurrently to the State Workforce Agency (SWA) serving the area of intended employment. Before the service interruption occurred on January 1, 2019, my H-2B application contained a copy of the job order concurrently submitted to the SWA. Am I permitted to use that same job order when submitting my H-2B application after the Department restores service at 2:00 p.m. EST, January 7, 2019?

ANSWER: Yes.

FAQs POSTED ON JANUARY 3, 2019

QUESTION: I am an H-2A employer impacted by the iCERT system failure that occurred in the early morning of January 1, 2019, and was not able to file my application 45 days before the start date of work. When system service is restored, will the Chicago NPC consider the recent system outage as a qualifying emergency?

ANSWER: Yes. The Department recognizes that some employers are not able to submit their H-2A applications at least 45 calendar days before the start date of work due to the temporary iCERT system outage. We consider this situation to qualify as good and substantial cause under 20 CFR 655.134. When the Department has restored system service, employers with start dates of need less than 45 days from the date of restored service may file their H-2A applications with the Chicago NPC using emergency procedures and should include a statement that their request for a waiver of the regulatory timeframe for filing is based on the temporary iCERT system outage.

QUESTION: I am an employer impacted by the iCERT system failure that occurred in the early morning of January 1, 2019. May I submit my H-2B application by mail to the Chicago National Processing Center (NPC)?

ANSWER: Yes. In accordance with 20 CFR 655.15(c), an employer may submit the H-2B Application for Temporary Employment Certification and all required supporting documentation to the NPC either electronically or by mail. An employer submitting by mail must send the H-2B application to the address listed below.

Office of Foreign Labor Certification
Chicago National Processing Center
11 West Quincy Court
Chicago, IL 60604-2105
ATTN: H-2B Program Unit

The Chicago NPC **does not accept** hand delivered applications.

QUESTION: I am an employer who mailed an H-2B application to the Chicago NPC and I understand from the Department of Labor's June 1, 2018, public announcement that applications are assigned to analysts based on the calendar date and time on which the applications are received. What procedures does the Chicago NPC use for mailed-in applications and how are the receipt dates and times affixed to these applications?

ANSWER: The Chicago NPC receives two shipments of mail each business day; one at approximately 10:00 a.m. Central Standard Time (CST) and a second one at 2:00 p.m. CST. For each shipment received, consistent with standard operating procedures, the Chicago NPC opens each mail item and establishes a receipt date. The following summarizes how the Chicago NPC handles mailed-in applications:

- Each application is assigned to a Chicago NPC data entry clerk;
- All data from each mailed-in application is fully entered into the iCERT system by an assigned data entry clerk based on the receipt date;
- Each application is assigned a date and timestamp based on the date and time the Chicago NPC data entry clerk submits the application after completing the data entry, not the date the application is originally received at the Chicago NPC; and
- After each application is submitted for processing by the Chicago NPC data entry clerk, the iCERT system issues a courtesy email notification that includes the date and timestamp of submission.

Important Note: As a result of the process described above, applications sent by mail will generally be filed in the system more slowly. The opening of mail and subsequent timely entry of the mailed-in applications is highly sensitive to the level of data entry resources available at the Chicago NPC. Submitting identical applications electronically and by mail is also not recommended and it may delay the processing of your application.